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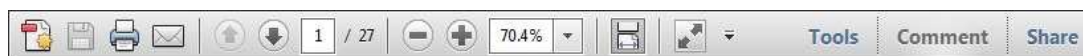
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This will open up a panel down the right side of the document. The majority of tools you will use for annotating your proof will be in the [Annotations](#) section, pictured opposite. We've picked out some of these tools below:



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

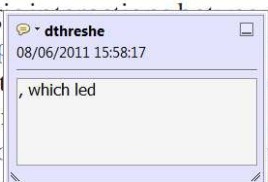


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#### How to use it

- Highlight a word or sentence.
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standard framework for the analysis of microeconomic behavior. Nevertheless, it also led to the development of a new class of strategic form games. The number of competitors in the industry is that the structure of the game is a main component. At the micro level, are exogenous variables important? Works 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 long as the number of firms is large enough and the number of firms is large enough. The values are not determined by the number of firms. Blanchard and Kiyotaki (1987), in their paper on perfect competition in general equilibrium, show that the structure of aggregate demand and supply in the classical framework assuming monopoly is not an exogenous number of firms

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



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- 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 to cost shocks. The VAR evidence

satisfies the VAR model. The VAR model is a standard framework for analyzing the dynamic responses of mark-ups to cost shocks. The VAR evidence



### 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.

standard and supply shocks. Most of the standard framework for analyzing the dynamic responses of mark-ups to cost shocks. The VAR evidence



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

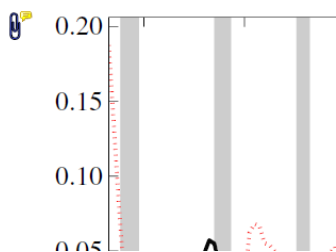


Inserts an icon linking to the attached file in the appropriate place in the text.

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- Click on the **Attach File** icon in the Annotations section.
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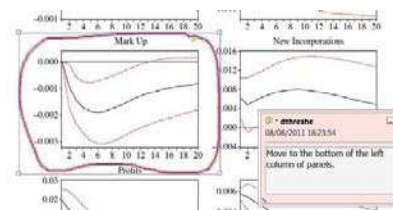


### 6. **Drawing Markups** Tools – for drawing shapes, lines and freeform annotations on proofs and commenting on these marks. Allows shapes, lines and freeform annotations to be drawn on proofs and for comment to be made on these marks.



#### How to use it

- Click on one of the shapes in the Drawing Markups section.
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# A Changing UK in a Changing Europe: The UK State between European Union and Devolution



ACHEL 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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reference to the political priorities of the devolved administrations, and then unpacks the implications of a 'Leave' or 'Remain' outcome on the future of the internal territorial dynamics within the UK.

## A changing UK and the UK's multidimensional relationship with Europe

Devolution in 1999 represented a step-change in the relationship of the component territories to the United Kingdom, but it was not a once-and-for-all-time event. Rather, relationships have continued to develop as the devolved bodies have gained more powers and political alignments have shifted. At present, Westminster and the devolved territories all have governments of different political complexions, reflected in distinct attitudes to Europe. This cross-territory distinction is seen between the attitudes of both the political elite and the public (see Jeffery et al., this issue). Interestingly, however, in any one territory, there is not a consistent correlation between these groups in their support for the EU.

The strongest support for Europe is found in Scotland, where the two largest parties, the Scottish National Party (SNP) and the Labour party, both switched to pro-European positions in the 1980s. Even among Conservatives, euroscepticism is muted. Business, trades unions and civil society tend to support Europe. Public attitudes are less europhile but polls have suggested a persistent gap between Scotland and England, with Scottish voters of all parties less likely to back Brexit. As of March 2016, the only elected UKIP representative in Scotland was a Member of the European Parliament (MEP), who gained the sixth seat in 2014. So the old 'permissive consensus' on Europe has so far held up. Scottish governments of both political colours (Labour–Liberal coalition and SNP) have been active on the European scene and the Scottish Parliament has a statutory European and External Affairs Committee. Well in advance of the referendum, 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 different. 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 fundamental issues for Northern Ireland, as it is the only part of the UK to share a land border (some 300 miles) with another EU member 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 (~~SF~~) 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 negotiations 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 consistently 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 lars. 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 exec-  
27 utive 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

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

Prior to devolution, there were a number of channels through which the interests of Scotland, Wales and Northern Ireland could be represented on a European stage. These were rolled over into the post-devolution era. The first was the European Parliamentary elections in 1979, which elected MEPs from across the UK, respecting national territorial boundaries. The vast majority of the UK's MEPs are from English constituencies. Scotland, Wales and Northern Ireland, however, each comprise a constituency for European elections, and MEPs from Scotland, Wales and Northern Ireland have some incentives to cooperate with each other across party lines, to promote their national interest.

Second, the EU's own Committee of the Regions (CoR) provides a formal (albeit relatively weak) channel for Scotland, Wales and Northern Ireland to articulate their distinctive policy positions within Europe. Established in 1994, the CoR is charged with the representation of regional and local interests in EU decision-making. As 'regions' within the EU, Scotland, Wales and Northern Ireland all have representatives within this institution, which has pursued an agenda of Europe of the Regions. Scotland and Wales have also sought recognition as part of the movement of Regions with Legislative Powers (RegLeg), differentiating themselves from the administrative regions and local governments that are also represented in CoR.

Post-devolution there was increased scope for the devolved nations to assert themselves more proactively in Europe. The existing Scottish representation in Brussels through Scotland Europa (a platform for civil society representation established in the 1990s) was matched with a delegation representing the Scottish government. Wales established Wales House, which is home to the Welsh government delegation, the National Assembly's EU Office, the Welsh Local Government Association and the Welsh Higher 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 Edinburgh, 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 Scotland, 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 Structural 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 distinct 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 resistant. 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 reconciliation 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 of  
15 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.

39 In Germany, by contrast, the Länder must  
40 consent to the negotiating position where  
41 devolved matters are concerned, using  
42 majority voting through the *Bundesrat* (Fed-  
43 eral Council) if necessary. The Belgium pro-  
44 vision is even stronger, as all the relevant  
45 governments (federal, regional and commu-  
46 nity) must agree on matters that affect their  
47 competences. Even were this approach  
48 acceptable to the United Kingdom, it could  
49 not in practice be applied, given that there is  
no government to speak for England; only a  
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 coord-  
inated 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 inten-  
12 tion 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 abil-  
17 ity of the three devolved territories to be  
18 heard in London. There have been interac-  
19 tions between the Minister for Europe and  
20 Scottish ministers in Edinburgh in a way  
21 that has not been replicated in Northern Ire-  
22 land or Wales. As the EU dimension had  
23 formed part of the Scottish independence refer-  
24 endum debate, the public, media and polit-  
25 ical 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 referen-  
34 dum 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 expres-  
41 sions of concern were ignored by Downing  
42 Street.

## 43 Post-referendum scenarios

44 The territorial dimension to the UK's rela-  
45 tionship 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 North-  
ern 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 refer-  
endum. 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 major-  
ity for independence. Recent polls have sug-  
gested 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 pol-  
icy 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 indepen-  
dence 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 indepen-  
dence.

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 Féin 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 sin-  
gle 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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