



CHATHAM HOUSE

Chatham House, 10 St James's Square, London SW1Y 4LE  
T: +44 (0)20 7957 5700 E: [contact@chathamhouse.org](mailto:contact@chathamhouse.org)  
F: +44 (0)20 7957 5710 [www.chathamhouse.org](http://www.chathamhouse.org)

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## Parliamentary Evidence

# The Foreign Policy Implications of and for a Separate Scotland

Professor Richard G Whitman

University of Kent and Associate Fellow, Europe Programme, Chatham House

Dr Andrew Blick

University of Kent and Senior Research Fellow at the Centre for Political and Constitutional Studies, King's College London

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## About the authors

The submitters of this evidence are working on a joint University of Kent/Federal Trust project investigating the bilateral foreign policy of the European Union. Dr Blick's recent publications include, with Prof. Peter Hennessy, *The Hidden Wiring Emerges: the Cabinet Manual and the working of the British constitution* (ippr, 2011). Professor Whitman is an academic and commentator working on the EU's foreign, security and defence policy and has previously presented written and oral evidence to the Foreign Affairs Committee on EU matters.

## Summary

The evidence submission focuses on the implications of UK EU policy if Scotland secedes from the United Kingdom. It argues that the impact for the UK would be profound and irreversible and lead to a significantly diminished role for the UK within the European Union.

## Evidence

### *The impact of Scotland's independence for a rump UK*

1. Under devolution a wide range of domestic policy powers have been handed to the Scottish Parliament and Government, and more responsibilities still might be shifted to Edinburgh if Scotland does not secede. But it is only under independence that Scotland could determine its own foreign and European policies. In this area, therefore, it is possible to identify some of the real differences that would be made by the separation of Scotland from the UK. Consequently the decision of the Committee to investigate this previously under-considered aspect of the Scottish independence debate is sound.
2. In the following evidence we focus primarily on the European implications of secession, as well as the overall diplomatic standing of the UK, certain other policy areas, and give brief attention to the foreign policy options available to an independent Scotland.
3. The implications for the rump UK's role in Europe and the EU post-Scotland independence would be profound and irreversible. Accompanied by the rump UK's likely continuation of its position outside the Eurozone, and the possible transition of monetary union into a deepened fiscal and political union, a status as a European diplomatic Lilliputian is one credible scenario.

*Reduced influence for a rump UK*

4. The impact for a reduced-size UK would be five-fold:

5. First, diminished material resources for the conduct of foreign, security and defence policy. It can be anticipated that the terms of any Scottish independence settlement would require diminished public expenditure to a level commensurate with the UK's reduced population. The UK's diplomatic, security and defence infrastructure could be expected to shrink and with difficult choices to be faced on areas of priority for expenditure. The rump UK would be faced with a diminished capacity to give effect to its foreign policy ambitions.

6. Second, diminished perceptions of the UK's diplomatic weight and influence as a direct consequence of the reduction in the UK's population size, economy, cultural and public diplomacy and shrinking of military capabilities. The UK would slip from being a super-charged global middle power to a middle-player in Europe.

7. Third, the UK would face external pressure for its representation within regional and international organisations to be renegotiated and might experience difficulties in sustaining its seat on the United Nations Security Council (UNSC). The UNSC issue would be partly contingent upon how the status of the UK nuclear deterrent and its reliance upon Scottish territorial resources was determined. But a substantial reduction in the UK role in regional and international organisations outside the EU would reduce the authority of the UK inside the EU's Common Foreign and Security Policy (CFSP).

8. Fourth, there is a soft power dimension. The cultural reach of the rump UK would be lessened as its contacts with the Scottish Diaspora were severed. Furthermore the prestige of the UK as a successful multinational state would be compromised by the loss of a major territory within it; and uncertainty would be generated about whether further secessions might follow, serving to question the status of the rump UK on the international stage.

9. Fifth, various complex legal issues could arise. The most obvious involves the legal terms of membership of the EU of both Scotland and the rump UK. But there are other matters as well. The existence of the UK as a state has a complicated position in international law. It is founded in a treaty between England (incorporating Wales) and Scotland, which created Great Britain; followed by Acts of Union between Great Britain and Ireland. The constitutional status of Northern Ireland is also subject to an international agreement, the Belfast Agreement of 1998.

10. An independent Scotland might raise questions on the level of international law about how far the complex structure of the UK had been unpicked (for instance, if Great Britain – which is England and Scotland – did not exist, what would be the implications for the UK, as a union between Great Britain and Northern Ireland?), These issues would not necessarily ultimately prove to be problems in practice, but might create an aura of uncertainty around the UK state.

*A reduction of influence within the EU*

11. Each of these impacts would have significant implications for the UK's EU and European policies:

12. The UK would cease to be one of the EU's 'big three' member states alongside France and Germany and may face a diminished capacity for influence within EU institutions and in its bilateral relationships with EU member states. One impact may be to experience diminished opportunities for leadership and coalition building within the EU on issues of UK national interest. Further, the claim on significant leadership positions within the EU institutions (such as President of the European Council, President of the European Commission and the expectation of weighty Commissioner portfolios) may be retarded.

13. Further, the UK may experience a loss of influence with the United States if its capacity to exercise influence on EU policy-making is diminished.

14. Of key concern would be the UK's capacity to exercise its current level of influence on the direction of the European Union's defence policy. A rump UK with a reduced military, and capabilities subordinate to those of France, would lose its position as an EU defence policy agenda-setter.

15. The rump UK could be assumed to face a reduction in its vote allocation under Qualified Majority Voting (QMV) and a reduction in seats in the European Parliament. The moderating effect of the UK on processes of EU legislation may diminish.

*Determining UK positions in the EU*

16. Within the Scottish independence movement, the ability of Scotland to take its own positions over EU business, including in the Council of Ministers, is perceived as a major benefit that could be obtained for Scotland through secession from the UK. At present, though there are mechanisms for the

devolved administrations to be consulted over European business, there can be only one UK position within the EU.

17. On the one hand, there might be some gains for the rump UK. The UK government at present faces difficulties when seeking to represent UK interests at EU level in policy areas which are devolved. Distinguishing its status as a UK government from that of an 'English' government can be complicated and it can be criticised for failing to do so satisfactorily. Equally the devolved areas may feel that they do not have sufficient input in these areas. This problem might be lessened if there was no longer a Scottish position to take into account in areas such as fisheries. But the UK government would still have to take into account the different needs of Northern Ireland and Wales, both of which territories might become more assertive regarding their interests following Scottish secession.

18. On the other hand, the rump UK would also be faced in Scotland with a new neighbour which was able to pursue its own interests independently and take at EU level its own positions on matters affecting the rump UK, which might sometimes contradict the interests of the rump UK.

#### *Immigration policy as cause of bilateral foreign policy dispute*

19. If Scotland were to pursue an immigration policy which differed substantially from that of the rump UK, difficulties would arise, given the likely porous nature of the border and the probable existence of a passport union. A less liberal policy than the rump UK on the part of Scotland (an unlikely proposition) would pose problems for Scotland; while a more liberal policy by Scotland, perhaps involving the encouragement of inward migration from within the Scottish Diaspora, would create difficulties for the rump UK. Full Scottish accession to the Schengen area, if sought, would raise similar issues.

#### *Impacts for an independent Scotland*

20. It should be noted that Scottish secession would make a substantial difference to Scotland in the field of foreign and European policy. While at present many aspects of domestic policy are already devolved to the Scottish Parliament and Government, external policy including foreign affairs and intelligence and security remains reserved, and would continue to do so even were some form of devo-max or devo-plus introduced. Therefore, independence would make a key difference in this area. For this reason, it

should be discussed fully in the debate leading up to the independence referendum, both within Scotland and the UK.

21. As we have suggested, one important change for Scotland would be its ability to take its own positions in the EU. Other issues also merit attention when the external policy of an independent Scotland is considered. For instance, might Scotland move away from the conduct of diplomacy being carried out largely under the Royal Prerogative, as it is in the UK, and introduce a stronger dimension of parliamentary oversight of foreign and European policy?

22. The Scottish Parliament might be provided with the ability to mandate ministers before they attend international and European negotiations. This practice is followed in some of the Nordic states to which proponents of independence often compare Scotland. Indeed the Nordic model might be more widely applicable, since Scotland, like some Nordic states, could well become a power which seeks to wield its international influence acting as a part of the EU, rather than attempting to achieve independent global reach. The rump UK might do well to consider this stance also.