



Green Party

Democracy for everyone **The UK after the Scottish Referendum**

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Summary

- In the aftermath of the Scottish Referendum the Green Party is backing calls for a People's Constitutional Convention to agree radical changes to the governance of the UK.
- As the Scottish Government negotiates additional powers with the UK Government the People's Constitutional Convention should map out a new settlement for the rest of the United Kingdom.
- The guiding principle should be that power flows upwards from the people rather than downwards from an over-centralised state. The Green Party will push the Convention for a new settlement that includes:
 - Greater powers for local and regional government.
 - Electoral reform.
 - 'Total' recall for all elected politicians.
 - Local referenda and citizen's initiatives.
 - Replacing the House of Lords with a fully-elected Upper House.
 - The extension of the right to vote to all 16 year olds.
 - A written constitution.
- The new settlement should be subject to a referendum.



Introduction: the problem

The Scottish Referendum has energised the people of Scotland like never before.

Turnout was 85% - far higher than the most recent election to the Scottish Parliament (50%)¹ and the most recent UK General Election (64%)².

That is a reflection of the way much of the independence campaign was fought – a participatory, grassroots debate with everyone in the country certain that their voice would count, whichever way they ultimately cast their vote.

But as the dust settles it will become clearer than ever that things can never be the same again – not just in Scotland but for the United Kingdom as a whole.

The three largest parties in Westminster offered additional powers for Scotland, sometimes described as 'maximum devolution', or 'devo max', but more properly described as a fairly opaque 'devo next' collection of competing ideas.³ This offer was repeated during the referendum campaign, despite the UK Government originally fighting tooth and nail to keep the 'devo max' option off the ballot paper.⁴

The means by which this situation was arrived at was both confused and profoundly undemocratic, not involving any reference to parliament, or any sign of consultation. The FT writer who described, "Mr Cameron and his peers scrawling a new constitution on the back of a panini wrapper as their trains hurtle north" looks to be uncomfortably close to the truth.⁵ The quality of governance that we are now getting doesn't meet even basic standards of democracy and transparency.

While the pro-independence 'yes' campaign set out a blueprint for an independent Scotland there was no comparable blueprint for the further devolution option. Presumed to entail the transfer of new powers over tax and social security from Westminster to Holyrood the so-called maximum devolution offer was nothing more than a promise from politicians who are not known for keeping their commitments.

¹ BBC, Scotland elections 2011, 11 May 2011:

<http://www.bbc.co.uk/news/special/election2011/overview/html/scotland.stm>

² BBC, Election 2010, Scotland results:

<http://news.bbc.co.uk/1/shared/election2010/results/region/7.stm>

³ Daily Record, Labour, Lib Dems and Conservatives 'devo-next' tax proposals will not lead to an equal and prosperous Scotland in event of No vote, 3 June 2014:

<http://www.dailyrecord.co.uk/news/politics/patrick-harvie-labour-lib-dems-3639807>

⁴ The Guardian, Scottish people would have voted for 'devo max'. That's why it's not an option, 15 October 2012: <http://www.theguardian.com/commentisfree/2012/oct/15/scottish-independence-devolution-referendum>

⁵ Financial Times, 15 September 2014: Gifted amateurism is no foundation for a united kingdom:

<http://www.ft.com/cms/s/2/c81d8298-39c1-11e4-93da-00144feabdco.html#axzz3DYp6UJ5y>



But if additional powers are considered by some as good enough for Scotland shouldn't greater devolution be the way forward for the rest of the United Kingdom?

We think it should.

It is no longer tenable for politicians to defend the over-centralised entity that is the present-day British state.

The people of Britain, wherever they live, feel disempowered and disillusioned with the current way of doing party politics. Only dramatic change will begin to rebuild the bonds of trust between the governors and the governed.

It's time for constitutional change.



The solution: a People's Constitutional Convention

Our governance is too important to be left to the Government to decide on our behalf: business-as-usual politicians cannot be entrusted with a blueprint to set out the changes we need.

That is why we are backing calls for a People's Constitutional Convention drawing on a diverse range of talent from across the political spectrum to propose a new settlement for the governance of the United Kingdom.⁶

There are a number of useful precedents that could inform such a Convention.

The Scottish Constitutional Convention was established on a multi-party basis and included leaders from Scottish churches and other civic groups. It produced the initial blueprint for the Scottish Parliament in 1995 which was to form the basis for the Labour Government's White Paper, referendum and eventual Scotland Act.⁷

In 2004 British Columbia created a citizen's assembly on electoral reform by semi-randomly selecting citizens to discuss the issues and make proposals for change.⁸

Following the financial crash in 2008 the Icelandic Government established a Constitutional Assembly consisting of randomly-selected citizens to write a new constitution. A constitutional committee of professionals drawn from different areas of expertise then drew up a plan for implementation. Finally, a Constitutional Council was elected to write the new constitution.⁹

Ireland recently concluded its Constitutional Convention.¹⁰ The Irish Government has committed to holding referendums on three of the main issues.¹¹

⁶ Existing Green Party policy on Public Administration and Government:

<http://policy.greenparty.org.uk/pa.html#PA200>

⁷ House of Commons Library, Devolution in Scotland, 5 April 2004, page 3:

<http://www.parliament.uk/briefing-papers/SNo3000.pdf>

⁸ Electoral Reform Society, Submission to Political and Constitutional Reform Committee, October 2012:

<http://www.publications.parliament.uk/pa/cm201213/cmselect/cmpolcon/writev/constconv/m24.htm>

⁹ Electoral Reform Society, Submission to Political and Constitutional Reform Committee, October 2012:

<http://www.publications.parliament.uk/pa/cm201213/cmselect/cmpolcon/writev/constconv/m24.htm>

¹⁰ Electoral Reform Society, Come together, 8 September 2014: <http://www.electoral-reform.org.uk/blog/come-together>

¹¹ Electoral Reform Society, Come together, 8 September 2014: <http://www.electoral-reform.org.uk/blog/come-together> and The Convention on the Constitution: <https://www.constitution.ie/>



A People's Constitutional Convention should be able to set a realistic timetable to agree a new settlement and put it to the British people in a referendum.

If it is possible to negotiate Scottish Independence in less than two years¹² it need not take decades to agree a new settlement for the rest of the United Kingdom.

¹² BBC, Scottish independence: 'transition plan' outlined, 5 February 2013:
<http://www.bbc.co.uk/news/uk-scotland-scotland-politics-21331302>



What the Convention should discuss

The Convention should discuss:

Greater powers for local and regional government

Local government exists in a permanent state of crisis, with neither the resources nor the powers to effect the comprehensive change local people want.¹³ We believe councils should have enhanced powers and spending might to tackle the housing crisis¹⁴, generate renewable energy¹⁵, deliver strong public services¹⁶ and promote local businesses.¹⁷ Where there is public demand for regional government we will support referenda to establish it.¹⁸

Electoral reform

Proportional representation should be introduced at all levels of Government – from Parish Councils to the lower and upper houses of the UK Parliament.¹⁹ In most of the UK the composition of governing bodies is not reflective of the will of the people. Too many 'one-party states' (where the governing party has 75% or more of the seats) exist in local government – more than 100 according to the Electoral Reform Society – and covering a third of the population.²⁰ In Scotland, where the Single Transferable Vote is used in local elections, they have none.²¹

'Total' recall for all elected politicians

The UK Government's current Bill to allow constituents to 'recall' their MP part-way through their term of office does not go far enough. Only MPs who are convicted of a criminal offence and jailed or MPs who have been suspended by their peers will be subject to a recall process.²² In contrast the Green Party backs 'total' recall where the power rests solely with constituents. The Green MP, Caroline Lucas, has worked

¹³ Existing Green Party policy on Public Administration and Government:

<http://policy.greenparty.org.uk/pa.html#PA900>

¹⁴ Existing Green Party policy on Housing: <http://policy.greenparty.org.uk/ho.html#HO411>

¹⁵ Existing Green Party policy on Energy: <http://policy.greenparty.org.uk/ey.html>

¹⁶ Existing Green Party policy on Education: <http://policy.greenparty.org.uk/ed.html#ED015>

¹⁷ Existing Green Party policy on The Economy: <http://policy.greenparty.org.uk/ec.html#EC621>

¹⁸ Existing Green Party policy on Public Administration and Government:

<http://policy.greenparty.org.uk/pa.html#PA410>

¹⁹ Existing Green Party policy on Public Administration and Government:

<http://policy.greenparty.org.uk/pa.html#PA303>

²⁰ Electoral Reform Society, 25 May 2014: <http://www.electoral-reform.org.uk/images/dynamicimages/file53b581e3b077f.pdf>

²¹ Electoral Reform Society, 21 May 2014: <http://www.electoral-reform.org.uk/blog/the-new-rotten-boroughs>

²² UK Government, Recall of MPs, 11 September 2014:

<https://www.gov.uk/government/policies/reforming-the-constitution-and-political-system/supporting-pages/recall-of-mps>



with MPs from all political parties to produce a 'total' recall Bill under which a by-election would be triggered if 20% of constituents sign a recall petition.²³

Local referenda and citizen's initiatives

If the public don't like a Government decision they should be able to force them to reverse it. And if the Government is dragging its feet on implementing a popular measure the public should be able to give it a push. The Green Party backs the right of citizens to introduce their own referenda or initiatives if they secure a sufficient number of petition signatures.²⁴

Replacing the House of Lords with a fully-elected Upper House

Britain's Upper House is perhaps the most glaring example of the neo-feudal state in practice. No other country that calls itself a democracy retains an unelected branch of parliament stacked full of retired MPs, party donors and a smattering of hereditary peers.²⁵ The Green Party believes it should be abolished and replaced by a directly-elected second chamber.²⁶

The extension of the right to vote to all 16 year olds

16 year olds were entrusted to help decide the future of their nation in the Scottish Referendum.²⁷ The Green Party has long-argued that the age of majority should be reduced to 16 for the rest of the UK with accompanying full citizenship rights and responsibilities.²⁸

A written constitution

All of these changes need to be included in a new written constitution setting out our rights and Government's responsibilities.

All of these are existing Green Party policies.

²³ Zac Goldsmith MP's website, Cross Party MPs Present Alternative Recall Bill, 11 September 2014:

<http://www.zacgoldsmith.com/cross-party-mps-present-alternative-recall-bill/>

²⁴ Existing Green Party policy on Public Administration and Government:

<http://policy.greenparty.org.uk/pa.html#PA253>

²⁵ Written evidence from Dr Meg Russell, 23 April 2012:

<http://www.publications.parliament.uk/pa/jt201012/jtselect/jtdraftref/284/284ii15.htm>

²⁶ Existing Green Party policy on Public Administration and Government:

<http://policy.greenparty.org.uk/pa.html#PA460>

²⁷ Electoral Commission, The Scottish Independence Referendum:

http://www.aboutmyvote.co.uk/referendum_scotland.aspx

²⁸ Existing Green Party policy on Public Administration and Government:

<http://policy.greenparty.org.uk/pa.html#PA108>



What the public thinks

52% of the population favour a more proportional voting system for the Westminster Parliament.²⁹

The public favour a more comprehensive law to recall MPs. **52%** favour a recall process to be possible if MPs switch parties. **60%** favour recall for not responding to constituents' letters. **50%** favour recall for breaking promises made in election leaflets.³⁰

Just **6%** of the population support the current composition of the House of Lords, whereby all or most members are appointed.³¹

This briefing was written and researched by Tom Sharman

²⁹ Electoral Reform Society, Asking a different question on the anniversary of AV, 6 May 2012:

<http://www.electoral-reform.org.uk/blog/asking-a-different-question-on-the-anniversary-of-av>

³⁰ House of Commons Political and Constitutional Reform Committee, Recall of MPs, 21 June 2012, pages 34-35: <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmpolcon/373/373.pdf>

³¹ House of Lords Library, Public Attitudes Towards the House of Lords and House of Lords Reform, 26 July 2012: <http://www.parliament.uk/briefing-papers/LLN-2012-028.pdf>

