

UKIP's rise could spark unplanned but welcome constitutional reform

By Democratic Audit UK

*UKIP's rise has caught the establishment by surprise, with the main parties doing all they can to prevent the further rise of the right-wing populist party. However their success is likely to be limited by the difficulty that new parties have in breaking into a House of Commons distinguished by its continuing use of First Past the Post and a House of Lords which doesn't hold elections at all. **Stephen Barber** argues that UKIP's rise could spark unplanned constitutional reform to correct these undemocratic anomalies.*



Driving force for change? (Credit: Stephen West, CC BY 2.0)

The type of constitutional reform that interests Nigel Farage will have escaped no-one: Britain's withdrawal from the European Union (and the European Convention on Human Rights to boot). But the thing about British constitutional reform is that so little of it is planned or forms part of any overarching plan. For instance, I wrote recently about the (unintentional) constitutional stretching to have taken place as a consequence of [coalition government](#) and separately [reform of the House of Lords](#). So what are the implications of the 'UKIP threat' to the constitution? Well there could be some real consequences to their surge in support.

Open Primaries

Deployed by the Conservatives in the Clacton and Rochester and Strood by-elections, open primaries are both modest and potentially influential on Westminster culture. Classic small 'c' conservatism, the Tories' strategy here is change intended to preserve the existing order. It didn't work in Clacton but if they manage to hold Rochester, expect to see open primaries become more widespread.

By giving all electors a say on the Conservative candidate – whether they are members or not or even whether they intend to vote Tory or not – it is hoped they will be able to check the UKIP advance by giving voters a bigger stake in the election and widening participation. Open primaries are not entirely novel in Britain; they were piloted by the Conservatives in two constituencies ahead of the 2010 general election (Totnes and Gosport respectively) and a dozen constituencies have used the method in the selection of candidates for 2015. Ed Miliband has also expressed support for open primaries (though the reform has not established itself in Labour) and there has been similar discussion in the Liberal Democrats.

Were open primaries to become a more permanent feature of Parliamentary elections in all major parties, there could be some significant implications for the Westminster culture. After all, this would open up candidate selection from the cosy, inside world of the political classes to participation from the general public at large. I reported previously on the professionalization of politics and the 'careerlessness' of modern political leaders. [<http://www.democraticaudit.com/?p=1492>] The consensus would seem to be that this is a turn-off to voters who are now themselves experimenting with greater plurality. Indeed, one of the attractions of Farage and UKIP is precisely their political unprofessionalism. This reform has the potential to shake up the traditional routes to candidatures and locate politicians in communities rather than parachuted in from the Westminster village.

The Unravelling of First-Past-The-Post (FPTP)

Britain now has a truly multi-party system. While some projections of UKIP's 2015 performance is fanciful (it's unlikely they will hold the balance of power) there are differences when compared to three decades ago when the SDP failed to break the mould. Remember there are parallels: the SDP, which split from Labour, hit a staggering 50% in the opinion polls in the months after its launch in 1981.

UKIP's strategy is different to the SDP's. It is a movement which was not created in Westminster by a political elite and in 2014 has been bold enough to force by-elections when it has won defectors. There is no constitutional compulsion to do this when an MP crosses the floor. Indeed UKIP's previous defector, former Conservative (and sometime independent) Bob Spink bided out his time in Parliament until losing in 2010.

The SDP shied away from such a courageous strategy since some defectors (notably David Owen) were in danger of losing their seat even if a series of by-elections (perhaps held on the same day) might have consolidated momentum in real votes. The other key difference is that UKIP has spent many years embedding itself in the grassroots. The 'Ashdown strategy' as Farage openly acknowledges has seen the growth of local organisations and the election of councillors.

When the general election came in 1983, the SDP / Liberal Alliance took 25.6% of the vote, only just behind Labour's 27.6% who went down to their worst defeat in post-war history (losing 60 MPs). But FPTP saved Labour delivering 209 seats to the Alliance's 23 (just 6 of which were SDP). Today the electoral system still works in Labour's favour and to a lesser extent the Conservatives. But the percentage not voting for these 'big two' has grown to some 35% of the electorate at the last election and the 'winning' party in 2015 is expected to poll in the mid 30s rather than the low 40s enjoyed by Margaret Thatcher in the 1980s. Throw into the mix Liberal Democrats' potential to hold onto seats where they are established locally even if their net vote falls (note that in 2010 they put on nearly a million votes compared to 2005 but lost five seats); the Greens who won their first seat last time; the SNP in Scotland; other independents; and of course UKIP, and there is huge uncertainty about the outcome.

While forecasts of the vote can be calculated from opinion polls, projecting the allocation of seats is becoming near guesswork. Labour could conceivably win the highest number of seats (without a majority) with the Conservatives getting a higher share of the vote and form a coalition with whom? Perhaps with the Lib Dems who now face the risk of being beaten in votes (though not seats) by UKIP. The legitimacy of such a government would naturally be questioned (especially if it relied on Scottish MPs) as would the established principle that in the Westminster system seats not votes matter. Under such circumstances electoral reform, making the result more reflective of votes cast, must surely rise up the political agenda whatever the previous misgivings of the Conservative and Labour leaderships.

Change

There are other constitutional implications. House of Lords reform must surely be looked at again. Irrespective of the ongoing debate about legitimacy, a decent UKIP showing would really put the pressure on. After all, which prime minister is going to want to appoint 100 UKIP peers to reflect their general election performance? A popular mandate is needed. And how about reflecting that power balance in the debate over English devolution? [English votes for English matters](#) would be even more chaotic than if it were implemented today.

The chances are UKIP will not be successful enough to force the constitutional reform it wants. But a fourth force

in national politics is already upsetting the system and we could get (welcome) reform that nobody has planned.

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