

Welsh independence: can Brexit awaken the sleeping dragon?

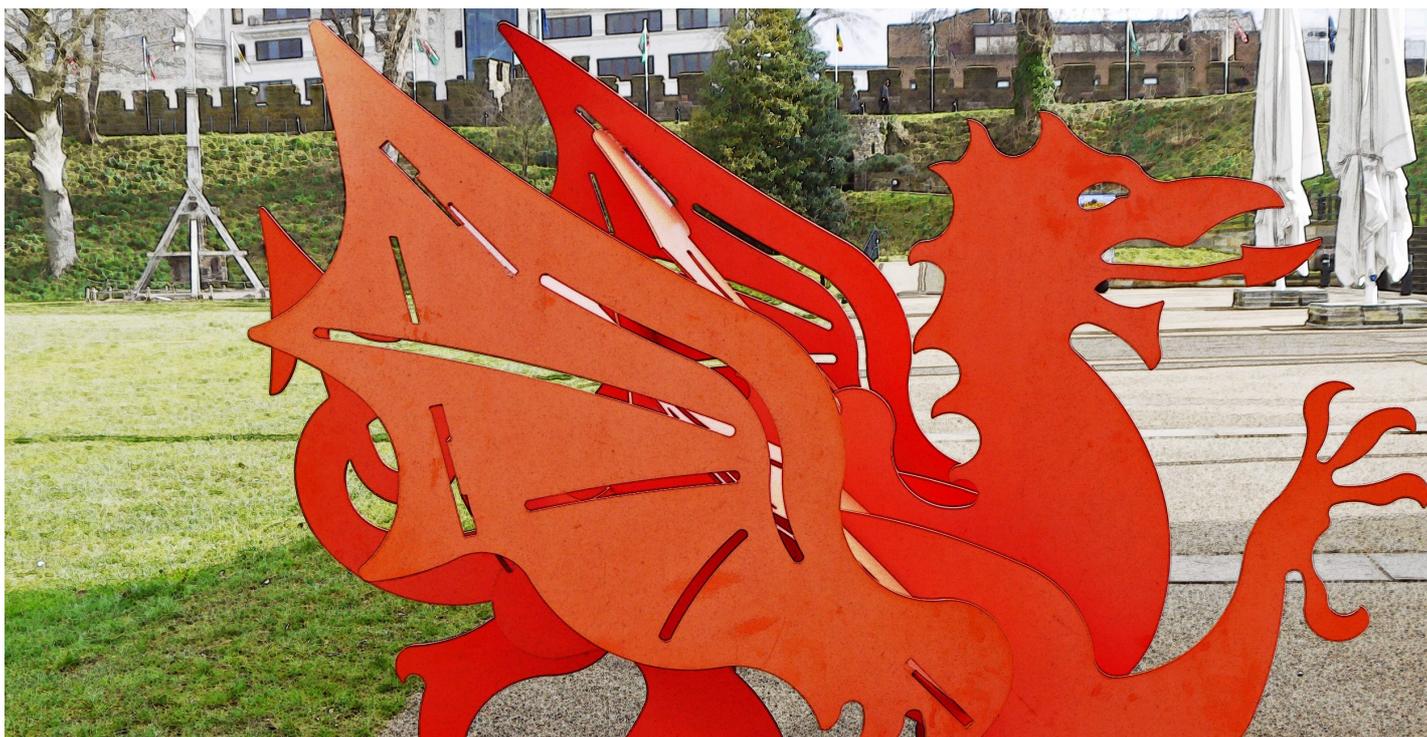
*Wales is the only devolved nation within the UK that has never caused a stir in constitutional terms. This is because Welsh independence has remained largely a dormant political issue, both within Wales and within the wider UK context. Can Brexit awaken the sleeping dragon, asks **Darryn Nyatanga** (University of Liverpool)?*

Brexit does present the opportunity to awaken real discussion on the potential of Welsh Independence. This can be attributed to two reasons, firstly – independence could be the only way to ensure Welsh interests are met after Brexit. Also, there has been a growth in sub-state nationalism within the UK, exposed by the Brexit referendum and the withdrawal process, highlighting the point that the UK is united in name only.

Welsh nationalism

The agenda for Welsh independence can only arguably be pushed by a strong sense of nationalism. This is the case in both Scotland and Northern Ireland. In Scotland, nationalism has been spearheaded by the SNP. Scottish independence (and Scottish home rule – before the introduction of devolution in 1998) has long been the main objective for the SNP since its genesis. In the case of Northern Ireland, two main forms of national identity exist; British and Irish. The latter identity challenges the status quo of the UK's unitary nature. Irish nationalism in political terms is spearheaded by Sinn Fein, who advocate for the constitutional status of Northern Ireland to change i.e. Irish (re)unification. Within the Welsh context, however, there is a deficiency in terms of nationalism when compared to the other devolved nations. This is not to say that Wales has no nationalism. Rather, Wales' nationalism tends to be embedded in culture rather than institutional. Essentially, Welsh nationalism tends to focus on language and tradition, rather than the creation of separate Welsh political institutions. Evidence of this can be highlighted by the two referendums on Welsh devolution in 1979 and in 1997.

In order to bring into effect the provisions of the Wales Act 1978, a [referendum](#) was held to ensure that there was support for the process. The Act required that at least 40 per cent of the Welsh electorate had to vote 'yes' in the referendum for its provisions to come into effect. On a turnout of 58.8 per cent, 79.7 per cent of those voted 'no' in the referendum. The 'yes' vote only accounted for 11.8 per cent of the electorate, which was far below the 40 per cent threshold. The vote was essentially 4 to 1 against devolution, with no single council area voting majority 'yes'. The 1997 Welsh devolution [referendum](#) once again highlighted the lack of popularity among the electorate for Welsh devolution. On a turnout of 50.22 per cent, the narrow majority 'yes' result of 50.3 per cent only accounted for 25 per cent of the Welsh electorate voting in favour of devolution. Under the criteria of 1979, Wales would have failed to gain devolution in 1997, as the yes vote would have fallen well below the 40 per cent threshold. The referendum also split the nation in half, of the 22 council areas in Wales, 11 (mostly in the east) voted majority 'no', Cardiff included. It is key to note too that the desire by the Labour governments in the late 1970s and 1997 to introduce devolution to Wales was due to the developments in Scotland. Devolution to Scotland was introduced as a mean to mitigate the growth of Scottish nationalism.



Plaid Cymru and Welsh independence

Despite the lack of support for institutional nationalism shown by the electorate, Wales does still have a nationalist party. Plaid Cymru (Party of Wales) was formed in 1926. When it was first established, the preservation and continuation of the Welsh language within Wales was its focus. Over time it has evolved to become a party that first advocated for Welsh home rule and now, Welsh independence. Electorally, Plaid Cymru are not as strong as the other nationalist parties in the devolved regions. The party won its first-ever Westminster parliamentary seat in 1966, and in the 2019 General election, the party managed to secure only 4 of the 40 Westminster seats in Wales. They operate fairly better within Senedd elections, however. In the 2016 Senedd election, they secured 12 of the 60 Assembly seats, making them the third-largest party in the assembly after Labour and the Conservatives. The party's constitutional ambition for Wales after Brexit is very similar to that of the SNP for Scotland. However, just like the SNP's constitutional proposal, the ['Barroso Doctrine'](#) would also apply to Wales. The doctrine is named after EU Commission President at the time, José Manuel Barroso who stated in a letter to Lord Tugendhat that "an independent Scotland would become a third country with respect to the EU, and would therefore need to apply for EU membership." Therefore, an independent Wales would need to reapply for EU membership.

Plaid Cymru's constitutional objectives

Under the current UK constitutional terms, Wales (and England) has no unilateral clause to secede from the Union and become Independent. In comparison, both Northern Ireland and Scotland (time-limited) have been granted such a right. With regard to the former, the constitutional basis of this right is found under the Good Friday Agreement 1998 and section 1 of the Northern Ireland Act 1998. For Scotland, the constitutional basis of this right was granted temporarily via an Order in Council under Section 30 of the Scotland Act 1998, for the purposes of holding a referendum on Scottish independence in 2014. While this does not legitimate achieving Welsh independence, Plaid Cymru's constitutional objectives can still be achieved via the constitutional developments in Scotland. A Welsh government that is in favour of independence could negotiate with the UK government for similar powers granted to Scotland in 2014 to hold an independence referendum (this can be achieved via an Order in Council under section 109 of the Government of Wales Act 2006). The Scottish government are strongly arguing for powers from the UK government to hold a second referendum on independence (Indyref 2). The rationale behind the need for Indyref 2 is to ensure that, for the Scottish government, Scotland's interests are met after Brexit.

Given that “[discussion of Welsh politics usually takes place in the shadow of developments in Scotland](#),” the Welsh government in the instance that Scotland is allowed to hold indyref 2 could take inspiration from these developments and put a case for Welsh reciprocity. However, as been illustrated throughout the Brexit process, any devolved input has been nullified by the UK government. For instance, the government has refused to grant Holyrood a section 30 order to hold a second referendum on independence. More recently, as a result of the current public health pandemic, the Northern Ireland Assembly passed a [motion](#) to call for the extension of the transition period, in order to protect the region’s economic interests. Though, based on the subordinate nature of devolution, this motion is non-binding on the UK government. Those in favour of the motion, feel that the UK government has a greater obligation to honour it, considering that Stormont is a named party to the Withdrawal agreement, unlike Holyrood and the Senedd. Nevertheless, this is very unlikely to happen, especially given that the UK government recently pushed through the EU Withdrawal Agreement Act 2020, despite all three devolved regions (including Northern Ireland) withholding legislative consent. The UK government are more likely to continue to ignore the views of the devolved regions over Brexit, and resume with their proposed agenda. Based on this then, the UK government may refuse to grant Welsh government independence by any legal means at its disposal.

Welsh public consensus on independence

Looking at recent polling carried out by [YouGov](#), there has been an increase over time in Welsh public opinion for independ

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ence. For instance, support for Welsh independence rose from 14 per cent in 2014 to 21 per cent in 2020. The highest peak in support for Welsh independence was in the [2018 poll](#), at 23 per cent. Since the inception of this YouGov poll in 2014, the 2020 poll was the first time there had been a decrease in support for independence. In the [2016 poll](#), two follow up questions were asked in addition to the question on Independence. These included first, the break up of the Union as a result of Scottish independence, and second, Wales re-joining the EU as an independent state. In that poll, 19 per cent were in support for Welsh independence, this increased to 24 per cent in the scenario that Scotland leaves the UK, and a further increase to 35 per cent in the instance that Wales re-joins the EU as an independent state. Essentially then, as highlighted by the 2016 poll, support for Welsh independence is influenced by both the constitutional developments in Scotland and Brexit. Despite this, however, looking at the 2020 polling data, when asked about their constitutional preference for Wales, 24 per cent voted for the status quo, in comparison to 14 per cent who were in favour for independence. It is clear then from the polling data that there is a significant lack of public consensus within Wales for independence. Owing to the lack of public appetite, and lack of legal means to do so, it would be very difficult for any Welsh government in favour of independence to achieve this objective. However, fortunes could change as a result of the manifestation of Scottish independence and the conclusions of the Brexit process. For now, we are far away from seeing the reality of Welsh independence.

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