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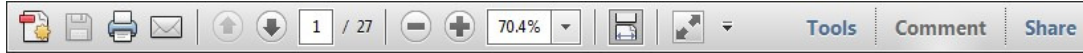
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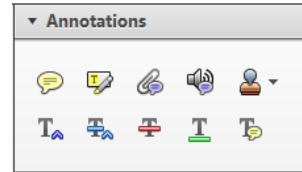
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Once you have Acrobat Reader open on your computer, click on the [Comment](#) tab at the right of the toolbar:



This will open up a panel down the right side of the document. The majority of tools you will use for annotating your proof will be in the [Annotations](#) section, pictured opposite. We've picked out some of these tools below:



1. [Replace \(Ins\)](#) Tool – for replacing text.

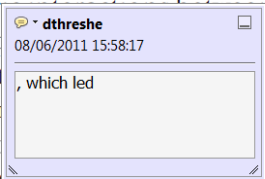


Strikes a line through text and opens up a text box where replacement text can be entered.

How to use it

- Highlight a word or sentence.
- Click on the [Replace \(Ins\)](#) icon in the Annotations section.
- Type the replacement text into the blue box that appears.

standard framework for the analysis of microeconomic activity. Nevertheless, it also led to the development of a number of strategic approaches. The number of competitors in an industry is that the structure of the industry is a key component. The main components of the industry are the number of firms and the level, are exogenous variables. The important words on entry by firms (M henceforth) we open the 'black b



2. [Strikethrough \(Del\)](#) Tool – for deleting text.



Strikes a red line through text that is to be deleted.

How to use it

- Highlight a word or sentence.
- Click on the [Strikethrough \(Del\)](#) icon in the Annotations section.

there is no room for extra profits as mark-ups are zero and the number of firms (net) values are not determined by market structure. Blanchard ~~and Kiyotaki~~ (1987), perfect competition in general equilibrium. The effects of aggregate demand and supply shocks in a classical framework assuming monopolistic competition and an exogenous number of firms

3. [Add note to text](#) Tool – for highlighting a section to be changed to bold or italic.



Highlights text in yellow and opens up a text box where comments can be entered.

How to use it

- Highlight the relevant section of text.
- Click on the [Add note to text](#) icon in the Annotations section.
- Type instruction on what should be changed regarding the text into the yellow box that appears.

dynamic responses of mark-ups consistent with the VAR evidence

sation by Markov processes. The number of firms in an industry is that the structure of the sector is a key component. The main components of the industry are the number of firms and the level, are exogenous variables. The important words on entry by firms (M henceforth) we open the 'black b



4. [Add sticky note](#) Tool – for making notes at specific points in the text.

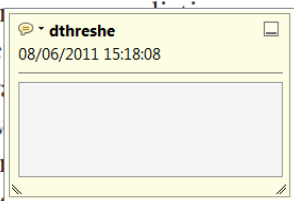


Marks a point in the proof where a comment needs to be highlighted.

How to use it

- Click on the [Add sticky note](#) icon in the Annotations section.
- Click at the point in the proof where the comment should be inserted.
- Type the comment into the yellow box that appears.

and supply shocks. Most of the firms in an industry are small. The number of firms in an industry is that the structure of the sector is a key component. The main components of the industry are the number of firms and the level, are exogenous variables. The important words on entry by firms (M henceforth) we open the 'black b



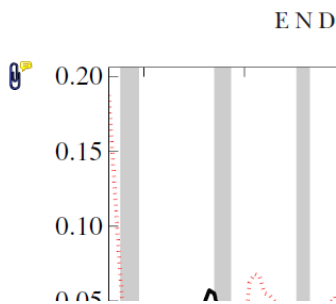
5. **Attach File** Tool – for inserting large amounts of text or replacement figures.



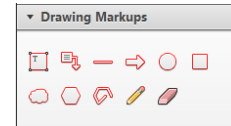
Inserts an icon linking to the attached file in the appropriate place in the text.

How to use it

- Click on the **Attach File** icon in the Annotations section.
- Click on the proof to where you'd like the attached file to be linked.
- Select the file to be attached from your computer or network.
- Select the colour and type of icon that will appear in the proof. Click OK.

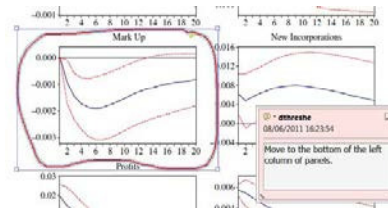


6. **Drawing Markups** Tools – for drawing shapes, lines and freeform annotations on proofs and commenting on these marks. Allows shapes, lines and freeform annotations to be drawn on proofs and for comment to be made on these marks.



How to use it

- Click on one of the shapes in the Drawing Markups section.
- Click on the proof at the relevant point and draw the selected shape with the cursor.
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- Double click on the shape and type any text in the red box that appears.



A Changing UK in a Changing Europe: The UK State between European Union and Devolution



RACHEL MINTO, JO HUNT, MICHAEL KEATING AND LEE MCGOWAN

Abstract

Two issues currently dominate the UK's constitutional landscape: the UK's membership of the European Union (EU) on the one hand; and the unsettled constitutional settlements between the UK and the devolved administrations of Scotland, Wales and Northern Ireland on the other. This article considers these two issues in concert. It stresses the distinct relationships between the EU and the devolved territories within the UK—concerning both devolved and non-devolved policy areas—highlighting the salience of a devolved perspective in any consideration of UK–EU relations. Despite its importance, sensitivity to this has been lacking. The article explores the implications of a 'Leave' or 'Remain' outcome on the future of the internal territorial dynamics within the UK. While there are too many unknowns to be certain of anything, that there will be knock-on effects is, however, beyond doubt.

Keywords: European Union, United Kingdom, devolution, constitutional settlements, EU referendum

Introduction

There are two constitutional stories playing out in the UK. The first is the UK's membership of the European Union (EU). The second concerns the unstable constitutional settlements between the UK and the devolved administrations of Scotland, Wales and Northern Ireland. Although these two issues have largely been addressed in isolation from one another, there is a close connection between them. When the electorate goes to the ballot boxes this year, it is not only the UK–EU relationship that will be at stake. Indeed, the future shape of two unions will be hanging in the balance: the EU on the one hand; the UK on the other. The EU referendum result will feed into both of these, whether a 'Leave' or 'Remain' result is returned.

Despite the Westminster doctrine of parliamentary sovereignty, the UK is not a unitary state. Like the EU itself, it is a union of distinct territories. Since the late 1990s, this territorial differentiation has been expressed more assertively through evolving legislative and jurisdictional infrastructures, providing for varying levels of political, legal and judicial autonomy for Scotland, Wales and

Northern Ireland. However, the distinctiveness of the four nations goes far beyond the institutional architecture established as part of the devolution process. Indeed, the devolution settlements are but one articulation of difference that is also expressed through language, culture and religion, and shaped by different historical legacies that date back centuries. So, while the UK joined the European Economic Community (EEC) in 1973 as a single member state, this unitary status masks a complex and evolving constitutional configuration within the UK that has only become more pronounced over time.

As well as having a distinct status within the UK, Scotland, Wales and Northern Ireland have distinct relationships with the EU. These affect both devolved competences and non-devolved areas where EU policy and activity have a particular impact on them. Institutional mechanisms have developed to deal with these. So the impact of the EU referendum will vary across the four nations and the Union itself, whether the UK votes to 'Leave' or 'Remain'.

This article explores the different relationships between the EU and the devolved territories within the UK. It analyses the renegotiation process with particular

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1 reference to the political priorities of the
2 devolved administrations, and then unpacks
3 the implications of a 'Leave' or 'Remain' out-
4 come on the future of the internal territorial
5 dynamics within the UK.

6 7 8 9 10 11 **A changing UK and the UK's 12 multidimensional relationship 13 with Europe**

14 Devolution in 1999 represented a step-
15 change in the relationship of the component
16 territories to the United Kingdom, but it was
17 not a once-and-for-all-time event. Rather,
18 relationships have continued to develop as
19 the devolved bodies have gained more pow-
20 ers and political alignments have shifted. At
21 present, Westminster and the devolved
22 territories all have governments of different
23 political complexions, reflected in distinct
24 attitudes to Europe. This cross-territory dis-
25 tinction is seen between the attitudes of both
26 the political elite and the public (see Jeffery
27 et al., this issue). Interestingly, however, in
28 any one territory, there is not a consistent
29 correlation between these groups in their
30 support for the EU.

31 The strongest support for Europe is found
32 in Scotland, where the two largest parties,
33 the Scottish National Party (SNP) and the
34 Labour party, both switched to pro-Eur-
35 opean positions in the 1980s. Even among
36 Conservatives, euroscepticism is muted.
37 Business, trades unions and civil society tend
38 to support Europe. Public attitudes are less
39 europhile but polls have suggested a persis-
40 tent gap between Scotland and England,
41 with Scottish voters of all parties less likely
42 to back Brexit. As of March 2016, the only
43 elected UKIP representative in Scotland was
44 a Member of the European Parliament
45 (MEP), who gained the sixth seat in 2014. So
46 the old 'permissive consensus' on Europe
47 has so far held up. Scottish governments of
48 both political colours (Labour-Liberal coal-
49 ition and SNP) have been active on the Euro-
pean scene and the Scottish Parliament has a
statutory European and External Affairs
Committee. Well in advance of the referen-
dum, the Scottish government made an
unequivocal choice to support 'Remain'. The
Scottish Parliament elections of May 2016
did not provide a distraction, since it was

widely assumed that the SNP would win
these comfortably without needing to trim
its pro-European stance.

The Northern Ireland situation is very dif-
ferent. Until January 2016 the issue of Brexit
within Northern Ireland was scarcely visible
in political debate (and especially among
unionist politicians) as attention was more
focused on the May 2016 elections for the
Northern Ireland Assembly. The interest here
centred on whether the Democratic Unionist
Party (DUP) or Sinn Fein would emerge as
the largest political party and lay claim to
the title of First Minister. David Cameron's
deal in February 2016, however, forced all
political parties and the media in Northern
Ireland to engage with the EU referendum.
The possibilities of a Brexit raise truly funda-
mental issues for Northern Ireland, as it is
the only part of the UK to share a land bor-
der (some 300 miles) with another EU mem-
ber state. A Brexit would in theory see the
creation of a hard border between Northern
Ireland and the Republic of Ireland, which
would raise particular economic and political
challenges. Particular concerns lie in the
impact on cross-border trade and travel,
issues of policing (including extradition and
access to the Schengen information System
[SIS]) and the future of financial support for
the agricultural sector. The referendum
proved to be a challenge for politicians and
the regional media.

The three largest political parties, namely
the ~~Democratic Unionist Party (DUP)~~, Sinn
Fein (~~SE~~) and the Ulster Unionist Party
(UUP), are historically eurosceptic. Internal
party tensions and frictions over the EU
ensured that both the DUP and the UUP did
not seek to engage the public in any Brexit
debate before the details of Cameron's nego-
tiations became public. However, while the
DUP encouraged their members to vote to
leave the EU, the UUP came out in favour of
the UK remaining in the EU. Sinn Fein, as
the largest nationalist party, had also
avoided public discussion until December
2015, before advocating support for the UK's
continued EU membership to avoid further
'partitioning' the island were the UK to leave
the EU. Only the Social Democratic and
Labour Party (SDLP), with some smaller
forces such as the Green party, have consis-
tently favoured EU membership. UKIP has a

1 presence in the region but remains a very
2 minor force, with only one Member of the
3 Northern Ireland Assembly and two council-
4 lors. In retrospect, the political architecture
5 provided for under the devolution settle-
6 ment—which created a mandatory coalition
7 involving the main parties—prevented the
8 development of a consistent and purposeful
9 approach to the EU arena. In contrast to the
10 Scottish model, a European committee was
11 not established and instead EU issues
12 became one of over a dozen areas falling
13 under the responsibility of the Office of First
14 Minister and Deputy First Minister. Ulti-
15 mately, the different visions of EU engage-
16 ment explain the inability of the Northern
17 Ireland executive to express its view on the
18 referendum.

19 Visiting officials and ministers from both
20 Dublin and London have often been sur-
21 prised at the scant interest in the EU arena
22 ~~so often~~ displayed within the Northern Ire-
23 land executive and the Assembly. Ultimately,
24 this lack of proactive engagement on EU
25 issues prevented any meaningful inter-
26 changes between the Northern Ireland execu-
27 tive and the British government over the
28 latter's negotiations with Brussels. Mostly
29 engagement was more reactive where the
30 Northern Ireland Assembly was responding
31 to others, for example ~~as part of~~ the House
32 of Lords EU Select Committee. Concerns
33 about Brexit have been considerably stronger
34 in the Republic of Ireland, where both gov-
35 ernment and most other political parties
36 never concealed their desire for the UK to
37 remain a member of the EU.

38 The Welsh case provides yet another per-
39 spective. Political and media attention has
40 been more engaged with the ongoing saga of
41 further devolution as proposed under the
42 most recent Wales Bill, along with the
43 upcoming 2016 National Assembly for Wales
44 elections, than with the EU question. How-
45 ever, the EU theme is attracting growing
46 interest and increasingly statements are
47 being made about the benefits of the UK's
48 EU membership for Wales and implications
49 of a British exit from the EU. In particular,
the possible consequences for funding and
for the farming community have been
stressed, and as with both Northern Ireland
and Scotland, there is an emerging farming
lobby that supports membership. In contrast

to Northern Ireland, there is a much stronger
European awareness among the political
elite, and the political executive—headed by
the First Minister Carwyn Jones (Labour)—
has clearly made the case for EU member-
ship and articulated that there would be
'devastating consequences' in the case
of Brexit. Jones contributed to the House of
Lords enquiry, arguing strongly in favour
of the UK's continued EU membership.
Strong support for EU membership is also
reflected among Liberal Democrat and Plaid
Cymru Assembly members, with a majority
of the sixty members of the National Assem-
bly for Wales supporting continued member-
ship. Notable exceptions include the leader
of the Conservative party in Wales, Andrew
R. T. Davies.

The National Assembly for Wales initiated
an inquiry into the UK government's EU
reform agenda, what impact it might have
on devolved competences in Wales and how
far the UK government was involving the
devolved administrations. One outcome of
this inquiry is a letter from the Chair of the
Constitutional and Legislative Affairs Com-
mittee, David Melding, to the UK Europe
Minister. This expresses disappointment with
the UK government's lack of consultation
and engagement with the devolved legisla-
tures during the reform agenda negotiations;
similar complaints have come from Scotland
and Northern Ireland. More effective engage-
ment post-referendum is requested, whether
in the context of exit negotiations or, in the
case of a 'Remain' vote, decision-making
under the new settlement. Despite the invest-
ment in and awareness of the EU question
among the political elite, opinion polls have
shown euroscepticism in Wales approaching
English levels (in contrast to Scotland), with
UKIP presenting a credible challenge in the
May 2016 elections for the National Assem-
bly for Wales.

Relations with the EU

The multinational character of the UK has
resulted in the establishment of distinct rela-
tionships between the EU and Scotland,
Wales and Northern Ireland respectively.
These relationships pre-date the devolution
process and extend beyond the areas of
devolved competence, to include centrally

1 governed areas that are of particular concern
2 to the UK's smaller nations.

3 Prior to devolution, there were a number
4 of channels through which the interests of
5 Scotland, Wales and Northern Ireland could
6 be represented on a European stage. These
7 were rolled over into the post-devolution
8 era. The first was the European Parliamen-
9 tary elections in 1979, which elected MEPs
10 from across the UK, respecting national terri-
11 torial boundaries. The vast majority of the
12 UK's MEPs are from English constituencies.
13 Scotland, Wales and Northern Ireland, how-
14 ever, each comprise a constituency for Euro-
15 pean elections, and MEPs from Scotland,
16 Wales and Northern Ireland have some
17 incentives to cooperate with each other
18 across party lines, to promote their national
19 interest.

20 Second, the EU's own Committee of the
21 Regions (CoR) provides a formal (albeit rela-
22 tively weak) channel for Scotland, Wales and
23 Northern Ireland to articulate their distinc-
24 tive policy positions within Europe. Estab-
25 lished in 1994, the CoR is charged with the
26 representation of regional and local interests
27 in EU decision-making. As 'regions' within
28 the EU, Scotland, Wales and Northern Ire-
29 land all have representatives within this
30 institution, which has pursued an agenda of
31 Europe of the Regions. Scotland and Wales
32 have also sought recognition as part of the
33 movement of Regions with Legislative Pow-
34 ers (RegLeg), differentiating themselves from
35 the administrative regions and local govern-
36 ments that are also represented in CoR.

37 Post-devolution there was increased scope
38 for the devolved nations to assert themselves
39 more proactively in Europe. The existing
40 Scottish representation in Brussels through
41 Scotland Europa (a platform for civil society
42 representation established in the 1990s) was
43 matched with a delegation representing the
44 Scottish government. Wales established
45 Wales House, which is home to the Welsh
46 government delegation, the National Assem-
47 bly's EU Office, the Welsh Local Govern-
48 ment Association and the Welsh Higher
49 Education Brussels office, and the Northern
Ireland executive opened its own office in
Brussels in 2001. These all serve to give voice
to the particular policy positions of the
devolved administrations and are well
placed to establish networks of individuals

and organisations who can work in the
national interest, as well as relaying valuable
information from Brussels back to Edin-
burgh, Cardiff and Belfast. These interests go
beyond areas of devolved competence,
reflecting the socioeconomic status, key
industries, political priorities and relative
size of the devolved nations. Some of these
issues are common across the three nations,
while others are confined to one or two.

Unsurprisingly, the single market—a non-
devolved area—is a central concern for Scot-
land, Wales and Northern Ireland. Given
that all three are small territories, the single
market has a pivotal role to play both in
promoting trade and encouraging inward
investment. It is widely held that access to
the single market is a key selling point for
international companies to locate in Scotland,
Wales and Northern Ireland. The EU's Struc-
tural Funds have been prominent, especially
in Wales and Northern Ireland. While the
UK's interpretation of additionality means
that these do not represent additional
moneys to those coming through the Barnett
Formula, they have raised the salience of
Europe and drawn economic and social
actors into European networks. They have
also ensured a continued commitment to
regional development policy.

The Common Agricultural Policy (CAP)
has been of central importance to farmers
across the UK. Agriculture is a key industry
in Wales and Northern Ireland and has dis-
tinct characteristics in Scotland, and the
devolved administrations have been able to
use the leeway they have to shape the details
of its reform in significant ways. There are
also divergent attitudes towards the social
dimension of the EU within the UK, with
Scotland, Wales and Northern Ireland
inclined to favour the EU's more socially
minded policies and Westminster more resis-
tant. Another salient issue is environmental
policy, which is both Europeanised and
devolved. Finally, it is important to highlight
the particularly important role the EU has
played in supporting peace and reconcilia-
tion in Northern Ireland since 1995 through
its unique Peace Programme initiative. Peace
IV was launched in early 2016 and sees a
further €270 million (actual additional
money) being earmarked for specifically
cross-border initiatives.

1 There are arrangements for the devolved
2 governments to make a contribution to the
3 formulation of UK European policy, but
4 these are weak in comparison to those in
5 federal states such as Germany and Belgium.
6 The devolved authorities may participate in
7 the UK delegation to the Council of the
8 European Union where devolved matters are
9 at issue, but they represent the UK as a
10 whole and not themselves individually, and
11 are very rarely given the opportunity to lead
12 the delegation. They are consulted on the
13 line the UK will take through the Joint
14 Ministerial Committee (Europe), consisting
15 of ministers from all four governments, but the
16 UK government has the final say. They are
17 also able to participate in the official-level
18 preparatory bodies, where their influence is
19 generally in proportion to the quality of their
20 contribution. The offices of the devolved
21 administrations are part of the United King-
22 dom Permanent Representation (UKREP)
23 'family' in Brussels, which gives them diplo-
24 matic status and access to some key papers.
25 Under the SNP, the Scottish government has
26 regularly complained about the restrictions
27 on its role and demanded more 'direct' rep-
28 resentation. In fact, direct representation is
29 only open to member states, and what they
30 really seem to be claiming is a *right* to attend
31 the Council of the EU and to lead the dele-
32 gations on matters, such as fisheries, where
33 they have the biggest stake. Since the line
34 will still be set by the UK, this is largely
35 symbolic. Moreover, while participation in
36 the Council of the EU does give them pres-
37 ence, it also restricts them since they cannot
38 publicly disagree with the line taken.

37 In Germany, by contrast, the Länder must
38 consent to the negotiating position where
39 devolved matters are concerned, using
40 majority voting through the *Bundesrat* (Fed-
41 eral Council) if necessary. The Belgium pro-
42 vision is even stronger, as all the relevant
43 governments (federal, regional and commu-
44 nity) must agree on matters that affect their
45 competences. Even were this approach
46 acceptable to the United Kingdom, it could
47 not in practice be applied, given that there is
48 no government to speak for England; only a
49 fully federalised UK could address this prob-
lem. Strengthening the position of the
devolved administrations in relation to
devolved matters also would not address the

issue of their particular interests in reserved
matters such as migration, freedom of move-
ment or regulation.

Renegotiation and reform: a devolved perspective?

Cameron's efforts to secure a 'good deal for
Britain' through the EU renegotiation and
referendum have taken much of his time
and energies since his re-election as Prime
Minister in May 2015. As shown above, the
devolved dimension is highly significant in
any such deliberation because issues about
EU membership that may resonate for Lon-
don may not necessarily be the most impor-
tant aspects for other constituent parts of the
UK. The devolved nations did make a coordi-
nated approach to the UK government
when the negotiations started, but their
involvement has been limited. There is some
consultation through the Joint Ministerial
Committee (Europe) but there was nothing
equivalent to the provisions for devolved
participation that apply in regular EU nego-
tiations. The House of Lords EU Committee
has argued forcefully that 'given the pro-
found implications for the nations of the UK
of a referendum on membership of the EU,
it is vital that the government engage fully
with the devolved institutions during the
negotiations'. Moreover, it stated that these
three devolved administrations should not
be handed a *fait accompli* by Whitehall but
ought to be 'closely involved in negotiations
so as to ensure that the specific interests of
the nations of the UK are taken into
account'.

Minister for Europe, David Lidington,
claimed to be keeping in close touch with
the three devolved administrations but in
practice the degree of meaningful engage-
ment is debatable, and has been criticised
in both Cardiff and Edinburgh. Lidington
refused to give evidence to the Scottish Par-
liament's European and External Relations
Committee about Cameron's negotiations.
With much of the government's negotiations
having been conducted behind closed doors,
given their sensitivity and the need to keep
Cameron's eurosceptic critics guessing, seri-
ous issues can be raised over the trans-
parency and accountability of the process

1 and how this approach has hindered and
2 will continue to hinder interchanges with the
3 devolved administrations.

4 Of the three devolved territories, Scotland
5 has been the most vocal regarding its own
6 distinct EU priorities under devolution (for
7 example, scrutinising EU legislation, creating
8 a European committee, establishing an office
9 in Brussels and the Scottish government's
10 comprehensive reports on 'Scotland in the
11 EU'). As such, it has demonstrated its intention
12 to be a proactive player and to be heard
13 by London. The SNP government regularly
14 expresses its commitment to EU membership
15 and, given its sizeable presence in the House
16 of Commons, has arguably the greatest ability
17 of the three devolved territories to be
18 heard in London. There have been interactions
19 between the Minister for Europe and
20 Scottish ministers in Edinburgh in a way
21 that has not been replicated in Northern
22 Ireland or Wales. As the EU dimension had
23 formed part of the Scottish independence
24 referendum debate, the public, media and political
25 parties were aware and prepared to
26 enter debates on Brexit and to consider the
27 possible implications of a UK vote to leave,
28 including a new referendum on Scottish
29 independence.

30 Another point to note here is the potential
31 confusion and cross-contamination between
32 multiple, overlapping campaigns. Now set
33 for Thursday 23 June 2016, the EU referendum
34 will take place just seven weeks after
35 the national elections in Scotland, Wales and
36 Northern Ireland. The leaders from all three
37 devolved administrations articulated their
38 dissatisfaction with the chosen timing, given
39 the risk of a blurring of the campaigns
40 attached to the two votes, but such expressions
41 of concern were ignored by Downing
42 Street.

43 Post-referendum scenarios

44 The territorial dimension to the UK's relationship
45 with Europe will remain important
46 whatever the outcome of the referendum
47 vote. Only if all four parts of the United
48 Kingdom vote to leave will the issue not
49 arise. Opinion polls, however, have shown
consistent majorities in Scotland and Northern
Ireland in favour of remaining, so that
there is a possibility that they would vote to

remain while England, and thus the UK as a
whole, votes to leave.

The Scottish National Party have indicated
that such an outcome would constitute the
material change of circumstances that would
justify them calling a new independence
referendum. Indeed, the threat of being taken
out of the EU against the will of the Scottish
people was a theme they deployed in the
2014 referendum on Scottish independence.
It is not clear, however, that the desire to
remain in the EU would be enough to swing
sufficient voters to give a convincing majority
for independence. Recent polls have suggested
that the scenario might push support up to
the mid-fifties, but that is before the
difficulties have been rehearsed.

While Brexit could give a justification for a
new independence push, it would actually
undermine the independence-in-Europe policy
that has been the SNP's mainstay for the
past thirty years. That was predicated on
both the UK and Scotland being within the
EU, so allowing common policies on key
economic and regulatory matters without a
political union, and keeping an open border.
The prospect of a hard EU border with
England and Scotland would make independence
more difficult to sell and force Scots to
make an explicit choice between the two
unions. The SNP does not therefore see this
as an auspicious circumstance for independence.

The UK being out and Scotland in the EU
could also threaten the continued ties with
the UK that made independence easier to
sell in 2014. This includes the currency union
and common regulatory frameworks that
converted separation into 'independence-lite'.
It would also be necessary for Scotland to
establish a clearer position of its own with
regard to its role in Europe and the degree
of integration it wanted. The independence
proposals of 2014 envisaged keeping the
same opt-outs as the UK currently has, on
the euro, Schengen and Justice and Home
Affairs. This would have enabled it to retain
elements of the old UK union, including the
passport-free border, but retaining these
links with a non-member state could be
much more difficult, especially if European
and UK policies started to diverge.

Were Northern Ireland to vote to remain
but be pulled out by England, it would

1 increase tensions, especially if the two com-
2 munities had voted in different ways. Brexit
3 could unwittingly damage relations between
4 the two communities and in turn key ele-
5 ments of the political settlement within
6 Northern Ireland. It would impose a hard
7 EU border with the Republic of Ireland,
8 going against the spirit of the settlement.
9 Cross-border institutions would find it more
10 difficult to work across an EU border. UK
11 and Irish ministers would no longer meet
12 regularly in European forums, a venue that
13 has proved valuable in the past in providing
14 a neutral place for encounters. More gener-
15 ally, European membership has allowed for
16 a dilution of the concept of sovereignty in
17 Ireland, as sovereignty is shared at multiple
18 levels, lowering the stakes in the old battles
19 between Irish unification and UK unionism.
20 Sinn Fein regard Brexit as an opportunity for
21 Irish re-unification. The argument runs that
22 were the nationalist community to have
23 voted heavily in favour of Europe, and
24 assuming the UK had voted to leave the EU,
25 demands would intensify for a border poll
26 on Northern Ireland's status within the UK.
27 This would be politically sensitive and divi-
28 sive, but is a possibility, and one that many
29 unionists are not reluctant to acknowledge.

30 Were Scotland to leave the UK, there
31 would be knock-on implications for Wales as
32 England's 'junior partner' within Britain.
33 Indeed, losing the balancing role of Scotland
34 would likely inspire a more proactive asser-
35 tion of nationalism within Wales, and the
36 further unsettling of the union.

37 Brexit would require the UK to decide on
38 its future relationship with Europe (see Chal-
39 mers, this issue). One option is membership
40 of the European Economic Area; another is
41 to go it alone, without a special relationship
42 with Europe. The devolved administrations
43 might prefer the former, in line with their
44 preference to keep their European links, but
45 the decision would be for the UK govern-
46 ment to take, presumably without a direct
47 say for the constituent parts. Nor would they
48 be likely to have a role in the details of
49 negotiations should the UK opt for a new
relationship with Europe outside the EU
framework.

Another effect of Brexit would be that
powers currently devolved but subject to
European law would be repatriated not just

to London but to Edinburgh, Belfast and
Cardiff. Swathes of law and policy in areas
including agriculture and fisheries, environ-
ment, and ~~higher education (including tui-
tion fees) and some social benefits~~, would be
repatriated to the devolved administrations
who could choose, if they wished, to align
policies in these fields with London or with
Brussels.

A UK vote to remain in Europe could
avoid some of these issues but pose others.
Were England to vote narrowly to leave, the
Scottish, Welsh and Northern Ireland votes
could swing the overall result in favour of
'Remain'. We know that there is a certain
alignment of English nationalism with
euroscepticism (see Jeffery et al., this issue).
English people who most strongly identify
as English tend to be against Europe, com-
pared with those who see themselves as Bri-
tish. English opinion has been exercised
increasingly over the issue of Scottish MPs
voting on English matters, while both the
SNP and Labour opposed the change in
standing orders in 2015 requiring an English
majority for laws applying only in England.
Even after that, Scottish MPs can vote on the
final stage of English legislation, allowing
them to participate in a blocking majority.
There has also been resentment against what
is seen as the Scottish advantage in public
spending. A grievance over the EU would
add to these discontents, further destabilis-
ing the union and feeding English national-
ism.

A vote to remain in the EU could also
return attention to the different views of Eu-
rope in the various parts of the United King-
dom. Whatever the outcome of the vote,
David Cameron's negotiations appear to
have secured what amounts to a permanent
opt-out of future moves to more integration
in Europe. The UK is destined to be a semi-
detached member of the EU, keen on the single
market but suspicious of EU action in
other fields, including notably migration and
the social dimension. The Scottish and Welsh
governments, on the other hand, are in
favour of a more social Europe and, in Scot-
land, this extends to almost the entire parlia-
ment and likely future governments. The
main Scottish parties (SNP and Labour) are
also in favour of the free movement of
labour and a more generous immigration

1 policy as a whole. Scotland, Wales and
2 Northern Ireland have different interests in
3 relation to agriculture and energy. Scotland
4 has a strong interest in oil and gas and a
5 commitment to renewable energy. All of
6 these could put the devolved administrations
7 in opposition to positions taken by the UK
8 in EU negotiations.

9 The issue of the role of the devolved admin-
10 istrations in Europe will thus remain a live
11 one. With increasing differences, there will be
12 calls for a stronger role for Scotland, Wales
13 and Northern Ireland in setting UK European
14 policy. This parallels demands for stronger
15 and more formal intergovernmental mecha-
16 nisms within the UK, pointing towards a
17 more federal conception of the state.

18 These post-referendum scenarios will not
19 play out in a vacuum. Indeed, the constitu-
20 tional transformations in the UK are set
21 within a wider context of a changing EU.
22 Similar territorial re-configurations are taking
23 place in other EU member states, where
24 there is contestation over internal territorial
25 boundaries and the level of autonomy
26 afforded to these territories. These devolu-
27 tion experiences across the EU inspire—and
28 take inspiration from—each other so that the
29 repercussions of the EU referendum will be
30 felt beyond the UK.

31 Conclusion

32 The outcome of the forthcoming EU referen-
33 dum will play into two constitutional stories
34 in the UK. It will determine whether the

UK's future will be inside or outside the EU.
Also, it will have implications for the future
of the United Kingdom as a union of four
nations. This is so whether a 'Leave' or
'Remain' outcome is returned.

The territorial differentiation within the
UK is characterised by varying levels of leg-
islative and judicial autonomy enjoyed by
Scotland, Wales and Northern Ireland. The
four nations also hold distinct political prior-
ities, in function of their size, socioeconomic
status, key industries and historical legacies.
This distinctiveness is visible in the multi-
dimensional nature of the relationships
between the constituent parts of the UK and
the EU: Edinburgh, Cardiff and Belfast are
themselves actors in Brussels, where they
seek to pursue their own political priorities
that may or may not be aligned with those
of London.

It is hardly surprising, then, that the
devolved administrations have been increas-
ingly vocal about the UK's future relation-
ship with the EU and the particular impact
any changes would have upon them, touch-
ing on devolved and non-devolved policy
areas. However, this appears broadly to
have fallen on deaf ears in London. There is
little to suggest there has been clear and
decisive action to incorporate these voices
within the EU renegotiation discussions; and
little to indicate that there is any real sensi-
tivity to the implications of the vote upon
the future constitutional make-up of the UK.
That there will be a knock-on effect is, how-
ever, beyond doubt.


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