

We need a root and branch review of referendums in the UK

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By Democratic Audit UK

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*Assessing the role of referendums is a challenge because they are on the fault-line of representative and other forms of democracy. **Katie Ghose** argues that more clarity is needed on who triggers them, and proposes three essential reforms for future referendum campaigns.*



Credit: [Pirátská strana](#) CC BY-SA 2.0

Until recently in Britain, we were referendum novices, content to leave this form of public poll to the Swiss or Californians where they are a firm part of the democratic culture. Now, there have been 12 referendums in since the 1975 referendum to join the EEC – either UK-wide polls or in dealing with devolution, with ramifications for the whole country.

Unlike other countries though, here we do referendums on an ad hoc basis, often to resolve internal party rifts. The EU referendum experience – and the chaos that has followed – attracted strong feelings on both sides about the wisdom of this type of democracy. But given the current confusion, now is the time to revisit the purpose and value of this particular type of public decision – and above all, what makes for a ‘good’ (or ‘bad’) referendum.

Triggers for the twelve principal referendums in Britain since 1975 have varied. The European EU referendums of 1975 and 2016 both stemmed from a desire to deal with major internal party divisions on the issue. Most have concerned devolution – first a vote on Scottish devolution on 1979 (rejected), and most recently the Scottish independence referendum (with 55% voting against in 2014).

The referendum on the Alternative Vote in 2011 was highly specific in placing one voting system before the public. It contrasts with the New Zealand referendum which took a two-stage approach – asking first if voters wanted to keep or discard the current system, and if the latter, asking which exact system they would replace it with.

While broadly constitutional, the AV vote was a long way from a referendum on a written constitution or a country’s independence, although it contrasts further still with Ireland’s referendum on the social issue of gay marriage which followed a constitutional convention on many aspects of democracy and politics.

Taken together, we've had an odd collection of motivations and triggers – and the public have no direct ability to demand a referendum be held. This loose approach was reflected in David Cameron's resignation speech: "We not only have a parliamentary democracy, but on questions about the arrangements for how we are governed, there are times when it is right to ask the people themselves, and that is what we have done". Which times, and who decides?

The government considered introducing citizen-inspired local referendums in 2011, but back-tracked after it failed to garner support, while Wales has had three devolution referendums in its history, the latest being the successful 'One Wales' vote in 2011 on gaining more devolution. Unsatisfactory as an ad hoc approach is to triggering referendum, settling on strict criteria for when they can be held doesn't seem possible or desirable either.

But clarifying *who* decides: government, parliament, parties or public – or some combination of them – could be a step forward, especially in limiting their use as internal party management tools, a use that seems likely to increase public scepticism (and, as the EU referendum has just shown, sometimes doesn't even achieve its goal!).

Assessing the role of referendums is a real challenge because they are on the fault-line of representative and other forms of democracy. As a type of direct democracy where people vote on issues themselves rather than relying on elected representatives, referendums are nonetheless played out within a context of traditional representative structures struggling to cope with development of newer, more participatory forms. Politicians struggle to characterise them: immediately after the referendum Boris Johnson said 'in a way [the public] have been doing our job for us' – a revealing description.

In this context, referendums can mirror the worst aspects of representative politics – top-down slanging matches between senior politicians, seen through the standard media lens of an election where only conflict between leading figures– and who's 'in or out' – is seen to matter.

Sadly, the legacy of this referendum could be a knee jerk rejection (from those on losing side) against all referendums. There is an alternative: by linking referendums with complementary forms of deliberative and participatory democracy, people have the opportunity to learn and discuss the real facts and issues before being required to make a final decision. In this way referendums can play a longer term role in raising awareness and reconnecting people with politics, as happened in Scotland where we saw genuine grassroots conversations and movements emerge spontaneously and follow through into more sustained public engagement with politics after the referendum.

Our [Better Referendum](#) tool was a great example of the value people find in the key facts and opinions being drawn together in one place – and a well-designed discussion that helps people relate the issues to their own lives. From there, they can build up knowledge and opinion, in constructive dialogue with fellow citizens. At events where the resources were used, people may not necessarily have reached a firm decision – or changed their view but they definitely reported going away feeling more informed – an experienced that feels all the more relevant with many now saying they were confused going into the ballot box.

So the referendum raises complex questions about the nature of the democracy we have – and wish to create – that cannot be resolved overnight.

For now, here are three reforms for future referendum campaigns:

First, **education and awareness-raising need to be an integral part of every campaign** – especially early on. That means changing the rules and funding plans to creating a commitment to do just this. More money for unbiased public information would equip the public better to evaluate the campaigns' claims. The formal campaigns could also be rewarded for activities that focus on capacity-building and time spent with the public – rather than simply talking at them (for example providing speakers at local debates). Incentives to the campaigns to encourage registration could also help.

Second, **accuracy of information should be safeguarded** – with tough sanctions for knowingly misleading the public. Referendum campaigners know they can get away with wild exaggerations or offensive visuals; they are extremely unlikely to meet any sanction – something which, alongside other elements of the campaign, University College London’s Constitution Unit will be [launching an inquiry](#) into in the coming months.

The shock value of the ‘No’ campaign’s [baby unit posters](#) in the Alternative Vote referendum, or the Leave campaign’s ‘Breaking Point’ poster of a long queue of migrants show that, under the current free-for-all, campaigners find that courting controversy is worthwhile if there are votes to be won. New Zealand’s Electoral Commission has an important role in monitoring and judging accuracy of campaigns’ claims during a referendum, and a comparable role could be handed to Electoral Commission or another regulatory body to fairly govern all sides.

Third, **the timing of when to hold a referendum requires consideration**. For Scots, the two year campaign allowed time and space to move through different phases of debate, giving people the chance to digest and get to grips with issues themselves rather than rely solely on the formal campaign mouthpieces.

The EU referendum was much shorter, and whilst journalists may have grown weary of reporting the issues, for most people it was simply not long enough to being to get underneath a complex package of topics – issues such as the implications of the vote for Northern Ireland and the Republic of Ireland, for the Union and other aspects of Britain’s constitution – now quasi-federal, the Union, the environment and the voices of younger people were eclipsed from debate. Feeling uninformed or confused were common complaints.

And timing was also a cause for complaint in Wales and Scotland, where it was felt that the EU referendum would overshadow national parliamentary elections. Overall, there was a feeling that after an exhausting election period, party activists would struggle to be out in force.

These and every other aspect should form part of a root and branch review of the conduct of a referendum. Everything from the practice of how the official campaigns are picked, who gets to vote in each referendum (Lords were explicitly permitted to vote in this referendum unlike other referendums or elections, while 16 and 17 year olds were excluded – unlike in Scotland), how each campaign is funded; how to best get information out and to regulate advertising more generally; and the role of the media in each vote – all this should be examined in the light of distinct experiences in the Scottish and EU referendums, *and* practical changes accepted, before another referendum comes around.

Referendums evoke strong emotions – encouraged by their division into two binary camps and the insistence that every fact or argument be corralled into one or the other. For some, the particularly nasty and negative aspects of this referendum will invoke a feeling of ‘never again’. Others will feel closer than usual to real political debate – and invigorated by it.

Whichever camp you fall in – and most will be on the fence, able to see both benefits and flaws, referendums should be seen for what they are – one means among many for stimulating informed public debate and decision-making on matters of national significance.

What would be a fitting legacy? To ensure the conduct of the next referendum campaign bears no resemblance to the last. And to ensure that referendums are treated as the beginning not the end of public engagement when it comes to shaping our future democracy.

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Katie Ghose is Chief Executive of the Electoral Reform Society.

