Rethinking the referendum

On Saturday, June 23, just two years to the day since the referendum in which Britain and Gibraltar (including Commonwealth citizens resident there) voted to leave the European Union (EU), over 100,000 people marched through London to call for a second referendum on Britain's decision to leave. Some waved EU flags, others had placards calling for a "People's Choice, Proper Choice", and others again wore t-shirts with the message "Rethink Brexit, Renew Britain". The participants ranged in age and background, though there were many young people. One carried a sign, "I'm 16, Brexit Stole my Future."

"A chaotic government trying to push us over the cliff edge," Caroline Lucas, the co-leader of the Green Party, told those gathered there. She pointed to a range of promises made during the course of the referendum campaign by the Leave side that had been unfulfilled, such as £350 million a week extra for the National Health Service (NHS) as well as the difficulties related to Northern Ireland and other matters that voters had not been aware of at the time of the vote. "It is time for you to decide, for you to take back control," said Gina Miller, the campaigner who had taken the government to the Supreme Court over parliamentary accountability for Brexit. Pointing to the House of Commons, where MPs last week had voted by a slim majority to pass the central plank of Brexit legislation, the EU Withdrawal Bill, she said it was "dishonest" for politicians to suggest that "they still believe the will of the people is still the same as two years ago."

Two years on, as Britain remains as divided over the issue of leaving the EU, public debate has continued and gained ground on the virtues of a second referendum. Initially those concerned about the direction of Brexit policy had focussed, like Ms. Miller, on pushing for greater parliamentary accountability, but with both main political parties committed to respecting the "will of the people" and leaving the European single market (the Labour party is more committed to some form of custom union membership), opposition has turned elsewhere.

The arguments are far from straightforward. Though won by a slim majority of 51.9% to 48.1%, the referendum result followed a high turnout of 72.2% which was well above the figure for recent general elections (which has ranged between 61% and 69% in the past decade). Contrary to initial suggestions that young people had not participated, subsequent research by two LSE academics found that around 64% of 18 to 24 year olds took part in the referendum, which was almost identical to the turnout for 40 to 54 year olds (for those aged 65 and over the turnout hit 90%).

Nevertheless, arguments have focussed on the closeness of the margin, and what was voted on. Was a 50% threshold high enough, and was a mere 3-4% gap wide enough for such a fundamental and irreversible decision that was to determine the future of generations to come?

And what of the question put to people in the referendum itself: "Should the United Kingdom remain a member of the European Union or leave the European Union?" What did leaving and Prime Minister Theresa May's now notorious slogan "Brexit means Brexit" entail?

Did it necessarily involve leaving the single market (the elimination of tariffs, quotas, and the free movement of goods, services, capital and people)? Or the customs union (the clubbing together of countries to apply identical tariffs at the border)? Norway, Iceland and Liechtenstein are part of the single market but not the EU, while non-member Turkey is part of a customs union with the EU, while also not a member.

There have also been questions around the veracity of some of the claims made during campaigns such as the NHS pledge (referred to by Ms. Lucas at the protest) made by Vote Leave, the leading group that campaigned to leave the EU, and which was supported by politicians like

Foreign Secretary Boris Johnson. The NHS pledge has in fact become a rallying point for the opposition movement. Earlier this month, the government courted anger, including from Conservatives, over funding for the NHS that was touted as a Brexit dividend. There are also concerns around the promises made to particular communities: former Cabinet Minister Priti Patel was among those who drew support from the Indian community for leaving the EU by suggesting that ending freedom of movement from the EU could give the government space to be more lenient towards non-EU nationals. Since then the government has continued to maintain its tough stance on immigration, refusing to budge on an immigration cap, and excluding Indian students from a relaxation of documentation requirements.

New problem areas have continued to arise particularly over the Irish question, which has proved to be one of the issues hardest to resolve at the heart of Brexit. Leaving the single market and the customs union would result in a "hard" border on the island of Ireland, jeopardising the fragile peace process under way that has heavily relied on the fluid boundary and deep economic and social links. With the May government's Northern Irish ally, the DUP, heavily opposed to anything that results in a different regulatory or customs regime in Northern Ireland and the rest of the U.K., options for an innovative solution are extremely limited. Business groups have become more and more vocal over their concerns, with Airbus warning that its future in the U.K. was at stake under a no-deal scenario, while the Society of Motor Manufacturers & Traders, which represents the auto industry, said that investment was already taking a hit from the uncertainty around Brexit. "With every week that passes, new facts emerge that no one knew about during the referendum," warned Labour MP and People's Vote advocate Chuka Umunna earlier this month.

Further complicating matters have been questions over Vote Leave, and Leave.EU, another of the major Brexit campaign groups. Last month, the Electoral Commission fined Leave.EU £70,000 for breaking spending rules during the referendum, while its investigation into spending by Vote Leave is due to be published next month. A draft version of the report had concluded that rules had been flouted, the BBC recently reported.

However, not everyone is convinced of the role of referendums: if a referendum on such a crucial issue lay at the heart of the problem, would pushing for another one be the right road ahead? Would gaining a meaningful say for Parliament be a better focal point?

Whether Parliament has been guaranteed a "meaningful say" depends on who one asks. Last week, the government managed to win support for its EU withdrawal bill after offering certain "assurances" to potential Conservative rebels around the role that Parliament would have. However, the extent to which those guarantees can be relied on remains unclear with some suggesting that the so-called "assurances" simply involved the government reiterating what was standard procedure already.

In the meantime, the push for another referendum continues, but with a warning from some of its advocates. "If we are to succeed, we cannot repeat the mistakes of the past," said Ms. Lucas at the rally, calling for the new campaign to avoid the pitfalls of the initial Remain campaign. This campaign had been dubbed "project fear" for its concentration on the economic dangers of leaving the EU, while its focus on enlisting top economists, politicians and others had led to leave campaigners whipping up the "anti-establishment" vote against them. "Our campaign must be radical, it must be young, it must be diverse; it must listen to people, empower them and create reasons for hope," she said. "We must be different to win and we have to win."

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