



Policy Paper

**European Union Views of the UK post-
Brexit and of the Future EU-UK
Relationship**

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About the Author

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Executive Summary

This paper analyses how the UK is currently perceived across the EU, how the future EU-UK relationship is considered in the medium term, and how the UK's constitutional strains are understood. It draws on 18 in-depth, off-the-record interviews across 11 EU member states and in Brussels.

Current Views of the UK

Overall, the UK's image, reputation and influence is seen as having been badly damaged by the decision to leave the EU and by the way UK politics have unfolded since the June 2016 vote, including its relationship with the EU. Where the UK had previously been commonly seen as a pragmatic, serious and highly influential player in European affairs, it is now seen as unreliable, unpredictable and having lost substantial influence by no longer having a voice and vote within the EU. For many member states, a long-standing ally and partner in EU affairs has been lost and a new relationship both bilaterally and between the EU-UK needs to be built.

There has been surprise at the way the UK – both government and parliament – has handled the Brexit process. It appears to many that the UK government does not know what it wants, only what it does not want.

Trust in the UK has been severely damaged, in particular by the clauses in the UK's Internal Market bill that renege on the 2019 Withdrawal Agreement. This loss of trust is profound, leading many to question whether the UK can be trusted when it signs future agreements.

The Future EU-UK Relationship

Despite the dismay at Brexit, and the unflattering views of the current UK, there is widespread agreement that the UK remains a significant European country, albeit a medium-sized global player. It will remain an important neighbour to the EU. There is much openness to building a strong, close and creative partnership in the coming years – with hopes that such a relationship could build on the agreement of a basic EU-UK free trade deal. EU member states are particularly keen to develop closer foreign policy and security relationships and cooperation on climate change.

There is less enthusiasm for aiming to further strengthen the economic partnership at least in the next two years or so, though inevitably there will be consultations around the practical implementation of any agreement. The possibility of the UK re-joining the EU in the future is seen as unlikely by most, with even ten years being soon as too soon. However, this will depend how the EU and UK develop in that time, and in particular whether the EU moves towards more differentiated integration, perhaps opening up the possibility of the UK joining an outer tier.

There is also substantial Brexit fatigue and frustration and different views on whether and how fast a stronger relationship could be built in the future – the ball is seen as lying in the UK's court. The EU faces many other challenges and the UK is not near the top of its priority list.

The UK's Constitutional Strains

There is a varying degree of attention to the UK's constitutional strains across the EU. Some, notably in the larger EU member states and in those states neighbouring the UK, are alert to the tensions and the potential fragmentation of the UK. Others are less aware or less focused on the issue. There are concerns around the UK potentially becoming more unstable if its union did break up. At the same time, that Northern Ireland would be part of the EU in the case of Irish reunification is accepted.

EU member states and institutions clearly expect to stay neutral in the face of either a border poll in the Republic of Ireland and Northern Ireland, or any future Scottish independence referendum.

There are also concerns, notably because of Catalonia, that any future Scottish referendum should be legally and constitutionally sound and done in agreement between London and Edinburgh. If Scotland chose independence in that context then there is broad openness to Scotland having a normal accession path to the EU. There is a range of views on how rapidly and easily, or not, that path would unfold. At the same time, a future accession to the EU of an independent Scotland is seen as considerably more straightforward than the current accession paths of the western Balkans candidate countries, not least as Scotland was in the EU, as part of the UK, for 47 years.

Overall, it is inevitable, given geography and the economic, political, cultural and security ties between the two, that the UK and EU will continue to have a relationship – however positive or fractious that relationship will be.

Introduction¹

Since the momentous UK vote to leave the European Union on 23 June 2016, the Brexit process has been a slow and tortuous one. The UK finally left the EU on 31st January 2020, just before the Covid pandemic became centre stage in Europe.

There have been many other big European and international issues, challenges and changes facing the EU in the last four and a half years, including major geopolitical changes and, since early 2020, the extraordinary and continuing challenges from the Covid-19 pandemic. Brexit, and the UK's relationship with the EU, has slowly slid down the EU priority list over these four and a half years.

The UK will now leave the Union's customs union and single market, as the Brexit transition period ends, on 1st January 2021. It will mark a sea-change in EU-UK relations.

At the same time, on 20th January 2021, Joe Biden will become the 46th President of the United States. The US moving on from the Trump era marks another sea-change that has been strongly welcomed across the EU and more widely. The new US administration will also provide a substantial change of context for future EU-UK relations in the coming four years.

The Brexit process since June 2016 has been a very bumpy one both in terms of internal UK politics and constitutional strains and in terms of EU-UK relations. The UK has, by choice, become a significant new player in the EU's neighbourhood rather than a major player inside the EU.

This paper looks at three main dimensions of this Brexit process and the future EU-UK relationship from an EU point of view.

Firstly, it asks how the EU and its member states now look at the UK, its image, reputation, influence, governance and government after the last four and a half years. Secondly, it asks what are the hopes and fears, goals and concerns, across different member states, and in Brussels, for the more longer term EU-UK relationship in the coming two to five years and beyond. Thirdly, it asks how different EU observers assess the current constitutional strains within the UK, with a particular focus on the independence debate in Scotland.

The recent focus of analysis of EU-UK relations has inevitably been the negotiations on a free trade agreement, after the Withdrawal Agreement of 2019², and on whether or not there will be a deal or a precipitous 'no deal' outcome. Yet what is clear is that however good or fractious a future relationship the EU and UK have in the coming years, there will have to be a relationship of sorts. Even with a deal, there will be much left to discuss on a continuing basis³. The EU and UK are, and will remain, neighbours and trading partners and where the relationship goes next and how it develops is important for both. Whether the relationship is deep or shallow, difficult or constructive, of more priority to one side than the other, it will be there. This

paper aims to look at where, from an EU point of view, that relationship is now and may go next.

The paper draws in particular on 18 in-depth interviews carried out with diplomats, politicians, officials, academics, think tank experts, journalists and other commentators across 11 member states and in Brussels. The member states covered were: Czech Republic, Denmark, Finland, France, Germany, Ireland, Italy, the Netherlands, Poland, Spain and Sweden.

Section One: EU Views of the UK

In June 2016, the UK voted by 51.9% to 48.1% to leave the European Union. Both England and Wales had majorities for leave (though notably London voted remain) while Scotland and Northern Ireland had majorities for remain. These marked differences across the UK exacerbated existing constitutional strains and has added to debate in Scotland about independence, and in Northern Ireland and in the Republic of Ireland, about Irish reunification. As successive UK governments slowly clarified and then hardened the UK position on Brexit, the question of the Irish border, the Good Friday Agreement and the peace process also came to the fore as a core issue in the Brexit talks.

EU views of the UK, four and a half years after the Brexit vote, are multi-dimensional and wide-ranging – and notably mostly negative, though with more shaded views on foreign policy in particular. The initial widespread surprise, concern and dismay at the vote have been followed by a range of views and assessments. That the UK is a significant state in the neighbourhood of the EU both in trade, security and foreign policy terms is well recognised. And there is a broad wish across the EU to build a positive relationship with the EU. But the current image and reputation of the UK in EU eyes is seriously damaged compared to before the 2016 vote.

British politics has gone through a turbulent period since 2016, including general elections in 2017 and 2019 (despite there having been one in 2015) and having had a succession of three Conservative prime ministers: David Cameron, Theresa May and Boris Johnson. This succession of prime ministers reflects deep and sustained disagreements, factionalism and infighting in the Conservative party over Brexit and over the type of Brexit to pursue – a battle that has more often been ideological than analytical or fact-based. At the same time, the opposition Labour party was for most of that period, under the leadership of Jeremy Corbyn, deeply divided on how to respond to the Brexit vote.

EU Views of the UK and the Brexit Process

All these political developments have been carefully observed across the EU. The initial range of reactions to the Brexit vote in June 2016 ranged from shock and surprise to dismay, disappointment, some anger (including at how the remain campaign was run) and concern at the state of UK politics. Nonetheless, the EU moved fairly swiftly to establish its own positions on how

to handle the UK's departure from the EU and how to protect its own interests including its unity.

Four and a half years later, across the EU, there is considerable consensus that Brexit has not been as damaging for the Union as it could have been. The extent of EU unity in the negotiations with the UK has been welcomed and there is widespread support for the centrality of the role of Michel Barnier and his team in coordinating the process from the EU side.

Fatigue, Frustration, Surprise and Concern

The Brexit process has been lengthy. Across different EU capitals, there is a strong feeling of fatigue with such a lengthy process and a common perception that the UK is still negotiating with itself. Many observers and participants in the process consider that the UK still does not know what it really wants – only what it does not want. There is, even now, still considerable surprise and disappointment at the perceived capture of the Conservative party by right-wing populists. The ease with which this was done – akin to the same populist take-over in the US of the Republican party – is also frequently commented on.

The multiple factions in the Conservative party, and the weakness of the opposition, are seen as key drivers of the erratic, unstable and chaotic approach to Brexit taken by the UK over the last years. Its politics have become increasingly unpredictable. At the same time as a considerable EU focus on the bizarre and divisive factions playing out in the Conservative party and government, there has been some surprise and concern at the weakness of the UK opposition parties, notably Labour. In Spain, for instance, the Spanish socialists had anticipated discussions with a remain-backing Labour opposition given, from a Spanish point of view, the strong social and labour protections the EU provides. But, of course, Labour's position was more fudged and accepting of Brexit than that (albeit agreeing to another EU referendum in the December 2019 election but without saying what it would campaign for).

This is also a process that is seen by many to have deteriorated in some ways since Boris Johnson became prime minister. There had been hopes that Theresa May's approach, when she was prime minister, would prevail – an approach that was seen as aiming to bring the UK closer to the EU than anything seen from Johnson, and one that was seen as more rational and coherent (given over time May moved away from some of her red lines – shifts that were welcome for the EU). However, the chaotic scenes and politics of Westminster in 2019, the repeated rejection of May's Withdrawal Agreement, and Johnson then becoming prime minister, meant it became, and remained, harder to see what the UK wanted out of the UK-EU talks. This is not to say that there were particularly warm relationships with Theresa May and other EU leaders. Notably, President Macron is said to have a closer relationship with Boris Johnson – but this has not meant any weakening of France's tough stance on EU-UK talks.

Hopes for a Positive Relationship

While the sense of Brexit fatigue and frustration is common across capitals, and in Brussels, many member states still recognise the importance of having as positive a relationship as possible with the UK. The UK, despite its considerable political problems and chaotic approach to Brexit, is a major European country both in trade and security terms, albeit medium-sized on the world stage. But Brexit and the UK is not the priority it was four years ago. A recent study⁴, from the European Council on Foreign Relations 'coalition explorer' found that, across 20 policy areas, UK policy only ranked in 16th place across the EU as a whole. Ireland was the only exception - there, experts ranked UK policy as 2nd most important but Ireland was the only member state to rank the UK within the top five priority areas. The top five policy priority areas for the EU27 as a whole were: fiscal, migration, climate, market (trade), and digital policy.

Brexit has posed deep challenges to Ireland's economy and politics and to the peace process, the Good Friday Agreement and the Irish border. The implementation of the special protocol for Northern Ireland in the Withdrawal Agreement (including the UK government's reneging on parts of it in the Internal Market bill) is proving challenging too. It is not, therefore, surprising that the UK remains more of a priority for Ireland than elsewhere. The challenges to East-West and North-South relations between Ireland, Northern Ireland and the rest of the UK have been major. Nonetheless, Ireland has worked to maintain good relations with the UK. Notably, Ireland embarked on an extensive and successful diplomatic strategy after the Brexit vote which ensured the Good Friday Agreement and the Irish border were, and remain, core to the EU's approach to Brexit.

It is also the case that nearer neighbours to the UK, including the Netherlands and the Nordics, in many ways, despite Brexit fatigue and irritation, keep more of a close watch on the talks than may be the case in Prague or Warsaw and other central and east European member states. Equally, while there are plenty of bigger challenges now for the EU's largest member states – from the Covid health and economic crisis to counter-terrorism, migration and climate change – France, Germany, Italy and Spain all know that the relationship with the UK cannot simply be ignored and have continued to engage diplomatically and politically (including in developing bilateral relations).

No Success for UK Divide and Rule

The UK's occasional attempts over the last four years to divide and rule across the EU member states came to nothing. Not even in Hungary and Poland, whose more populist administrations might have been seen as a weak point in terms of bilateral side-deals, has there been any stepping back from the EU's common positions. Certainly, different EU leaders have played different roles – France's President Macron seen by some as more of the 'bad cop' compared to the calmer approach of German Chancellor Angela Merkel, or the quieter, behind-the-scenes efforts of the Dutch prime minister Mark Rutte to ease tensions. But all have been clear on the need to defend the EU's core interests – its single market, its political unity, its institutions, and its

legal order. UK cherry-picking has been resisted as well as its divide and rule efforts.

Loss of an Important EU Partner

Amidst expressions of dismay and frustration in different capitals, there is, even now, acknowledgement of sadness and disappointment at the UK's departure. As one of the big three member states, the UK played an influential and important role. Smaller member states such as the Czech Republic, Finland, Denmark, Sweden and Ireland have lost a country they saw as an ally in many ways – on trade, on a free market approach, on the rule of law, as the heavy-weight non-euro member state (for those including Denmark, Sweden and Poland outside the euro). Indeed, the non-euro group is now seen to have lost most or even all its weight as a grouping. For the Netherlands too, the UK was an important ally. And while, on the one hand, some see the Netherlands as weakened somewhat in the EU in the face of the UK's departure, others see a positive effort to step up and take over some of the UK's prior leadership role and alliances in areas such as the single market and trade.

Larger member states also broadly regret the UK's departure. In Spain and Italy, as well as in smaller member states, there is a clear view that the UK helped to balance to some considerable extent the power of the Franco-German relationship – even if, especially for Spain, overall political positioning compared to the UK on strategic EU issues was often not on the same lines. Some believe France now takes Spain and Italy for granted in terms of broad strategic positioning within the EU. Meanwhile, for some in Italy's elites who used to look to the UK as a model of a stable democracy, the UK now looks like a cautionary tale.

Germany itself often had common positions especially on trade with the UK, and the UK and Germany saw eye to eye on many major policy developments from the EU's single market to the enlargement of the EU after the Berlin Wall fell. Some suggest that France was perhaps the only member state that initially saw some potential pluses from the UK departure – and that Brexit, for some, validated de Gaulle's initial double vetoing of the UK joining back in the 1960s. At the same time, France knows that it has foreign policy and security interests in common with the UK, as the two heavy-weight security players on the European scene, and with both having a UN Security Council seat. Nonetheless, President Macron's strategic aims for the EU are seen by some as likely easier to push forward in the absence of the UK, though others doubt how much consensus there is on the future direction of the EU. Overall, what is clear is that the UK's departure has provoked a substantial re-orienting of alliances within the EU across member states both large and small⁵.

Concern and Dismay at UK Politics

The experience of dealing with the UK in the four and a half years since the vote has left many appalled and concerned at the state of the UK's politics and governance – and with many hoping in Brussels and member state capitals that it is just a transient phase, however damaging. The UK used to be seen across different EU capitals as a stable, democratic, pragmatic and

professional partner. It may fairly frequently have been one of the awkward squad but often with some good arguments or interests in play. The UK's diplomats were seen, by and large, as highly effective and professional.

UK Reputational Damage

This UK reputation has now largely been decimated over the last four and a half years. The UK – its government, prime minister, politics and democracy – is often referred to with some derision or even *schadenfreude* as well as concern, irritation and surprise. Boris Johnson now has a large majority but he and his government are also seen as not knowing what to do with that power. Johnson is seen, by many, as a risible figure not a serious player.

In discussing the UK, observers in different capitals say there is often cynicism and/or sarcasm – respect has faded away. In countries such as the Netherlands or Germany where the media still cover Brexit, there are repeated images of political chaos, of the UK's undermining of its own democracy and values (such as the prorogation of parliament saga in 2019) and of being untrustworthy. Those close to the Brexit talks have been very unhappy at how the UK has handled the negotiations. The UK is seen as having gone out of its way to be offensive and hostile – with negative effects on relations with the EU. The UK playing to its own gallery is seen as a naive, erratic and at best unhelpful way to approach international talks.

The UK's inept handling of the Covid crisis is also noted in some capitals despite serious problems in several EU member states. The lack of engagement from the UK in EU joint procurement programmes in the context of Covid has also been noted. A recent Pew Research Centre poll⁶ did show significant more support for the EU's handling of Covid-19. Across the eight EU countries polled in summer 2020, a median of 61% said the EU had done a good job in handling the Covid pandemic (with highest support in Germany and the Netherlands). Trust in German Chancellor Angela Merkel and French President Emmanuel Macron was also high. Meanwhile, from these eight EU countries only 36% had confidence in UK Prime Minister Boris Johnson – while in the UK itself 51% did. In its broader question on support for the EU more generally, even in the UK, the Pew poll found 60% support (up 6 percentage points on the previous year).

Overall, the UK is no longer seen as the serious, important or influential player it once was. Nonetheless, there is a shared goal across the EU to keep political channels open and to continue with a friendly stance. The UK is a big neighbour on the EU's doorstep and the best outcome for the EU will always be to have a positive relationship if possible. So doors are kept open – a phrase that crops up quite often – but the UK, for now, is not seen as building on the possibilities there could be, rather it is continuing to damage and undermine relationships.

Influence and Trust Much Diminished

The UK left the EU on 31st January 2020. Its politicians and officials are no longer in EU meetings during the transition period. So there are much less dense contacts than before. The UK is less visible and without a seat at the

table, a voice or vote, its influence has diminished strongly. This has also added to the UK falling down EU member states' priority lists.

The UK is seen as having suffered huge damage to its trustworthiness through the Brexit process. The UK's Internal Market bill, whose clauses break international law by repudiating parts of the Northern Ireland protocol in the Withdrawal Agreement, has had a powerful impact across the EU from Berlin to Helsinki to Madrid. The UK government is no longer seen as trustworthy. The fact that Johnson signed up to the Withdrawal Agreement only to break it 9 months later has created a deeply negative image of the UK that will not go away swiftly. At the same time, it is also often noted that the UK had in the past been seen as an important architect of, and defender of, the rules-based international order. As well as being appalled at this transformation of the UK, many find the UK's behaviour baffling (a word that comes up frequently). The UK's behaviour is damaging to its own self-interest, to its economy, its politics, its international relationships, allies and interests. Many speculate as to whether the pragmatic, professional, reliable UK will at some point return or not.

This concern extends to views of the UK's diplomats now seen as in an unenviable position of having to sell the supposed benefits of Brexit in EU capitals – when neither the UK's diplomats (it is thought) nor their dwindling audiences see any actual benefits only harm. And while bilateral policy discussions continue – in thinktank and expert fora – some comment that, whether in Berlin or Madrid or elsewhere, there is less importance now given to, and interest in, such discussions with UK counterparts. There has been a parting of ways.

The loss of trust and credibility is fundamental. Even with a deal, many speculate as to whether the UK can be trusted in any future deals and agreements it signs up to. Boris Johnson is often referred to as 'grandstanding'. His brief (few days long) walking away from talks in October 2020 was seen as pointless – the boy who cried wolf too many times. And while Brexit has gone down the priority agenda, there remain many concerns across the EU given the perceived state of the UK's politics and democracy. In Germany, for example, there is worry that the UK has, overall, rather gone off the rails (others put it more strongly). An unstable neighbour is not in the EU's interests, so while the UK is not a top priority it cannot be ignored.

Some also comment on previous or continuing close cultural links – younger people in Spain or France or Sweden or the Netherlands may still want to study in the UK, visit London, learn English – and trade and business links will continue. But this soft power, given the diminished state of EU-UK relations and the loss of UK reputation and influence, is of limited benefit while there is such a diminishing of the UK overall.

That the UK's influence has shrunk substantially is commonly agreed across the EU. The UK played an influential role inside the EU in its 47 years of membership and will have much less weight outside it. While the US and UK may, in different ways and to different degrees, be part of the shaping

environment that the EU takes into account in some of its decisions, they are not EU decision-makers. The UK's rhetoric of having a 'global Britain' strategy is met with some bemusement in EU capitals. In a difficult global environment, the US, EU and China in particular are seen as the key poles in the current multipolar world order (or disorder). While the UK will still be in several international fora, including NATO, the G7 and UN security council, it will not overall have the weight it had before. It is seen as an unlikely international environment in which to hark back to old ideas and ideologies of empire or the Commonwealth. And while the UK is not seen as necessarily likely to suddenly develop major foreign policy positions at odds with EU ones, it is seen as an unpredictable player and one that perhaps believes its own rhetoric and ideology too much rather than facing the facts of today's world.

Summary Issues

In summary, the UK's political and democratic developments in the years since the Brexit vote are seen, across the EU, as extraordinary and highly damaging to the UK. The UK's reputation and image has been severely and deeply damaged in the process. Its trustworthiness, given its willingness to break international law in the context of the Withdrawal Agreement that Boris Johnson signed up to less than a year earlier, has taken a particularly deep hit and one that will take a long time, and perhaps a change of government, to start to mend.

The UK is seen as having changed from being a serious, pragmatic and powerful European player to one that is enmeshed in the irrational rhetoric and ideology of Brexit and the multiple divisions within the British Conservative party. As well as substantial political and economic self-harm, the UK has created considerable challenges for the EU and seriously weakened its own influence with its one-time European allies and internationally too. Despite irritation, frustration, dismay and concern in EU member states, there remains a pragmatic openness, on the EU side, both in Brussels and across the member states, to building a more positive and closer relationship with the UK in the future.

Section Two: The Future EU-UK Relationship

There are many unknowns as to how the future EU-UK relationship will develop in the coming years. Clearly, even a thin trade deal will give a more positive basis to build and develop both EU-UK relations and bilateral relations between individual member states and the UK than in the case of no deal. But there may, nonetheless, be many bumps in the road.

With a deal, there may be a positive reset (though this is not guaranteed), but the basic positions drawn on both sides during the Brexit talks are unlikely to change. In essence, there will continue to be a trade-off between access to EU markets, programmes and joint policies and aligning with EU rules and frameworks. So, while trade and economic cooperation may offer many opportunities for closer links in principle, in practice building a more positive future relationship may be easier in foreign policy (if the will is there) than in

coordination of economic policies (despite the major economic recovery needed in the face of the Covid crisis).

As discussed in Section One, there is a broad openness across the EU to building a positive and friendly relationship with the UK. However, this depends on how a new trade deal, in combination with the Withdrawal Agreement, works in practice, how challenges are dealt with, and what the priorities, goals and strategies are on both sides. And the political fall-out from a no deal – and how the chaotic impact of no deal is then dealt with between the EU and UK – would inevitably impact very negatively on the early development of a new more positive relationship. But, in either case, there will still be a relationship and where it goes next matters to both sides.

Having said that, there is quite likely to be an imbalance in priorities from the UK and EU points of view. While the UK government may wish to underline the UK's new freedoms (albeit freedom to do what remains unclear), it may also be the UK that will be keener to return rapidly to more talks and discussions. There are likely to be teething problems both in operationalizing the new trade deal and in the new requirements at borders and elsewhere for EU-UK trade, transport, travel, and wider cooperation.

Both sides will doubtless want to discuss how to manage any early frictions. But the EU has spent a lot of time on Brexit, the UK is not amongst its top priorities, trust is depleted, and so, for the Union, beyond some necessary technical discussions, there may not be enthusiasm for any major new discussions.

Meanwhile, in the UK as different companies, organisations and individuals face up to the new barriers in the way of European activities, the UK government is likely to face on-going lobbying for it to tackle some of these barriers. The Confederation of British Industry has already said it will start a campaign in early 2021 to get a deeper, wider deal on services trade for instance – not something that the EU is likely to want to get into immediately. More likely, the EU will want to let the new trading relationship get established, and not immediately look to broaden out into major new talks – not least at a time when the EU will be developing its relationship with the new US administration and when the EU will be happy for there to be a relatively settled UK-EU status quo at least in the short term.

However, this will depend too on how UK politics develop and, in particular, on how the UK government behaves next. Agreeing a trade deal, and moving on to the new, more constrained EU-UK trading relationship, will allow the option of building a more constructive relationship compared to the fractious one (especially on the UK side) of the last four years. EU member states are keen to do this, so the ball will be very much in the UK's court. The question is whether Boris Johnson and his cabinet will adopt a more positive, constructive tone and approach to the EU and its member states or instead choose to blame the EU and individual member states when there are inevitable problems as the new relationship outside the customs union and single market unfolds.

While EU member states and Brussels would certainly like to see both a more positive and eventually a closer relationship with the UK, there are not great expectations. A few see the possibility of a genuine and fairly swift reset in relations to a much more positive way ahead; others are much more cautious and wonder if that reset can happen without a change of government in a few years time, and not least without a sustained rebuilding of trust.

There will certainly remain many issues to discuss both at EU level and bilaterally – from travel and transport to tourism, visas, migration, services access, security cooperation (both internal and external), environmental and climate cooperation, foreign policy and more. A forthcoming study⁷ looking at UK-based policy experts views on future UK-EU relations found that the top five most important priority areas were seen to be: climate, market (trade), Russia policy, EU-UK migration, and foreign policy (with China policy specifically coming in at number six). There is some, but not perfect, overlap here with EU policy priorities. The EU will certainly remain concerned about rights of EU citizens in the UK. But migration from outside the EU, notably from the south, concerns the EU more than EU-UK migration – not an area where the UK is likely to be helpful.

Certainly, there is though scope (as shown in the interviews for this paper and as suggested in these experts' views) for cooperation on foreign policy and climate policy. And economic and trade issues – however thin any EU-UK trade deal is – will remain central to the future relationship. Nonetheless, in some key EU capitals, Brexit fatigue means that a basic trade deal would probably be seen as a good enough status quo for the next couple of years or more. If the UK seeks more economic deals to flesh out a basic deal that may not be an open route in the short term.

Foreign and Security Policy Cooperation

Foreign, security and defence policy are all areas, however, where the EU and its member states would like to develop a good relationship with the UK. Indeed, it is a matter of regret and some surprise across several member states, that the Johnson government (unlike the May government) has not wanted to agree a form of formal structured cooperation in these areas.

France and the UK have long been security allies in the EU and internationally with greater security capabilities than other EU states and both with permanent seats on the UN security council (UNSC). The old EU 'big three' of France, Germany and the UK did not always agree on foreign policy but when they did, as with the Iran nuclear deal, they formed a powerful grouping. Germany and France will clearly look to develop and maintain cooperation with the UK both on a bilateral basis, in NATO, and, if possible, through more formal EU-UK cooperation.

Such aims are shared in different ways by many other EU member states. Finland, for instance, is not in NATO but has welcomed UK foreign and security cooperation down the years both bilaterally and more broadly in the Baltic Sea area. The Netherlands too has seen the UK as an important foreign

policy ally. And there is a widespread interest in the EU in developing a foreign policy relationship with the UK in the hope of keeping positions on key issues broadly aligned, not least on the use of sanctions. The central and east European member states have, too, often welcomed the UK's foreign policy positioning not least with respect to Russia and hope this will continue. For Ireland, the trio of the EU, US and UK are all important strategic partners. There is clearly an open door here for the UK on foreign policy.

Furthermore, many observers do not think the UK's foreign policy and security interests have changed substantially with Brexit, but there are concerns that the UK may be more unpredictable and a less stable ally. There are also expectations that, given the ideological rhetoric of Brexit and its emphasis on sovereignty (not lost and so not regained) and the still unspecified goal of becoming 'global Britain', the Johnson government will continue to resist, at least in the near future, any formal EU-UK foreign policy structures⁸.

The UK is more likely to emphasise NATO and some of its international partnerships including the 'five eyes' intelligence cooperation⁹ with the US, Australia, New Zealand and Canada, bodies like the G7 (which the UK holds the presidency of in 2021), the G20, the UNSC, and other new ad hoc initiatives such as the idea of a D-10 of the 10 leading democracies (supposedly the G7 and India, South Korea and Australia)¹⁰. This may end up being fairly ad hoc. The Johnson government did set up an integrated review of security, defence, foreign policy and development meant to orient UK policy in the coming decade but its publication has been delayed.

There are concerns in the EU amongst smaller member states that this more ad hoc UK approach, and lack of interest in structure UK-EU cooperation, will mean that the E3 format of London, Paris and Berlin that developed in particular in the context of the Iran deal, will become a broader focus of UK-EU foreign policy interactions, and could even prefigure a European security council, leaving smaller member states rather on the sidelines¹¹. However, there are, of course, structures within the EU to discuss and agree foreign policy, and the Franco-German duo may tread carefully not to alienate their EU allies – whose concerns they are aware of. And most, though not all, EU member states are in NATO – another forum for discussion with the UK. Equally, the UK in foreign policy and in other areas, from economics to trade to climate, will anyway need to develop its bilateral relations with other EU member states too. Nonetheless, if 'global Britain' turns out to mean the UK meeting mainly with larger partners on foreign policy, it will potentially alienate and disappoint many erstwhile smaller allies.

Climate Change Cooperation

The UK is host of the COP26 climate summit in November 2021, delayed due to the Covid crisis, from November 2020. This is a vital summit where commitments to reduce emissions in the short and medium term and not only by 2050 will be crucial. The European Commission, under its president Ursula von der Leyen, has put its main strategic emphasis on its European Green Deal and tackling climate change – and is aiming to link its Covid recovery fund, in part, to green projects. President Biden has also signalled his

intention to sign the US up again to the Paris Agreement that Trump had taken the US out of. And, in appointing John Kerry as the US special envoy on climate change, Biden has further signalled the priority he intends to give to climate change.

The UK as host has a potentially important role. At the same time, the UK will not have the weight at COP26 that it might have had as a large EU member state hosting the summit.

Good relations between the UK and EU – and its co-host Italy – will be vital for the COP26. In Brussels, there are both hopes and concerns on this, not least uncertainty as to whether Johnson will live up to some of his climate rhetoric or whether he may just be grand-standing. This, for now, is seen as unclear although Johnson did set out a new 10 point plan for a green industrial strategy for the UK in November¹². The EU will be watching to see how that translates into concrete emissions-cutting targets for 2030.

The EU, with its push in the Brexit negotiations for a UK commitment to a level-playing field on environment, climate, state aid, and workers' rights, will always be keen to develop and intensify climate cooperation with the UK. How much this will be possible or whether, like foreign policy, structured climate and environmental cooperation will be limited in the short term by Brexiter rhetoric on sovereignty is in part an open question. But to some extent, the sort of extensive and close cooperation on foreign policy and on climate policy that could have been envisaged and set down in a treaty has been rejected, for now, by the UK.

A Closer EU-UK Relationship in the Future: Customs Union, Single Market, Re-Join?

It is rather soon to speculate on whether the EU and UK might in four or five years time develop a substantially closer relationship than looks likely now, even if in the interim there is some building on a basic trade deal. However, if the UK has a change of government at the next election to a Labour government that is more open to closer links with the EU, then a stronger relationship might develop.

The EU would certainly be open to a closer relationship – as it has in various different ways with several of its neighbours. But its basic positions are unlikely to change, not least its red line of no cherry-picking of the single market. There would, for instance, be openness should the UK want at some point in the future to re-join the EU's customs union – which was Labour's policy position before the election – or develop a deeper association agreement. But, for now, Labour's EU positioning is quite unclear other than Keir Starmer's insistence that Brexit is now a done deal. In another five years, the UK is likely to have many more trade deals around the world and rejoining the customs union would mean unravelling most of them. It would also potentially re-open old divisions and raise again questions of whether the UK would accept being a rule-taker to EU trade decisions. Nonetheless, it is a possible scenario that the EU would be open to.

A similar argument can be made around the EU's single market. The UK could potentially establish an agreement akin to the European Economic Area (Norway would have concerns at the much larger UK actually joining the EEA). But again this would leave the UK as a rule-taker and re-open old divisions (depending on where public opinion is by then). It may be more likely that a more pro-European UK government would, rather, aim to intensify relations in specific areas – whether on migration, research, security and so forth.

The most dramatic shift would be if the UK decided it wanted to re-join the European Union. Posing this question now provokes distinctly chilly responses on the whole from different EU observers. Five or even ten years is seen as distinctly too soon, as of now, to envisage the UK returning to the EU fold as a full member state. There is widespread consensus that a potential return by the UK would not be to the same (seen as very good) deal the UK had. While it might, theoretically, keep its Schengen opt-out, it would be unlikely to get any others. And while Brussels might welcome the vindication of the EU that a UK return would symbolise, it is not likely in the medium term that a UK accession bid would achieve the pan-EU unanimity it would need. France, in particular (but not only), is seen as likely to be highly sceptical of such a move. And while member states such as, notably, Ireland, the Nordics and many of the central and east European states might welcome an eventual UK return, even in these countries many talk of a generation needing to pass before such a move would be realistic.

Scenarios for a potential UK return to the EU also depend on how the EU develops in the coming years. A much more integrated EU (facilitated in part by Brexit) might be more difficult and less attractive for even a renewed, stable UK to consider re-joining. But a much more integrated EU might also have developed in that direction by also becoming a more differentiated EU with more flexible integration or inner and outer circles. This is a long-standing policy discussion but there could be a scenario in a decade or more whereby the UK might re-join an outer tier and where that would be more acceptable to the EU than the UK being a full core member.

Summary Issues

In summary, with a deal, there is hope that a more positive EU-UK relationship will emerge. However, even with a deal, there will doubtless be teething problems as the UK leaves the single market and customs union. There will be a need to re-engage on some of the technical issues that may need stream-lining or resolving in both the short and medium term. EU member states, despite the loss of trust in the UK and their negative views of how the UK has handled the Brexit process, are open to a positive, cooperative development of EU-UK relations. Whether the UK government is open to a constructive, substantive and positive reset as well is not clear. And, even with good will, there may not be much substance to developing a future relationship unless the UK is interested, in particular, in working more closely with the EU on foreign policy, internal and external security and climate change. The more ad hoc the UK's approach, the thinner such cooperation may be. Equally, the EU has many more important priorities in 2021, so while

it will seek to establish a more positive mood music in EU-UK relations, it is unlikely to invest heavily in the short term in the relationship without a new and different approach from the UK.

Section Three: EU Views of the UK's Constitutional Strains

Introduction

The fact that only two of the UK's four nations – England and Wales – voted for Brexit in 2016, while Scotland and Northern Ireland voted to remain in the European Union seriously exacerbated existing constitutional tensions¹³.

Scotland's independence referendum in 2014 had resulted in a majority of 55% to 45% to remain part of the UK. Much had been made, by the anti-independence side, of the difficulties an independent Scotland could face in re-joining the EU if it voted 'yes' to independence, although economic issues appeared to be the stronger deciding factor for many voters¹⁴. Yet despite losing the referendum, the 45% vote share energised the 'yes' side and the independence debate has stayed at the heart of Scottish politics since. Brexit added to this – Scotland's 62% remain (in the EU) vote making it clear that Brexit was not Scotland's choice and opening up a debate about independence as a route back to EU membership.

In Northern Ireland – and in the Republic of Ireland – the Brexit vote and the bumpy path to the Withdrawal Agreement in 2019 and the Northern Ireland protocol – led to an intensified debate around a potential border poll, as allowed for in the Good Friday Agreement, and Irish reunification¹⁵. Where reunification, if it happened, had been seen by many to be many years, perhaps two decades away, Brexit gave a new push to that debate at the same time as leading to intense and successful diplomacy from the Irish government towards its fellow EU member states to ensure the Irish border remained open and the peace process was protected. The strong support the EU member states gave to Ireland, a smaller member state, did not pass unnoticed in Scotland.

Under Theresa May, and then after Boris Johnson became prime minister, no steps were taken to look for any compromise, such as a so-called soft Brexit, that might ease the divisions across the UK (and that existed in England and Wales too¹⁶). Indeed, even the basics of good consultation and communication with the devolved nations were notably absent most of the time. May was more focused on the unwieldy and bitter dynamics within her own party – both in the cabinet and on the backbenches. Theresa May's ill-fated decision to call a general election in 2017, leaving her as a minority government, made these dynamics even worse. May agreed a confidence and supply arrangement with the pro-Brexit Democratic Unionist party (DUP) – an arrangement that did not stop a tempestuous two years in Westminster politics and flew in the face of Northern Ireland's remain vote. Meanwhile, May had refused Nicola Sturgeon's request for another independence referendum, made in March 2017. Like the Conservatives, the SNP lost seats at the June election, though they were still the third party at Westminster and the largest

party and group of MPs by far in Scotland. But in the December 2019 election, the SNP bounced back to win 48 seats.

May's attempt to square some of the impossible choices her original red lines on Brexit had set up led her to agree to an indefinite if temporary customs union with the EU (in the 2018 Withdrawal Agreement¹⁷). This would have both kept the Irish border open and ensured no new internal borders within the UK. Johnson's 2019 Withdrawal Agreement set the UK on the path to a harder Brexit and, with its special status for Northern Ireland, meant a new internal border between Britain and Northern Ireland was inevitable. It was a striking decision – the UK government had chosen to fragment its own internal market.

By the autumn of 2020, the constitutional tensions in the UK were looking ever deeper. A succession of opinion polls from June 2020 showed majority support in Scotland for independence – ranging from 51-58%¹⁸. Notably – as in earlier polls – the demographics showed particularly strong support for independence amongst younger through to middle aged voters, with the over 65 year olds still backing the union. Meanwhile, in Northern Ireland the immediate focus was on the risks to supply chains, not least in food products going from Britain to Northern Ireland, as the 1st January deadline for leaving the customs union and single market loomed ever closer and with administrative and computer border processes not ready. Johnson's choice to create this problematic border in the Irish Sea also continued to have wider political impact in Northern Ireland¹⁹.

In a further irony, by autumn 2020, polls testing opinion across the UK on whether the Brexit decision was right or wrong in hindsight, found 57% thought the decision wrong²⁰. Meanwhile, in Wales, support for independence, while still low, has grown and the independence movement in Wales has had a boost from the political dynamics of Brexit in the last four years²¹. The Covid-19 crisis, rather than turning the focus away from constitutional strains, has rather added to them, not least with health devolved and with both Scottish and Welsh first ministers being much more competent communicators than the UK prime minister. A recent Ipsos Mori poll for the BBC found 74% of Scottish voters thought Nicola Sturgeon had handled the Covid pandemic well while only 19% thought Boris Johnson had handled it well²².

EU Views

The constitutional tensions in the UK are clear to those watching from the EU member states and the EU institutions in Brussels. These tensions, from the outside, are only one part of the extraordinary picture the UK's chaotic politics, self-harming Brexit decisions and irascible diplomacy has presented to its erstwhile EU partners.

There are three main issues that come up in how EU observers see the UK's constitutional strains: salience of these issues for the EU; diversity of views on potential outcomes (both desirability and likelihood); and attitudes to Northern Ireland and/or Scotland re-joining the EU (including feasibility and timing).

Salience to the EU of the UK's Constitutional Strains

There are clear differences, across different observers and member states, as to how much focus and importance is attributed to the UK's constitutional strains. While some are fully alert to developments and to the pros and cons of different scenarios (notably in some of the UK and Scotland's closest neighbours – Ireland, the Nordics, the Netherlands) much less attention is paid in some other member states (such as Poland or the Czech Republic for instance). A common view in several member states and Brussels is that questions of whether the UK will still be a united kingdom in ten years time are not, for now, much discussed or given attention to. It follows that more detailed questions such as how quickly an independent Scotland could re-join the EU can often be met with the response that these issues are really not much, if at all, on the agenda.

This varies by member states as well as by different observers. It is self-evident that Ireland remains concerned with developments in Northern Ireland and the UK – and that Dublin is fully alert to the potential impact on the Irish reunification debate if Scotland did go independent in the coming years (before any Irish reunification that many see as probably further off). The two constitutional questions – of Irish reunification and Scottish independence – are both separate and yet likely to influence each other.

Interest in, and concern for, the UK's constitutional strains are also impacted on by the overall Brexit fatigue and irritation described in Section One of this paper. The Brexit process has absorbed much more of the EU's attention than it needed too and broadly damaged EU-UK relations. The EU has many other pressing priorities, so the challenges that the constitutional strains in a third country, that has fallen down the EU's priority list, may pose are, unsurprisingly, not seen as a pressing and immediate concern (beyond the definite concern that the UK respect the Northern Ireland protocol in the 2019 Withdrawal Agreement).

Nonetheless, as might be expected, major EU capitals including Berlin, Paris and Rome are alert to the issue. With the establishment of a new UK desk in the EU's external action service, once the UK leaves the transition period, there may be some more sustained internal EU analysis of the UK's constitutional tensions.

Diversity of EU Views on Potential Constitutional Outcomes

The most typical position of EU member states when asked about constitutional questions is that these are the internal, domestic concern of the UK and so a broadly neutral position is taken. Having said that, there are different types of 'neutrality'. During the 2014 independence referendum, then Commission president José Manuel Barroso clearly aimed to help the UK government (with the UK then an EU member state) in his statements on the difficulties facing an independent Scotland re-joining the EU. Such a position of being clearly supportive to the UK for now looks much less likely – genuine neutrality, standing back from the UK's constitutional questions looks like the best option to many. The politics of this may shift in the coming years – and

will be linked, to some extent, to how strong or weak, positive or negative, EU-UK relations are.

Views on constitutional questions have been impacted on by Brexit – due to the nature and tone of the Brexit process, the pro-EU votes in Northern Ireland and Scotland, and the fact that the UK is now a third country not a member state.

Crucially, though, views (as well as being diverse across member states) are also somewhat subtle and multi-dimensional. Views and concerns on the UK fragmenting do not necessarily determine views on Scotland as an independent state nor views on Irish reunification. It is quite possible to have concerns over UK fragmentation while considering an independent Scotland would be a relatively straightforward new small state to have in the EU. In other words, a fragmented UK may be seen to pose challenges or be undesirable but, if it happens, the new reality will be what the EU deals with.

For several, the possibility of Scottish independence does not raise the same concerns it did in 2014. In Germany, in 2014, there were questions as to why Scotland would leave a democratic, well run UK. But, after the Brexit years, the perception has changed considerably. Despite Germany's wish to develop a strong bilateral and EU relationship with the UK, there is, for some, an understanding of, and openness to, Scotland and the potential for independence in the EU, should that scenario happen.

France sees the UK, despite Brexit, as an important ally which means the potential fragmentation of the UK is unwelcome. But if there were a border poll backing Irish unification, Northern Ireland would in the process re-join the EU and this would not be contested (and was agreed in EU summit conclusions in 2017²³). And if Scotland became, in a legal and constitutional way, independent, then France's preference for an undivided UK does not mean that, at that point, it would not agree to a normal EU accession process for Scotland. Nor does this preference for a united UK, a hard-nosed foreign policy preference, mean there might not be some sympathy or understanding for independence aspirations in Scotland. And it doesn't mean, either, that France would attempt to help in any more or less subtle way the UK government at the time of a future Scottish independence referendum.

In Dublin, while there may be substantial sympathy in some quarters for Scottish independence aspirations, Ireland's relationship with the UK remains vital – the EU, the US and the UK are all core to Ireland's foreign policy interests. A more unstable UK, while the damage and disruption of Brexit is still being dealt with and absorbed in Ireland, is not necessarily welcome. At the same time, if a second referendum led to Scotland choosing independence, Ireland would look to develop strong relations with the new state and would be a backer of Scotland moving forward to join the EU.

For Spain, however, the two issues of potential UK fragmentation and an independent Scotland in the EU are strongly inter-connected. The demonstration effect from Scotland to Catalonia has already been seen and

unwelcome to many in Spain. While Spain has insisted that the 2014 Scottish independence referendum was quite different to Catalonia, since it was agreed between Edinburgh and London, Catalan independence supporters have pointed to that referendum as a precedent. Inevitably, that is seen as unhelpful by the Spanish government. Spain has also yet to recognise Kosovo though it has indicated, if and when Kosovo and Serbia come to an agreement, the door would then be open²⁴.

Some observers consider that the UK is likely to have fragmented in ten years time – with perhaps both Scotland and Northern Ireland no longer being part of the UK by then. Others consider it unlikely (and others again have no strong view reflecting the lack of attention given to the issue). So there is no common view on how UK tensions may unfold. The scenario of a UK fragmentation is seen as a potentially extraordinary one – for such an old democracy and long-standing state to perhaps become a state encompassing only England and Wales is certainly enough to give most EU observers pause for considerable thought. There is uncertainty as to how such a fragmentation might impact on the new England and Wales state's security and foreign policy weight (even though it would still be a large state in European terms) and on its evolving and unstable politics. For some, such a fragmentation would be a humiliation for the UK. For others, Scottish independence in particular would be pay-back time for Brexit.

Overall, there would be more interest and concern, in such a scenario, as to how the still large state of England and Wales would then evolve and behave than how a much smaller independent Scotland would develop. Irish reunification would be seen differently again – both as it would involve an EU member state and due to any concerns at that time over how to ensure Irish reunification was successful and peaceful.

It is also notable that several observers now see this possibility of a UK fragmentation and Scottish independence as less concerning than in 2014. The UK is no longer an EU member state so the ramifications of future constitutional upheaval are less significant for the EU. In Brussels, some are now more likely to watch and note the UK's constitutional developments rather than be alarmed by them. Scotland's pro-independence government and public opinion is also now seen as a more pro-EU movement and an independent Scotland is expected to look recognisably like other small northern European member states. However, how UK-EU relations evolve in the coming years and whether they are much improved or not at the time of a second Scottish independence referendum could also shift EU views again in the future.

Could Northern Ireland and Scotland Re-join the EU?

The potential scenarios of Irish reunification and Scottish independence are very different in terms of the potential routes for rejoining the EU. The European Council agreed in April 2017 that, in the event of Irish reunification, the entire territory of a united Ireland would be in the EU²⁵. This approach for Northern Ireland is not dissimilar to that used in 1990 for the former East Germany at the time of German reunification. In contrast, now Brexit has

happened, an independent Scotland, if it wished to re-join the EU, would be expected to go through a normal EU accession process.

That Northern Ireland would automatically re-join the EU if there was Irish reunification is broadly accepted across the EU. The special status of Northern Ireland effectively staying within the EU's single market for goods and being part of the Union's customs code has underlined for EU member states the particularities of Northern Ireland. More centrally, the EU has throughout the Brexit process (and before) underlined the importance of the Good Friday Agreement and the peace process and remains committed to supporting that agreement – as does the incoming US President Joe Biden.

For Scotland, there is widespread agreement that if it became independent in a legally and constitutionally valid way, then it would be open to Scotland, as an independent European state, to apply to join the EU. At the same time, this emphasis on a legal and constitutional route to independence is understood to include political agreement between London and Edinburgh on the process. Those watching the debates in Scotland are aware of discussions of different 'Plan B' options for getting to independence but would stand well back from any stand-off between Edinburgh and London over valid routes to independence until they were resolved²⁶.

Spain's concerns, in particular, over the potential for Scottish independence to act as a precedent for Catalonia are well recognised, and frequently referred to, in different EU member states when questioned on Scotland and independence. Nonetheless, Spain's then foreign minister, Josep Borrell (now EU high representative for foreign affairs and security policy) did say in 2018 that a legally binding independence process, in agreement with Westminster, would be accepted by Spain²⁷. However, it remains highly sensitive for Spain as an issue and political stances on this question in future cannot be guaranteed. Interestingly, the 1993 separation of Czechoslovakia into two separate states is seen as providing little precedent for Scotland – not least as both states were on the same path towards the EU.

There are diverse views across the EU as to how rapidly a Scottish EU accession process could unfold – although many have not given this any detailed consideration. It is commonly noted that in the short term, Scotland would be very close still to the EU's body of laws and regulations. Some observers in Finland and Germany consider it could be a rather rapid process given Scotland has already been in the EU as part of the UK for 47 years (though this depends on how much divergence there had been in the meantime). Finland itself, which joined the EU in 1995, had a very rapid, three year accession process alongside Austria and Sweden, as they had all been aligned to the EU's emerging single market in the early 1990s – although this was before the EU's further integration with the euro, Schengen and justice and home affairs policies²⁸.

Others suggest it would not be a particularly rapid process, citing concerns around economic challenges in an independent Scotland, meeting the economic and monetary criteria and the question of currency. However,

Scotland is rather widely seen as an easier potential enlargement candidate compared to the western Balkans group of candidate countries. As a small, northern, established market economy and democracy with strong rule of law fundamentals, Scotland is seen as more straightforward and less contentious (subject to the constitutional sensitivities discussed above).

For countries such as Denmark, Finland, Sweden and Ireland, an independent Scotland in the EU would be seen as a natural partner. There would be some tough negotiations to be done on Scotland's fishing waters – though regaining access to some of the UK's fishing waters would be welcome. Equally, Scotland would be a small candidate country – it would not have the bargaining power the UK once had, nor should it anticipate retaining any of the UK's previous opt-outs (though there is some understanding, given Ireland's position in the Common Travel Area with the UK, of the potential need for a Schengen opt-out).

Overall, while there are varying degrees of attention to the possibility of Scottish independence across the EU, there is much less attention to or discussion of the specifics that an independent Scotland's accession process might involve (unlike the recurring discussion of such issues in Scotland itself²⁹). While the break up of the UK, as an important neighbour of the UK, would be significant, the question of immediate relations with the UK and resolving the Brexit process are more important to the EU than the details of a possible future accession process of a small country.

In the future, if Scotland did move towards a referendum, then attention would, of course, increase. And there are, of course, several exceptions to this. Scotland being taken out of the EU against the will of the majority of the Scottish public has provoked considerable sympathy in the European Parliament and in other quarters (see notably former European Council President Donald Tusk telling the BBC in early 2020 that, in the case of Scottish independence, "Emotionally I have no doubt that everyone will be enthusiastic here in Brussels, and more generally in Europe"³⁰).

In the scenario of Scottish independence, questions from an EU perspective would come to the fore not only about Scotland itself but, in particular, about Scotland's relationship with the rest of the UK and how that would impact on EU-UK (or EU-rest of UK) relations. There would be concerns and questions on security and defence – given the importance to EU member states of the UK's foreign and security policies (the Scottish Government's contribution to the UK's integrated review of foreign and security policy may start to answer some of those questions³¹). And there would be concerns about the political and psychological impact on the rest of the UK of its fragmentation, including whether it would mean a further sustained period of inward-looking politics. In the end, an independent Scotland in the EU is relatively straight-forward for the EU but a fragmenting UK is much less so – that, in a way, is the core constitutional conundrum from an EU point of view.

Overall, that an independent Scotland could fairly rapidly become a candidate country on an EU accession path is clear. How long that accession path

would take would depend both on meeting the accession criteria, negotiating any transitions, and on the politics of the EU at the time. While EU member states would not necessarily welcome the UK fragmenting, there is no reason to suppose that Scotland would face any more difficulties than the 22 states that joined the EU in its 63 year history so far. And there are reasons to suppose its accession process would be more straightforward than that, for instance, of the central and east European states³² and the current accession of the various western Balkans candidate countries.

Conclusion

This paper has analysed EU views on the UK, on the future EU-UK relationship, and on the constitutional strains in the UK.

Despite the difficult relations between the UK and EU since the Brexit vote in June 2016, there remains a consistent willingness on the EU side to build a close, cooperative and positive relationship with the UK. However, whether the relationship will improve on the basis of a thin trade deal (obviously not in the case of a no deal outcome) is unclear. While EU observers frequently wonder what happened to the pragmatic, stable UK they had come to know during its decades of EU membership, there is in fact considerable pragmatism on the EU side. Despite the deep loss of trust in the UK, if the current or a future UK government wanted to build closer links with the EU this would broadly be welcomed. There is a particular interest on the EU side in building closer cooperation in the near future on both foreign policy and climate change.

This EU pragmatism also extends to the UK's constitutional strains. Member state governments are likely to take a neutral stance if there is another Scottish independence referendum or a border poll in Ireland and Northern Ireland. But if such polls led to an independent Scotland or Irish reunification, then the EU would deal with that situation at the time – whatever range of views there might be on the fragmentation of the UK. The two scenarios are different in that an independent Scotland would need to go through a normal EU accession process if it wanted to join the EU, whereas the EU has already agreed that Northern Ireland would be part of the EU in the case of Irish reunification.

On where EU-UK relations go next, the ball is really in the UK's court. There is scope to create a more positive and constructive relationship with the EU. But whether the Johnson government will give that priority or focus instead on an ad hoc and ideological 'global Britain' approach to its European and international relations remains to be seen. For now, the latter looks more likely. In a longer time period, of perhaps five to ten years, and with a change of government, it may be more likely that deeper economic and trade cooperation could ensue. For now, despite EU pragmatism, there is little openness in that time frame to the UK rejoining the EU, should politics change to that extent in the UK. In ten years time, the EU itself may anyway look very different.

What is clear, is that whatever happens on both the EU and UK sides, there will be a relationship between the two. Time will tell how positive and constructive, or thin, negative or fractious it may be.

End Notes

¹ I am very grateful to all those across the EU who took the time to discuss

² Council Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (2019) C 384 I/01

³ Fabian Zuleeg, Andreas Aktoudianakis & Jannike Wachowiak (Eds), (2020) Towards an ambitious, broad, deep and flexible EU-UK partnership? European Policy Centre, Brussels, June

⁴ Rafael Loss (2020) "Brexit as perpetual motion: Why Boris Johnson will never stop fighting the EU", *Comment*, European Council on Foreign Relations, July, https://ecfr.eu/article/commentary_brexit_as_perpetual_motion_why_boris_johnson_will_never_stop_fighting_the_eu/

⁵ Kirsty Hughes (2020) "Smaller States' Strategies and Influence in an EU of 27: Lessons for Scotland" *Policy Paper* University College London European Institute/Scottish Centre on European Relations <https://www.scer.scot/database/ident-12468>

⁶ Laura Silver, Moira Fagan & Nicholas Kent (2020) "Majorities in the European Union Have Favorable Views of the Bloc" Pew Research Centre, 17 November, <https://www.pewresearch.org/global/2020/11/17/majorities-in-the-european-union-have-favorable-views-of-the-bloc/>

⁷ Claire Busse, Ulrike Esther Franke, Rafael Loss, Jana Puglierin, Marlene Riedel and Pawel Zerka "EU Coalition Explorer: UK Special", Berlin, Germany: European Council on Foreign Relations, forthcoming.

⁸ See Rem Korteweg (2020) "Can the EU and UK cooperate on foreign policy and sanctions?" in Fabian Zuleeg, Andreas Aktoudianakis & Jannike Wachowiak (Eds) Towards an ambitious, broad, deep and flexible EU-UK partnership? European Policy Centre, Brussels, June; and see Ian Bond, Camino Mortera-Martinez, Luigi Scazzieri (2020) "CER submission to the British Government's Integrated Review of Security, Defence, Development and Foreign Policy", Centre for European Reform, September

⁹ See, for example, the recent Five Eyes joint statement on Hong Kong: Reuters, 19 November 2020 reported in the Guardian "Five Eyes allies call on China to reverse ban on Hong Kong pro-democracy legislators" <https://www.theguardian.com/world/2020/nov/19/five-eyes-allies-call-on-china-to-reverse-ban-on-hong-kong-pro-democracy-legislators>

¹⁰ Erik Brattberg & Ben Judah (2020) "Forget the G-7, Build the D-10" *Foreign Policy* June 2020.

¹¹ See, for example, David Whinery (2020) "The Pros and Cons of a European Security Council" *Carnegie Europe* <https://carnegieeurope.eu/strategieurope/80869>

¹² George Parker, Jim Pickard, Nathalie Thomas and Peter Campbell (2020) "Johnson seeks Downing St reset with 'green industrial revolution'" *Financial*

Times 17 November, <https://www.ft.com/content/3eda6c6f-265f-4804-a017-a260d1e101cc>

¹³ Kirsty Hughes (2020) “Scottish Politics Heading Into Turbulent Waters”, *Federal Trust*, <https://fedtrust.co.uk/scottish-politics-heading-into-turbulent-waters/>

¹⁴ Michael Keating (Ed) (2017) *Debating Scotland: Issues of Independence and Union in the 2014 Referendum* Oxford University Press

¹⁵ Mark Devenport (2020) “A Centenary, A Protocol and a Potential Poll: Northern Ireland 2021” *Comment*, Scottish Centre on European Relations, <https://www.scer.scot/database/ident-12823>

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