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Brexit and the Future of the United Kingdom

by Etain Tannam

ABSTRACT

This paper aims to assess the significance of Brexit for the future of the UK as a unitary state and to identify various possible outcome to the future of the UK. The first part provides an overview of the current status of Scotland and Northern Ireland in the UK and the differences between both cases. The second part of the article assesses the significance of the EU for the devolved administrations and analyses key party responses to the Brexit debate in Scotland and Northern Ireland. In conclusion the impact of Brexit on the future of the UK as unitary state is assessed.

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Introduction

On 23 June 2016, 52 per cent of the UK electorate voted to leave the European Union (EU) in the Brexit referendum and 48 per cent voted to remain.[1] Apart from the dramatic implications of Brexit internationally, the referendum also has dramatic implications for the future of the UK as a unitary state. In Northern Ireland, 55 per cent voted to remain in the EU and in Scotland 62 per cent voted to remain.[2] The different vote in Scotland and Northern Ireland from Wales and England highlighted the divide between the two regions and Westminster and the potential for such differences in preferences to spark Scottish independence. In addition, there were various reports that Brexit could lead to renewed conflict in Northern Ireland, hinder cross-border relations with Ireland and unravel the Belfast Agreement. Almost immediately after the results were announced Northern Ireland's Deputy First Minister, Martin McGuinness of the nationalist Sinn Féin (SF) party, called for a referendum on Irish unification, and Scotland First Minister Nicola Sturgeon of the Scottish Nationalist Party (SNP), similarly said that a referendum on Scottish independence was on the table.

The aim of this paper is to assess the significance of Brexit for the future of the UK as a unitary state and to identify various possible outcome to the future of the UK. The first part provides an overview of the current status of Scotland and Northern Ireland in the UK and the differences between both cases. The second part of the article assesses the significance of the EU for the devolved administrations and analyses key party responses to the Brexit debate in Scotland and Northern Ireland. In conclusion the impact of Brexit on the future of the UK as unitary state is assessed.[3]

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[1] "EU referendum: full results and analysis", in *The Guardian*, 23 June 2016, http://gu.com/p/4y4av.

[2] Ibid.

[3] Note that Wales is not examined in this paper, as support for Welsh independence is weaker than support for independence in Scotland. 51 per cent of the Welsh electorate voted to leave the EU. See

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1. The pre-Brexit status of Northern Ireland and Scotland in the UK and EU

The current status of Northern Ireland and Scotland is that they are devolved administrations within the UK, where devolution is defined as "the creation of subordinate legislatures and assemblies."[4] Under the Devolution 1998 Acts, Westminster holds reserved powers. Moreover, in Northern Ireland devolution was a central plank of the Good Friday Agreement (GFA) and subsequent British-Irish Agreement that brought to an end decades of violence. The GFA created a power-sharing executive in a devolved government headed by the then leader of the Democratic Unionist Party (DUP) Iain Paisley, with Martin McGuinness (Sinn Féin) as deputy head. The agreement also provided for cross-border and East-West (British-Irish) institutions.[5] The British-Irish Council (BIC) comprises representatives of parliaments from Northern Ireland, Ireland, Wales, England, the Isle of Man, the Channel Islands and Scotland and has a Secretariat Office in Edinburgh, co-headed by a member of the Cabinet Office from Westminster and a member of the Irish Department of Foreign Affairs. The British-Irish Intergovernmental Conference (BIIC) is a forum for consultation on non-devolved matters, with a Secretariat headed by a senior Irish and British civil servant.

In Scotland, devolution was provided for by an Act of Westminster Parliament. The Scotland Act did not have same complexity as in Northern Ireland, where it was part of a web of new arrangements, central to maintaining peace. Under the Scotland Act, an independent Scotland can only occur if a majority of Scottish voters support it and Westminster Parliament ratifies it.

In both cases, each Devolved Authority (DA) is represented in the Westminster cabinet by a Cabinet Office territorial Secretary of State, who ensures the smooth running of the devolution settlements. The Permanent Secretaries in both DAs are also part of the Cabinet Office. DAs have MPs in Westminster and also elect representatives to their Assemblies.

Despite overall support for devolution in both Scotland and Northern Ireland, its implementation was not without its critics. It was argued that the Joint Ministerial Committees (JMCs) set up under the 2012 Memo of Understanding with Westminster are purely consultative, so devolved ministers must "follow the agreed UK line" and

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Malcolm Coles and Ashley Kirk, "EU Referendum Results and Maps: Full Breakdown and Find out How Your Area Voted", in *The Telegraph*, 1 July 2016, http://bit.ly/298jSur. Plaid Cymru, the Welsh nationalist party, won 12 per cent of votes in the 2015 UK general election. See "Election 2015: Best Welsh Tory Election for 30 Years", in *BBC News*, 8 May 2015, http://bbc.in/29dLcKp. In contrast, the Scottish Nationalist Party (SNP) has had a large surge in support, winning 50 per cent of votes in Scotland in the 2015 UK general election. See "Election 2015: SNP Wins 56 of 59 Seats in Scots Landslide", in *BBC News*, 8 May 2015, http://bbc.in/29aoRzY.

[4] Vernon Bogdanor, *The New British Constitution*, Oxford and Portland, Hart, 2009, p. 89.

[5] Brendan O'Leary, "The Nature of the British-Irish Agreement", in *New Left Review*, No. 233 (January-February 1999), p. 66-96.

"central government will have the last word."[6] Furthermore, it was argued that, in practice, when Scottish Ambassadors sat on an EU Council meeting, they were still obliged to tow the Westminster policy-line and that Scottish "ambassadorial" representation in Brussels actually increased Westminster monitoring and control.[7] There were also complaints that Northern Irish and Scottish actors were not informed enough about EU legislation of relevance to them. In fact for some interviewees, the cross-border and British-Irish dimensions to the GFA gave Northern Irish and Scottish actors more access to information than has the JMCs and Westminster. Similarly, many bureaucrats in the DAs, interviewed by this author, expressed frustration that Westminster and Whitehall frequently forgot the regional dimension, be it Scottish, or Northern Irish, when drafting legislation or making policy statements.[8]

Similarly, the Conservative manifesto's promise to provide English-only voting for issues that affected only England was heavily criticised by DUP and UUP members of Westminster, who argued that they had not been consulted at all about this idea.[9] A further cause of frustration was that despite a Ulster Unionist Party (UUP) delegation to the then British Prime Minister, David Cameron, pleading that the Brexit referendum be held in a different period from the summer Assembly elections, so as to avoid sectarian politicisation of Brexit in Northern Ireland, the date was not changed.[10] Nor was there any specific reference in the UK Government's referendum manifesto to the DAs' concerns and specifically to Northern Ireland as post-conflict region sharing a contested land border with another state. The announcement by the then Northern Irish Secretary of State, Teresa Villiers, that she would support Brexit and that Brexit would not have any impact on the cross-border relationship with Ireland or the peace process, highlighted the relatively low priority Northern Ireland had for British government politicians. However, despite these criticisms before Brexit, there was majority support for devolution in Northern Ireland and Scotland, as Tables 1 and 2 show.

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[6] Michael Keating, *Nations against the State. The New Politics of Nationalism in Quebec, Catalonia, and Scotland*, 2nd ed., Basingstoke, Palgrave Macmillan, 2001, p. 259.

[7] Carolyn Moore, "The Impact of Devolution on EU-Level Representation: British Regional Offices in Brussels", in *Regional and Federal Studies*, Vol. 17, No. 3 (September 2007), p. 284-285.

[8] Scottish official, interview with the author, 19 May 2016.

[9] House of Commons Northern Ireland Affairs Committee, *Northern Ireland and the EU Referendum*, First Report of Session 2016-17, 26 May 2016, http://www.publications.parliament.uk/pa/cm201617/cmselect/cmniaf/48/48.pdf.

[10] UUP, *Ulster Unionists ask the Prime Minister to Address Five Key Areas in Relation to EU Referendum*, 25 February 2016, http://uup.org/news/4128.

Table 1 | Support for independence in Scotland (%)

How would you vote in the Scottish independence referendum if held now? (asked after the referendum)				
	October 2014	**April 2015**	**July 2015**	**May 2016**
Yes	49	42	45	41
No	45	51	50	48
Don't know	6	7	5	12

Source: What Scotland Thinks, http://bit.ly/29lcWfj.

Table 2 | Support for devolution in Northern Ireland - Results for people of different religions (%)

Do you think the long-term policy for Northern Ireland should be for it …				
	Total	**Catholic**	**Protestant**	**No religion**
to remain part of the UK, with direct rule	16	6	24	23
to remain part of the UK, with devolved government	50	44	63	39
or, to reunify with the rest of Ireland?	17	32	4	9
(Independent state)	4	5	2	7
Other answer (specify)	1	2	0	3
Don't know	11	11	7	19

Source: ARK, *Northern Irish Life and Times Survey 2014*, June 2015, http://www.ark.ac.uk/nilt/2014/Political_Attitudes/NIRELND2.html.

In Northern Ireland in 2014, there was also support for the status quo, but by a higher margin than in Scotland.

However, the question is whether after Brexit such support for the status quo will be forthcoming, given the Scottish and Northern Irish vote to remain in the EU. Indeed, as the next sections show, devolution and the GFA in Northern Ireland increased the significance of the EU for both regions, making Brexit a particular threat.

In Northern Ireland, the EU was a central theme in the GFA. It is central to the agendas of the cross-border and British-Irish bodies. In addition, the EU provided generous funding to underpin the peace process and cited Northern Ireland as a model for the EU's peace project. The Special EU Programmes Body (SEUPB) was created to manage EU funds, including the PEACE packages and cross-border funding. Since 1994, Northern Ireland has received 3 billion euros in EU aid. Table 3 shows the amount of aid earmarked from 2014 to 2020.

Table 3 | Northern Ireland Structural Funds and CAP allocation 2014-2020

EU funding 2014-2020	million euros
European Regional Development Fund	308
European Social Fund Programme	183
INTERREG VA	240
PEACE IV	229
European Fisheries and Maritime Fund	24
Rural Development Programme (CAP Pillar 2)	227
CAP Pillar 1	2,299

Source: House of Commons Northern Ireland Affairs Committee, *Northern Ireland and the EU Referendum*, cit., p. 5.

Apart from its importance in the GFA, the EU has been strikingly significant for Northern Ireland generally and also for Scotland in the devolution era, because, in practice, the line is blurred as to where devolved and Westminster competence existed in EU matters.[11] Although formally the devolved authorities do not have power to make decisions with respect to EU policy, 60-80 per cent of legislation in the devolved territories originates in the EU.[12]

In addition, Scottish and Northern Irish actors have asserted their identity and interests in Brussels. The EU has provided a relatively open forum for regional lobbying. Scottish representatives were granted the right to sit at Council meetings in certain areas of Scottish concern, performing a quasi-ambassadorial role. Economic aid and the chance to influence EU policies informally has incentivised such lobbying. The importance of foreign investment, energy and EU common policies to Scotland and Northern Ireland provides powerful incentives for lobbying. Scotland will receive 941 million euro funding from the EU Structural Funds (including agricultural programmes) for 2014-2020.[13]

Therefore, although, officially, only the Westminster administration is represented in the European Council and in the Council, the EU's multilevel institutional framework – and its economic importance encourage lobbying activities. The European Parliament (EP) and the Committee of the Regions (CoR) all have regional representatives. The Northern Ireland executive and the Scottish Government have offices in Brussels, acting as networking and lobbying hubs. In practice, the devolved administrations had access to the UK Permanent Representation and were allowed attend Council working groups, as well as having parliamentary

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[11] Michael Keating, *Plurinational Democracy. Stateless Nations in a Post-Sovereignty Era*, Oxford, Oxford University Press, 2001.

[12] Carolyn Moore, "The Impact of Devolution on EU-Level Representation…", cit., p. 279-280.

[13] Scottish Government website, *Structural Funds 2014-2020*, updated 26 February 2016, http://www.gov.scot/ID3/300850.

offices in Brussels.[14]

In addition, the Scottish government has sent out civil servants on secondment to many national Permanent Representations in Brussels (not just to the UK Representation) to gain experience and networks.[15] In 2015, the Scottish Government appointed a Scottish Representative to the UK Embassy in Dublin, to develop the new Scottish Investment Hub in Dublin and to engage with and lobby the Irish government. Officials from Scotland, Northern Ireland and Ireland often exchange information about EU policy areas that concern them, or legislation that may affect them.[16]

For Northern Irish actors also, the EU has been an important forum for lobbying and networking. Even before the GFA, Ian Paisley, then leader of the DUP and MEP, who had once called the EU a "papal plot," lobbied vigorously with fellow nationalist and unionist MEPs, John Hume (Social Democratic and Labour Party, SDLP) and Jim Nicholson (UUP), to protect farming constituents' interests.[17] Although initially unionists in Northern Ireland were opposed to the idea of EU-funded cross-border cooperation with Ireland, gradually attitudes changed and unionists implicitly supported such programmes and the concept of regionalism.[18] The Northern Ireland Centre in Europe (NICE) was created in 1990 to protect Northern Irish interests. After devolution, the Northern Ireland Executive Office in Europe was created which eventually subsumed the NICE and sought to network and advance Northern Irish interests. Thus before Brexit, the EU was a significant focus of Scottish and Northern Irish attention.

Overall, prior to Brexit, devolution had strong support in Scotland and Northern Ireland, albeit at different levels and for different reasons and the EU dimension to the implementation of devolution was strong. However, perceived English-centric governments were subject to criticism from unionists and nationalists in both regions. The Brexit result highlighted this alienation, by emphasising the gap between Scottish and Northern Irish preferences to remain in the EU and the UK vote to leave. The impact of the Brexit debate on the future constitutional status of the UK is examined in the next section.

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[14] Carolyn Moore, "The Impact of Devolution on EU-Level Representation…", cit., p. 279.

[15] Scottish Government official, interview with the author, 19 May 2016.

[16] Scottish Government official, interview with the author, 1 June 2016.

[17] Etain Tannam, *Cross-Border Cooperation in Northern Ireland and the Republic of Ireland*, Basingstoke, Macmillan, 1999.

[18] Etain Tannam, "Public Policy: The EU and the Good Friday Agreement", in John Coakley and Liam O'Dowd (eds.), *Crossing the Border. New Relationships between Northern Ireland and the Republic of Ireland*, Dublin and Portland, Irish Academic Press, 2007, p. 104-124.

2. Brexit and Scotland and Northern Ireland

Brexit catalysed nationalism in Scotland and met with an immediate nationalist response in Northern Ireland. Two days after the Brexit results, opinion polls in Scotland showed that support for independence had risen to 59 per cent.[19] Some commentators speculated that nationalists in Northern Ireland could also weaken their support for the status quo if economic circumstances worsened.[20]

However, there were contradictions in Scottish and Northern Irish responses to the Brexit campaign and to the result itself, particularly in the SNP's approach, as the next paragraphs show. Officially in the Brexit campaign, the SNP supported a Remain vote, as did Sinn Féin, the SDLP and the UUP in Northern Ireland, but the DUP supported a leave vote. However, there were dilemmas and or/divisions in all the main parties.

For example, for some Scottish nationalists, the EU eroded Scottish national sovereignty. Before the referendum, approximately one third of SNP members supported leaving[21] and the overall Scottish result was not unambiguous. For example, in London, approximately 30 per cent of the electorate voted to leave the EU, with three quarters of the electorate supporting Remain.[22] In Scotland and in Northern Ireland, 41 per cent and 44 per cent respectively supported Leave,[23] so there was a narrower margin of support for Remain than in London. In June 2016, 27 members of the SNP announced their decision to support the Leave campaign,[24] supporting an earlier poll that Scottish nationalists are no more likely than other Scottish voters to support remain.[25] Polls recorded that one third of SNP voters were opposed to remaining in the EU, on the basis that the SNP aimed to achieve full sovereignty, so being in the EU contradicted that aim.

Therefore in the referendum campaign, Nicola Sturgeon (SNP), First Minister in Scotland, was ambiguous about the implications of a Leave vote in England for a second Scottish referendum on independence. While urging voters to vote to remain in the EU, Sturgeon argued that the results of the Brexit referendum should not be linked to Scottish independence.[26] Even if Scotland voted to remain in the EU and England voted to leave, the SNP would not want a referendum on Scottish

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[19] "Poll puts support for Scottish independence at 59%", in *The Scotsman*, 26 June 2016, http://www.scotsman.com/news/poll-puts-support-for-scottish-independence-at-59-1-4163338.

[20] Gerry Moriarty, "Brexit: Border Poll Unlikely for Now But That May Change", in *The Irish Times*, 26 June 2016, http://www.irishtimes.com/news/politics/1.2700593.

[21] John Curtice, "So Just How United Are SNP Supporters on Europe?", in *What Scotland Thinks*, 6 June 2016, http://blog.whatscotlandthinks.org/?p=2494.

[22] "EU referendum: full results and analysis", cit.

[23] Ibid.

[24] BBC Radio 4, Today (Morning News), 3 June 2016, http://www.bbc.co.uk/programmes/b07d6nhz.

[25] John Curtice, "So Just How United Are SNP Supporters on Europe?", cit.

[26] Scottish Government official, interview with the author, 24 May 2016.

independence in the near future, but would wait until independence had a support base of at least 60 per cent.[27]

This nuanced position reflects a divide in SNP leaders' approaches to Brexit. On the one hand, it was reported that for Alex Salmond, former SNP leader, a Leave vote presented a golden opportunity to win support for independence in a second referendum.[28] On the other hand, for a former SNP spin doctor, Kevin Pringle, the complexity of negotiating independence with Westminster, when Westminster itself was negotiating withdrawal from the EU would create a constitutional and economic quagmire.[29] For example, if Scotland joined the Euro, it would no longer have a common currency with England and, in addition, there could be customs controls and other barriers to trade that would hamper the economic success of a fledgling Scottish state. Thus, the SNP's rhetoric in the run-up to the Brexit referendum was slightly confusing in warning that an English vote to leave the EU would lead to increased support for independence in Scotland, particularly from business[30] and particularly if Brexit led to a new more right-wing Westminster government that cut funding to Scotland,[31] but a referendum would not occur quickly in Scotland.[32] Indeed, for one commentator, writing in the last week of the campaign, "Scotland does not look like a country about to make an historic decision on its future. With just a week to go, the European Union referendum campaign is conspicuous by its very absence north of the border."[33]

Apart from a division of SNP opinion about Brexit, the reason for Sturgeon's cautious approach to linking Brexit to an independence referendum was that although:

> Some polls suggest that such a referendum could be won […] it would be a hard sell. The issues of public finance and the currency that held them back in 2014 are even more acute now. The price of oil is down. Sharing the Pound would be even more difficult than it was in 2014 if Scotland were

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[27] Nicola Sturgeon, *Opening speech at the SNP annual conference (#SNP15)*, 15 October 2015, http://www.snp.org/_snp15_nicola_sturgeons_opening_speech.

[28] Colin Kidd, "Brexit: The Golden Opportunity That Could Become Sturgeon's Nightmare", in *The Guardian*, 14 January 2016, http://gu.com/p/4fzbq/stw.

[29] Simon Johnson, "SNP Split over Nicola Sturgeon Referendum Strategy", in *The Telegraph*, 18 October 2015, http://www.telegraph.co.uk/news/politics/SNP/11939276/SNP-split-over-Nicola-Sturgeon-referendum-strategy.html.

[30] Angus Robertson speech to Hewlett Packard, London, 6 June 2016. See "SNP's Angus Robertson warns of Scottish Independence Bid in Event of Brexit Vote", in *Belfast Telegraph*, 6 June 2016, http://www.belfasttelegraph.co.uk/news/northern-ireland/snps-angus-robertson-warns-of-scottish-independence-bid-in-event-of-brexit-vote-34776955.html.

[31] Nicola Sturgeon speech at the centenary congress of the Royal College of Nursing, 20 June 2016, https://www2.rcn.org.uk/newsevents/congress/2016/news/Keynote-speech-from-Nicola-Sturgeon.

[32] Simon Johnson, "SNP Split over Nicola Sturgeon Referendum Strategy", cit.

[33] Peter Geoghegan, "Scottish Politicians Back EU but Public Weary of Brexit Opinion Polls", in *The Irish Times*, 15 June 2016, http://www.irishtimes.com/news/world/uk/scottish-politicians-back-eu-but-public-weary-of-brexit-opinion-polls-1.2684662.

within the EU, subject to one set of financial regulations and the UK outside, subject to another.[34]

However, when the results were announced, Nicola Sturgeon quickly stated that a new independence vote was "definitely on the table."[35] The day after the results, she announced that legislation would be put in place by the Scottish government to allow a referendum in the next year. She also invited EU leaders to meet in Edinburgh in late June to discuss Scotland's position. Arguably such was the groundswell of dismay at Brexit that the SNP now feels more confident that independence may obtain 60 per cent support within a year. However, an SNP spokesperson stated that the referendum would not be imminent, as there would be a period of "constitutional wrangling"[36] and various discussions with Westminster and with the Scottish Parliament. In addition, he cited Greenland as an example of a case where part of a state left the EU, but the other part, Denmark remained, hinting that perhaps such a solution could be found for Scotland.

In Northern Ireland, like the SNP, Sinn Féin, the DUP and the UUP faced a dilemma in their Brexit campaign. Arlene Foster (DUP) announced that the DUP supported Brexit,[37] but in deference to unionist farmers' worries about losing CAP payments, she stated that all DUP members should reflect on their own decision. Similarly, in Northern Ireland, nationalist Sinn Féin have not supported EU membership in the past, arguing that the EU eroded national sovereignty. Although they supported the Remain side, the decision to do so was not straightforward, given the EU's implementation of austerity policies during the Irish economic crisis and Sinn Féin's deep opposition to neoliberal policies. However, the DUP's decision to support Brexit implied that Sinn Féin would take the opposite position, given the partisan nature of party politics in Northern Ireland. The UUP supported the Remain side, but it delayed in deciding, as its leadership was concerned about damaging its vote share in the May 2016 Assembly elections.

Thus, even more than in the Scottish case, where the majority party in government, the SNP supported Remain, despite divisions, the Brexit debate in Northern Ireland was very low key:

> It does seem as if the debate in Northern Ireland has lacked the intensity that party politics in Westminster has given it. Power-sharing between parties with differing views has meant the Northern Ireland Executive has

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[34] Michael Keating, "The Only Constant is Change", in *Centre on Constitutional Change Blogs*, 15 March 2016, http://www.centreonconstitutionalchange.ac.uk/node/2113.

[35] "Sinn Féin Wants a Vote on a United Ireland after Brexit and a Second Scottish Referendum Is on the Way", in *TheJournal.ie*, 24 June 2016, http://jrnl.ie/2842816.

[36] Stephen Gethins, "SNP Responds to Brexit", in *Highlights from Moncrieff*, 24 June 2016, http://www.newstalk.com/podcasts/Moncrieff/Highlights_from_Moncrieff/145711/SNP_responds_to_Brexit. See also Jack Quann, "'Scotland Has Been Taken out of the EU against Its Will' - SNP Ponders Second Referendum", in *NewsTalk*, 24 June 2016, http://www.newstalk.com/reader/47.301/75773/0.

[37] Brendan Hughes, "EU Referendum: Arlene Foster Joins Theresa Villiers on Brexit", in *The Irish News*, 22 February 2016, http://www.irishnews.com/news/2016/02/22/news/-425429.

not been able to articulate a clear position around which debate can focus in the way that has been the case in Scotland, for instance. This relatively muted debate appears to contrast with the situation in the Republic of Ireland, where there has been substantial attention devoted to a Brexit and the possible consequences south of the border.[38]

However, when the Referendum results were announced, Sinn Féin immediately called for a referendum in Northern Ireland on Irish unity, "a border poll."[39] Even if Sinn Féin's initial reaction reflected political posturing and the Irish government was quick to say there would not be a border poll, nationalist reactions undermine unionist security in Northern Ireland as well as potentially undermining the GFA itself. In the conclusion, the implications of Brexit for the future of the UK as unitary state are assessed.

Conclusion

The UK vote to leave the EU has changed utterly relations in the UK. It has divided age groups and regions and most of all it may well contribute to the break-up of the UK. Scotland and Northern Ireland were not necessarily more europhile than the rest of the UK. Like the UK, they had their share of eurosceptics. However, the Brexit vote was on a different plane from mere euroscepticism. The decision to leave the EU was met with dismay by most people in Scotland and by many people in Northern Ireland. It is very possible that in Scotland many of those who had not supported independence in 2014 will support it in a second referendum because of Brexit and the chaos left in its wake. However, there are some caveats to the argument that Brexit has precipitated the break-up of the UK. Firstly, as regards Northern Ireland, the DUP, the party with the largest support base in Northern Ireland, supported Brexit. Secondly, Northern Ireland's status in the UK is enshrined by the GFA for as long as the majority supports it. Even with Brexit, it is equivocal that a majority in Northern Ireland would support Irish unification, or would jeopardise the GFA, after a hard-won peace. Thirdly, Scottish voters were not overwhelmingly supportive of the Remain side, so the SNP will be cautious on the timing of a referendum.

Finally, the UK as a unitary state rests also on the specific agreements made between the UK and the EU in the aftermath of the Brexit referendum and on whether Scotland and Northern Ireland do carve out a deal that allows them remain in the EU, even if the UK leaves. Arguably, there is time to work out suitable arrangements for Ireland, the UK and Northern Ireland, as some commentators state that Brexit could take five years or more to work out. There are four possible outcomes, as

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[38] House of Commons Northern Ireland Affairs Committee, *Northern Ireland and the EU Referendum*, cit., p. 3.

[39] "Sinn Féin Wants a Vote on a United Ireland after Brexit and a Second Scottish Referendum Is on the Way", cit.

regards Scotland and Northern Ireland:

1. The UK leaves the EU, but is part of the Single Market, so free movement and travel continues between Ireland and the UK.
2. Scotland and Northern Ireland leave the EU and a caveat is made to allow Ireland and the UK maintain their Free Trade Area (dating from 1935).
3. Scotland and/or Northern Ireland leaves the UK and stays in the EU, or rejoins the EU at an accelerated speed.
4. Scotland and/or Northern Ireland stay in the UK and remain in the EU.

The first option, the "Norway option," has been mooted and even supported by some in the leave campaign.[40] However, it would be difficult to reach a consensus among Leave campaigners about this option. The UK would pay into the EU budget, but would have no control over that budget. In addition, given the centrality of migration to the debate, the Norway option would oblige the UK to allow free movement of labour, that is migration. The second option would be pushed by Irish governments, if the first did not occur, but it is unclear how far Ireland could push it through, unless the Northern Ireland post-conflict situation aided its cause. The EU's key fear is that by making exceptions for the UK, it sets a precedent for other countries who might leave – "contamination."

It is currently unlikely that Northern Ireland would leave the UK, given the GFA. However, if economic fortunes changed drastically, then this likelihood could increase. Under the GFA's security net, "many nationalists have been content to remain in the UK because of the economic security it brings, because of the British National Health Service, because of the strength of sterling."[41] However, if the UK leaves the EU, the economic rationale for nationalists to stay in the UK could diminish and Catholics now comprise 45 per cent of the Northern Irish population and Protestants 48 per cent.[42] Indeed, the US diplomat, Richard Haass, has stated: "In five years there will no longer be a UK. Scotland will be independent and part of Europe. Less certain, but quite possibly, all or part of Northern Ireland will join Ireland."[43]

As regards Scotland, the last two options seem the most likely ones – Scotland holds a referendum in roughly a year and a majority support independence before the UK's departure has been ratified by the EU. Alternatively, Scotland and Northern Ireland opt to stay in the EU, following the Greenland example. This latter option may well be workable:

> Many UK dependencies – including three members of the British-Irish Council, Jersey, Guernsey and the Isle of Man – are currently not part of

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[40] Newsnight exchange with Brexit MEP Daniel Hannan, in *BBC News*, 25 June 2016, http://www.bbc.com/news/uk-politics-eu-referendum-36628894.

[41] Gerry Moriarty, "Brexit: Border Poll Unlikely for Now But That May Change", cit.

[42] Ibid.

[43] "How Brexit Will Change the World", in *Politico Magazine*, 25 June 2016, http://www.politico.com/magazine/story/2016/06/brexit-change-europe-britain-us-politics-213990.

the European Union. So it's already true that sovereign states, including the UK, have parts of their territories subject to their sovereignty within the European Union, and parts of them outside. The terms of the foundational treaty, the Treaty of Rome, also envisioned associate status – they were designed for the UK.[44]

In practice, the now vacated UK Commissioner's role could be kept, but the appointment could be rotated between Scotland and Northern Ireland, in a 3:1 ratio over time, reflecting Scotland's greater population. The Commissioner would be nominated by the relevant government and appointed by the UK government. (A judge to serve in the European Court of Justice could be nominated in the same way.) The retention of one Commissioner and their MEPs would give Scotland and Northern Ireland a say in agenda-setting and in law-making and it would remove any UK ministerial veto over EU decision-making.[45]

However, whether the EU would agree on allowing Scotland enter separately is questionable. In particular, Spain may object, fearing a precedent for Catalonia.

Overall, writing in early July 2016, the precise significance of the Brexit referendum for the future of the UK as a unitary state is not definite. However, it is clear that Brexit has acted as a catalyst for calls for another referendum in Scotland and that if that referendum is held, some Scottish voters will move to the independence camp and it may well win majority support. It is also clear that Brexit is not a cause of Scottish independence – the roots of Scottish nationalism are far deeper and have evolved over decades. Those roots lie in a perception that Westminster has ignored Scottish interests and that successive governments, but particularly Conservative governments, have dismissed their interests. Northern Irish actors also share this perception. It is very likely that there would have been constitutional change in the UK, culminating in either Scotland leaving the UK, or a federal UK system being created, even before Brexit. So Brexit is not the cause of Scottish nationalism, but it has accelerated the nationalist cause immensely.

Brexit's impact on Northern Ireland is less certain and given the political elite support for Brexit, the peace process and the GFA, it is unlikely that Northern Ireland will withdraw from the UK. Time will tell whether the EU will make allowances for the cases of Northern Ireland and Ireland and will allow free travel and trade, despite Brexit. Apart from the UK itself, the most immediate impact of Brexit will be on Ireland. It is certain that the British-Irish relationship will be deeply central to managing Northern Irish politics and any dismantlement of the GFA will only take place with the consent of both governments and a majority in Northern Ireland. It is also certain that Irish relations with Scotland will deepen, given Ireland's status in the EU. UK-Irish relations will also remain close, given their common interests (for

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[44] Brendan O'Leary, "Detoxifying the UK's Exit from the EU: A Multi-National Compromise Is Possible", in *BrexitVote Blog*, 27 June 2016, http://wp.me/p6zUkq-V8.

[45] Ibid.

example, Northern Ireland, culture, emigration and trade). UK politicians will seek to lobby Irish ones for support in the EU. Irish governments will have to balance supporting the UK with supporting the EU and also Scotland. Irish governments will also have lost an ally in bargaining in the EU, where they and their British counterparts often agreed in many areas.

Overall, the Brexit referendum result has brought the EU, the UK and Ireland into uncharted waters. Its exact effects will depend on the UK's withdrawal process, the EU's terms, British-Irish governmental cooperation, as well as on Northern Irish and Scottish political and economic priorities. What is without doubt is that, after years of austerity and economic turbulence, particularly for Ireland and the UK, there are even more turbulent years ahead.

Updated 18 July 2016

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