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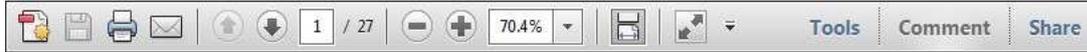
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This will open up a panel down the right side of the document. The majority of tools you will use for annotating your proof will be in the [Annotations](#) section, pictured opposite. We've picked out some of these tools below:



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

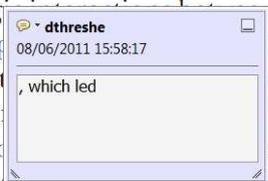


Strikes a line through text and opens up a text box where replacement text can be entered.

#### 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 new class of strategic form games. The number of competitors in the industry is that the structure of the game. The main components of the game are the level, are exogenous variables. An important work on this by Shirai (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 clearing. Blanchard and ~~Kiyotaki~~ (1987), in a perfect competition in general equilibrium model of aggregate demand and supply in the classical framework assuming monopoly power between 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 are consistent with the VAR evidence

sation of the economy. The number of competitors and the impact of a shock on the demand-side is that the structure of the sector



### 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 time, the number of competitors and the impact of a shock on the demand-side is that the structure of the sector



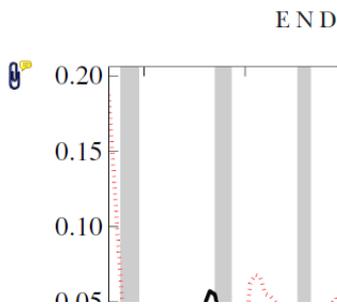
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Inserts an icon linking to the attached file in the appropriate place in the text.

How to use it

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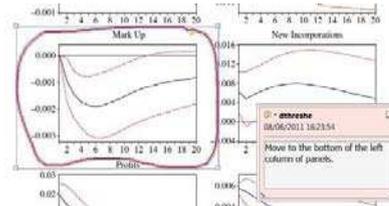


6. **Drawing Markups** Tools – for drawing shapes, lines and freeform annotations on proofs and commenting on these marks. Allows shapes, lines and freeform annotations to be drawn on proofs and for comment to be made on these marks.



How to use it

- Click on one of the shapes in the Drawing Markups section.
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- 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



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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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 ter-  
11 ritorial 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 rel-  
22 atively 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.

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

Brexit would require the UK to decide on  
its future relationship with Europe (see Chal-  
mers, this issue). One option is membership  
of the European Economic Area; another is  
to go it alone, without a special relationship  
with Europe. The devolved administrations  
might prefer the former, in line with their  
preference to keep their European links, but  
the decision would be for the UK govern-  
ment to take, presumably without a direct  
say for the constituent parts. Nor would they  
be likely to have a role in the details of  
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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