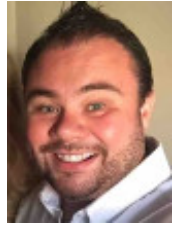


Brexit and Spain: Would the Spanish government really block Scotland's EU membership?

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Scotland's First Minister, Nicola Sturgeon, has indicated that she intends to do everything in her power to keep Scotland within the EU following the UK's decision to leave on 23 June. But how would other EU states react to the prospect of Scotland staying within the EU? [Paul Anderson](#) writes on the position of Spain, which is generally viewed as having a stake in blocking Scottish membership due to the existence of independence movements in Catalonia and the Basque Country. He suggests that it is unlikely Spain would block Scottish membership given the support for it in other EU countries, but that a Spanish veto cannot be ruled out.



A week is a long time in politics. On Thursday 23 of June, 52 per cent of the British electorate voted in favour of the United Kingdom seceding from the European Union. Three days later, the Spanish electorate, for the second time in six months, went to the polls to elect a new Spanish government. The incumbent [Partido Popular](#) (PP) won most seats, 137, but is 39 seats short of an overall majority. In both cases, the future is unknown and uncharted territory will have to be navigated.

Negotiations are already underway in Spain regarding the formation of a new government, perhaps a grand coalition between the two biggest rival parties (the PP and [PSOE](#)). In the UK, however, the resignation of Prime Minister David Cameron means the withdrawal of the UK from the EU will not begin immediately. If Harold Wilson was right in quipping 'a week is a long time in politics', anything beyond will truly seem like an eternity.

Brexit and Scottish independence

The UK is a plurinational state composed of four nations. While this was a nation-wide referendum, the differing results from the four nations have become the focus of the debate thus far. In England and Wales, over 50% in both nations voted in favour of leave. In Scotland and Northern Ireland, however, over 50% voted to remain. Is the UK's constitutional edifice about to crumble? With calls for a second independence referendum in Scotland, Sinn Fein's support for a border poll on the unification of Ireland, and even calls for the independence of London, several irreparable cracks have appeared in the foundations of the UK's constitutional edifice.

Following the vote, the Scottish first minister, Nicola Sturgeon, announced that it would be '[democratically unacceptable](#)' for Scotland to be dragged out of the EU when all 32 of Scotland's local authorities voted to remain. Consequently, 'Indyref2' – a second Scottish independence referendum – has been put back on the table. This constitutional conundrum was one of the omnipresent issues of the referendum campaign, and early last year Sturgeon urged David Cameron to agree to a '[double majority](#)' rule, as is found in other countries such as [Switzerland](#), to ensure that the UK could not leave the EU unless voters in all nations of the UK voted in favour. In the absence of such a rule, however, the majority support for leave in England and Wales means that Scotland and Northern Ireland, despite overwhelmingly voting to remain, may now be obliged to leave the EU.

It is arguable that the Scottish government has every right to press for Indyref2 given the terms the SNP detailed in its manifesto regarding another referendum – essentially 'a material change in circumstances' – have now been met. And yet, the road is long. In the wake of the Brexit vote, there is, as was predicted, a renewed interest in Scottish independence.

Many voters, particularly middle class voters, voted 'no' in 2014 on the premise that Scotland, as part of the UK, benefited from EU membership in terms of [regional funding](#), [political clout](#) and [voting strength](#). In light of the EU

referendum, this argument no longer stands. Following the Brexit vote, [opinion polls](#) in Scotland have already recorded a majority in favour of independence.

Another string to the SNP's independence bow is that the EU plays a key role in the internationalist position now endorsed by Nicola Sturgeon. A post-Brexit UK has been portrayed as a '[diminished Little Britain](#)', whereas Scotland, according to all parties in the Scottish Parliament, is instead to play an internationalist role: a force for good on the global stage, pro-immigration, pro-freedom of movement and pro-European.

Following the referendum result, the SNP's Alyn Smith delivered a [speech](#) to the European Parliament underlining these points. He received a standing ovation from many of the MEPs in the parliamentary chamber. In addition, support for Scotland to replace the UK as the 28th member of the EU is not limited to the European Parliament, several politicians, particularly in [Germany](#), have come out in favour of Scotland remaining in the EU.

Such enthusiasm, and indeed appetite, for another referendum, however, must be tempered with caution. It seems likely that another Scottish referendum is now inevitable, but what remains to be seen is whether a majority of Scots would vote to leave the UK in return for joining the EU. Despite increased talk of the likelihood of Scottish independence (and accession to EU membership), the SNP still has significant hurdles to overcome.

The economic case for independence, particularly in light of the reaction of the markets to Brexit and decreasing oil and gas prices, must be improved if a significant majority of Scots are to be convinced of the benefits of 'going it alone'. In addition, Scotland's currency will once again become an important, if not more important, issue. The SNP's insistence on a currency union with the rest of the UK is a weak position in the wake of Brexit, but support for the euro equally remains feeble. Strategic long-term thinking on Scotland's future currency is thus essential and detailed consideration must ensue.

Ultimately, while it seems perfectly plausible to conclude that a second referendum on Scottish independence is likely, the result is far from inevitable. Secession is often based on a [cost-benefit analysis](#), and the SNP, irrespective of increased enthusiasm for independence as a reaction to Brexit, still have some intractable hurdles to overcome if they are to ensure a significant majority vote in favour of secession.

Timing will be key. The Scottish government will want to ensure a comfortable majority vote in favour of independence, able to withstand what may prove to be yet another lengthy referendum campaign. More importantly, key lessons will have been learnt from the Quebecois experience. A failed second independence vote, as occurred in Quebec in 1995, would hugely damage the SNP and may well ensure that the independence referendums were indeed a 'once in a lifetime opportunity'.

The position of Spain

Article 49, whereby a European State can apply for membership of the EU, requires a unanimous decision among member states, effectively giving each country a veto over the admission of a new member. During the Scottish referendum in 2014, there was significant speculation that Spain, as well as other states such as Belgium or Italy, would veto the accession of an independent Scotland to the EU in an attempt to discourage fervent independence movements within their own borders. Given these issues are now back on the table, how might Spain be expected to react to Scottish independence following Brexit?

In reality, the chances of a Spanish veto in 2014, though not impossible, remained unlikely. Those making the argument above often pointed to the refusal of the Spanish government to recognise Kosovo as an independent state. However, the position of Kosovo was [fundamentally different](#) from that of Scotland: whereas a referendum had been agreed between the governments of Scotland and the UK; Kosovo declared independence unilaterally.

In addition, the Spanish Premier, Mariano Rajoy, went to great lengths to discourage comparisons between Scotland and Catalonia, arguing that both cases were 'absolutely and totally different'. However, [Rajoy did wade in on the](#)

[debate](#), questioning the validity of the SNP's position to re-join, not as a new member, but with a treaty amendment using Article 48. He dismissed these claims, instead arguing that a region that voted for independence from a current EU member state would be outside the Union and would have to seek entry via Article 49. In short, they would have to navigate a [lengthy accession process](#) to get back in.

The increasing support for independence in Catalonia, which according to some polls had reached over 50 per cent, evidently influenced the position taken by the Spanish government regarding an independent Scotland's re-entry to the EU. While support for independence in the Catalan region has waned in recent months (currently around 39%), the incumbent Catalan government continues to seek secession, and has vowed to pursue a referendum and independence [with or without the consent of the Spanish government](#), which hitherto has refused to negotiate on the issue.



Mariano Rajoy, Credit: European People's Party (CC-BY-SA-2.0)

The new Spanish government, regardless of its political hue, will be unequivocally opposed to Catalan independence, yet its position on the admission of Scotland to the EU to replace the UK has yet to be clarified. Rajoy, however, currently President of the caretaker Spanish government, has made it explicitly clear he is against Scottish negotiations, arguing [‘If the UK leaves, Scotland will leave, too’](#).

There are two positions the future Spanish government may take. First, it may veto Scotland joining the EU to quell secessionist aspirations in Catalonia and the Basque Country. In addition, although it would be within the interests of pro-secessionists in Catalonia for Scotland to be admitted to the EU, the lack of a Spanish veto would also result in charges of ‘hypocrisy’ and ‘double standards’.

[Many Catalans](#) have contrasted the routes taken by Spain and the UK with regard to calls for secessionism. Whereas the latter negotiated with its Scottish counterparts to ensure a fair and democratic referendum, the former has refused to enter any such negotiations with the pro-secessionist Catalan government. Should Spain not veto an independent Scotland's membership to the EU, secessionist fires in Catalonia may become further fuelled. It is undoubtedly within Catalonia's interest, however, that an independent Scotland become an EU member state, and would likely help bolster secessionist aspirations in the region.

But it is perhaps more likely that Spain would pursue the second option, and not veto an independent Scotland's accession to the EU. First, as in 2014, Spain would argue that the Scottish and Catalan cases are very different. If Scotland is to enter the EU as an independent state to replace the UK as its 28th member, this would indeed be an unprecedented move, and would serve to underline the difference between the Catalan and Scottish cases.

In addition, internally the future Spanish government faces huge challenges, especially with regards to the economy. Persistently high unemployment, at over 20 per cent, economic uncertainty and corruption scandals that have even reached the upper echelons of government, not to mention the constitutional challenge emanating from Catalonia, will plague the new government's first few months and years. The increased share of the vote and seats for the PP, compared to the general election in December, is seen as lucid evidence of the Brexit effect on Spanish voters, many of whom ([74 per cent](#)) considered Brexit as bad for the Spanish economy.

The vulnerability of the Spanish economy was a pivotal issue during the election campaign and the economic consequences of Brexit may have ensured a [last-minute swing](#) towards the PP. The recent rhetoric of President

Rajoy, however, who is 'extremely against' negotiations other than with the UK government, certainly looks set to cause more than a few problems. Spain, at least for the moment, endorses the minority position. However, given the rumblings of support for Catalan independence, it is still arguably the member state with most to lose should Scotland succeed in becoming independent and a member of the EU. The prospect of a Spanish veto should therefore not be underestimated.

The future

Many of the points raised here will be determined by what happens in the coming days, weeks, months and possibly years. Scotland has no official power to hold another referendum, but given the scale of the Scottish vote to remain in the EU, political circumstances may trump legal obstacles. In addition, Scotland would have to negotiate with the EU on the terms of its membership, and while there is enthusiasm on both sides (Scotland and other EU member states) for Scotland remaining an EU member, timing and details will be key.

Once a new Spanish government is formed, the executive's position on Scotland retaining EU membership will become much clearer. However, given the influence of Brexit on the general election results, the weak and volatile nature of the Spanish economy, and the support in other European nations, such as [Poland](#), [France](#) and [crucially Germany](#), for Scotland replacing the UK as the EU's 28th member state, it seems very unlikely that Spain would seek to counter this.

However, while one would expect Spain to ally with its European colleagues, Rajoy's most recent intervention indicates this is far from certain. And therein lies the rub. Spain's position on external affairs will undoubtedly impact upon the secessionist issue in Catalonia. The Spanish government, should it eventually decide to support an independent Scotland's membership, will have to walk a fine line between supporting Scotland and discouraging Catalonia. For the moment, however, such support seems highly unlikely.

Membership of the EU is the centrepiece of the independence programmes of (most) pro-secessionists in both Scotland and Catalonia. In anchoring independence within the parameters of the EU, pro-secessionists seek to lessen the risks of independence and assuage negative perceptions of 'going it alone'. The vociferous claims of national minorities demanding extended territorial autonomy or secession underline the evolving nature of sovereignty in the modern world.

We are, in the words of [Michael Keating](#), in an era of 'post-sovereignty'. In Catalonia, the EU is seen as having an '[extremely flexible and pragmatic attitude in finding solutions for unforeseen problems](#)'. The manner in which the EU deals with the Scottish question in the wake of Brexit will undoubtedly make for interesting observation, and one could suspect that the Catalan government will be watching with bated breath. A week or indeed a day may be a long time in politics, but at least, for the foreseeable future, there will not be a dull moment.

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Note: This article gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor of the London School of Economics.

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