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Unity of the United Kingdom as a post-Brexit challenge

Abstract: The article is devoted to the changes that take place in the United Kingdom of Great Britain and Northern Ireland after it left the European Union, which finally took place on January 31, 2020. As it turned out, one of the side effects of Brexit was the violation of the unity of the British state – in this respect, its future, in the shape in which it currently operates, has become questionable. Maintaining this unity should be treated as one of the most important challenges facing the British political elites today.

The aim of the article is to analyze the current state of the unity of the British state – primarily in the context of separatist tendencies in Scotland and the potential reunification of Ireland, and also, to a lesser extent, in the context of the development of Welsh and English nationalism. The author tries to answer the question of how much Brexit can affect this unity in the long term and whether it can lead to the disintegration of the United Kingdom of Great Britain and Northern Ireland. To answer this research question, the author uses the historical method, the institutional and legal analysis method, as well as the content analysis method.

The conducted analysis leads the author to the conclusion that the United Kingdom will face a deepened devolution in the near future, and thus – evolution towards a classic federal state. This kind of constitutional reform seems today to be the price of maintaining the unity of this country.

Key words: Brexit, Scotland, Northern Ireland, United Kingdom, unity

Introductory remarks

The 31st of January 2020 will go down as one of the most important dates in the history of the United Kingdom of Great Britain and Northern Ireland. It was on that day, at 11:00 p.m. local time, that the UK officially ceased to be a European Union Member State. This meant that a nearly 50-year period of the United Kingdom's participation in European integration processes had come to an end. For some time, there had been signs that it would happen. Since approximately the mid-1980s, British Eurosceptics had been growing in power, becoming a more and more influential and, in many aspects, natural element of the British socio-political landscape. Undermining the sense of the United Kingdom's continued membership in the structures of a united Europe, with time, they started to demand that the issue be settled in a nationwide referendum. Taking advantage, step by step, of the circumstances that presented themselves, they finally managed, with political elites remaining relatively passive, to force such a referendum.¹ It took place on the 23rd of June 2016 and 52% of those who participated in it voted for Brexit, which initiated a long process of the United Kingdom's withdrawal from the European Union.

¹ For more on the reasons of Brexit and the circumstances that had led to the referendum, see Danel, 2022.

The consequences of Brexit are extensive and can be analysed from a number of perspectives: political, legal, constitutional, economic, and social. This new reality in which the United Kingdom found itself brought about a number of challenges that the UK now has to face, both internally and in foreign policy. One of these challenges seems to be the need to maintain the unity of the British state, whose future, at least considering what the United Kingdom is today, has rather unexpectedly become uncertain. Regardless of its ultimate consequences, a violation of this unity could be easily seen as one of the unintended effects of Brexit. However, the interpretation that leaving the European Union suddenly and unexpectedly initiated decentralist or separatist tendencies in some of the constitutive parts of the United Kingdom is unjustified. Naturally, these processes had started much earlier, taking place with various degrees of intensity, which largely depended both on historical conditions and the specific social and political circumstances to which certain events were related. In this context, Brexit should therefore be, on the one hand, treated as such an event. On the other hand, however, it is worth emphasizing that Brexit was unique in that the act of leaving the European Union accumulated various phenomena in itself, at the same time unleashing strong emotions and initiating changes that may (but do not have to) be a turning point when it comes to the future of the United Kingdom.

The purpose of this article is an attempt to answer the question whether and, if yes, to what extent Brexit will have, in the long run, an impact on the unity of the United Kingdom of Great Britain and Northern Ireland. Applying the historical method, the institutional and legal analysis method, and, considering the topicality of the problem, the content analysis method, I will attempt to verify the hypothesis that Brexit is, in fact, a serious threat to the unity of the United Kingdom and that, if the actual post-Brexit reality turns out to be more difficult than the supporters of leaving the European Union managed to convince the majority of the 2016 referendum's participants it would be, the consequences may be far-reaching. In this context, in the optimistic scenario, the United Kingdom will see more extensive devolution; the result being a transformation into a classic federal state. In turn, the pessimistic scenario assumes a disintegration of the United Kingdom and termination of its functioning in the existing form.

The analysis carried out in this article will focus primarily on Scotland and Northern Ireland since these two parts of the United Kingdom, albeit for different reasons, are the two main tinderboxes when it comes to the unity of the British state. Less attention will be paid to Welsh nationalism (which recently has also been on the rise) and English nationalism, which is generally listed as one of the reasons for Brexit and which has reanimated the discussion concerning the legal and political identity of England itself.

The current status of Scotland within the United Kingdom

When, under the Acts of Union 1707, the Kingdom of England (already including Wales) and the Kingdom of Scotland merged into a single state, the Kingdom of Great Britain, this was a natural consequence of the personal union that started in 1603 when the King of Scotland, James VI Stuart, was crowned the King of England in Westminster as James I. This was one of the most important stages of territorial consolidation of what

today is the United Kingdom.² The history of Anglo-Scottish relations is naturally much longer, but also filled with numerous wars and other bloody events that even today affect the antagonisms between the two nations, at the same time generating a strong anti-English sentiment in Scotland.

The tensions concerning the legal and political status of the Scots within the United Kingdom started virtually at the moment the Acts of Union came into effect. Even though, in accordance with the existing legal system, the legislation in force in Scotland was passed by the British Parliament, the acts adopted in Westminster often contained separate clauses concerning Scotland or ones that specifically provided that they apply exclusively in England and Wales. This was related to the fact that Scotland retained many of its traditional regulations concerning, among others, its own education system, justice system, and local government system (Russell, Lodge, 2005, p. 20). However, irrespective of that, since the end of the 19th century, there had been calls to establish a separate parliament for Scotland in Edinburgh. These calls grew louder when the Conservative Party was in power, which never enjoyed much popularity in Scotland, especially when Margaret Thatcher was Prime Minister. In fact, throughout the entire 19th century, Scottish MPs in Westminster focused on bills concerning strictly Scottish matters. For this purpose, they used both the options available in the Parliament (different parliamentary commissions dealing with bills at the particular stages of the legislative procedure) and in the Government, for instance via the Scottish Office headed by the Secretary of State for Scotland (Danel, 2017, p. 114).

From time to time, there were initiatives intended to bring about Scottish devolution, but they never had sufficient political support in the House of Commons. It was only between 1974 and 1979, when the Labour Party was in power, that several bills were brought before the Parliament that were intended to devolve Scotland (and Wales) by means of establishing separate legislative assemblies for them (Danel, 2017, p. 115). Even though the British Parliament adopted the Scotland Act 1978, it never came into effect, as in the 1979 referendum it was supported by an insufficient number of Scots.³ When the Labour Party returned to power in 1997, serious discussion of devolution came back on the agenda, as this was an element of the Labour political manifesto (*New*, 1997). This discussion ended with the adoption, in 1998, of three separate acts concerning Scotland, Wales, and Northern Ireland. The Scotland Act 1998 came into effect after the September 1997 referendum where approx. 75% of Scots voted for the establishment of the Scottish Parliament and, consequently, the Scottish executive, which has been functioning as the Scottish Government since 2012.

The competences of the Scottish Parliament cover law-making with respect to matters that are not expressly reserved for the British Parliament. These primarily include health care, the education system, environmental protection, housing, and agriculture (Sarnecki, 2008, pp. 68–69). However, the British Parliament remained the superior legislative body for Scotland, able in practice to block or undermine any decision made by

² For more on the legal and political nature of the new state, see e.g. Ford, 2007, pp. 106–141, and Pryde, 1950.

³ This proposal was accepted by a majority of the voters who participated in the referendum (approx. 52%), but the Act required support from a minimum of 40% of all those entitled to vote. Since the turnout was relatively low (approx. 64%), only approx. 33% of all Scottish voters voted for the Act.

the Scottish Parliament. It is also in the Palace of Westminster that decisions concerning defence, monetary and economic policy, and foreign policy are made.⁴ The Scotland Act 1998 clearly provides that the powers of the Scottish Parliament have no impact on the power of the British Parliament to pass acts that are applicable in Scotland. What is more, after devolution, the Sewel Convention was developed, according to which, after obtaining clear consent from the Scottish Parliament, the British Parliament may pass acts with respect to the matters that are within the competence of the Scottish Parliament (Daniel, 2017, p. 116).

Brexit and the Scottish aspirations for independence

In the case of Scotland, one of the main purposes of the devolution reforms carried out at the end of the 1990s by Tony Blair's Cabinet was to counteract separatist tendencies and to limit and slow down aspirations for independence in that part of the United Kingdom. This goal was achieved only partially, as, over the first decade of the new century, various socio-political movements started to demand more and more boldly a more extensive devolution, and even the complete abolishment of the union with England and the re-emergence of a sovereign Scottish state. A crucial moment in this respect was the electoral success of the Scottish National Party (SNP), whose principal postulate was to organize a referendum concerning Scottish independence. Already in 2007, the SNP won the highest number of seats in the Scottish Parliament (47), just ahead of the Labour Party, which used to dominate the Scottish political scene.⁵ As a result, Alex Salmond became the First Minister and therefore the head of the Scottish executive, forming a minority government.⁶

With respect to the political position of the SNP, the crucial moment was the Scottish parliamentary election held on the 5th of May 2011, where the party won 69 out of 129 seats (with a popular support of 45%), enabling it to form its own, single-party government. First Minister Alex Salmond started to articulate his expectations towards the British Government in an increasingly vocal way.⁷ In turn, Whitehall knew that it could not ignore these demands. Prime Minister David Cameron decided (as it later turned out, not for the last time) to play *va banque* and agreed to an independence referendum in Scotland. According to the agreement signed in 2012 in Edinburgh, the Scottish Parliament was given the option to organize a referendum where the Scots would answer one short question: "Should Scotland be an indepen-

⁴ For a detailed description of the powers of the authorities established under the devolution acts, see e.g. Adler, 2013, pp. 341–359.

⁵ Specifically, the Scottish Labour Party, which is a part of the British Labour Party, within which it enjoys a certain degree of autonomy.

⁶ Salmond was able to secure the position of First Minister because of support from the Scottish Green Party. However, in the major votes, e.g. on the annual budget, his government had to look for more support, for instance from the Scottish Conservative & Unionist Party, which is the Scottish section of the British Conservative Party.

⁷ Notably, the first amendments to the Scotland Act came into effect in 2012, in the form of the Scotland Act 2012, which transferred more powers, especially those related to fiscal matters, from the British level to the Scottish level.

dent country?"⁸ Most of the people who participated in the referendum on the 18th of September 2014 said no (approx. 55.4%).⁹

The result was unsurprising, since in the years preceding the referendum, popular support for independence oscillated around 30–35%. David Cameron was well aware that the idea of having more extensive devolution (while remaining within the United Kingdom) was much more popular in Scotland. This probably influenced his strategy of agreeing to the referendum demanded by the SNP and then threatening the Scots in the pre-referendum campaign with the catastrophic consequences (especially in the economic dimension) that would follow from independence. His strategy turned out to be effective, but support for independence at the level of nearly 45% already suggested that this postulate would continue to be articulated and the hopes of politicians in London (including Cameron himself) of this being a once-in-a-lifetime vote on Scottish independence (McVeigh, 2014) would soon prove to be in vain (Hankus, 2015, p. 259).

Another turning point in terms of support for the SNP was Nicola Sturgeon becoming the party leader (and therefore the First Minister of Scotland) in 2014. This led the SNP to an even greater electoral success. In 2015, the party solidified its dominant position in Scotland by winning 56 out of 59 of the seats in the House of Commons that are allocated to Scottish constituencies.¹⁰ In the campaign related to the referendum concerning the issue of the United Kingdom remaining in or leaving the European Union, which was just starting, the Scottish National Party joined the remain camp. So did 62% of the participants in the referendum.¹¹ Ultimately, however, they had to accept the decision of the majority of the United Kingdom's residents, who voted leave.

The outcome of the referendum was not a surprise since the Scots, much more than the English and Welsh, felt and appreciated the benefits of European integration, especially with respect to access to the European common market (Danel, 2020, p. 134). The leaders of the SNP took advantage of the opportunity to start a campaign for another independence referendum, arguing that the United Kingdom leaving the European Union meant a major change of circumstances in comparison with the situation in which the first vote on the matter took place in 2014. This strategy was announced even before the election to the Scottish Parliament that was held on the 5th of May 2016, shortly before the Brexit referendum, and that allowed the SNP to stay in power in Scotland.¹² The expectations of the SNP and the other supporters of independence

⁸ The referendum was organized under the Scottish Independence Referendum Act 2013.

⁹ In absolute numbers, those opposing independence outnumbered those supporting it by nearly 384,000. Most of the voters supported independence in only four out of the 32 council areas into which Scotland is divided for local government purposes and which are sometimes referred to as Scottish counties. Those were Dundee, Glasgow, North Lanarkshire, and West Dunbartonshire.

¹⁰ This was an increase of 50 seats versus the 2011 election, also meaning that the Scottish Labour Party was no longer Scotland's strongest representative in Westminster.

¹¹ In each of the Scottish counties, most of the voters wanted to remain in the European Union. The largest Scottish cities—Glasgow, Edinburgh, and Aberdeen—were among the largest British cities in which the opponents of Brexit clearly dominated.

¹² The SNP won fewer seats than in the previous election (63) and had to form a minority government, but this was still a solid electoral result (percentage-wise, considering all regions, even better than in 2011).

were not satisfied even by another amendment to the Scotland Act (the Scotland Act 2016), which delegated further powers to the Scottish Parliament and the Scottish Government.¹³

Nicola Sturgeon made consistent attempts to win London's consent for a second referendum. Prior to the 2021 Scottish parliamentary election, she went as far as to announce that if the SNP were to win, she would organize, even without permission from London, a consultative referendum to be held in that respect, which would be a form of putting pressure on the British Government so that it agrees to a legally binding referendum (Brooks, 2021). The SNP's victory in the election was decisive¹⁴ and, together with the Scottish Green Party, it formed a pro-independence alliance; Nicola Sturgeon remained the First Minister. In 2022, she even announced that the independence referendum should take place on the 19th of October 2023, but Prime Minister Johnson did not agree to that (Sanderson, 2022). The possibility of holding a referendum with respect to Scotland's independence, even if it were to be only a consultative referendum, was also rejected by the Supreme Court (Nicolson, 2022). This resulted in a change of strategy by Sturgeon, who announced that the SNP would treat the next election to the House of Commons (which is to take place in January 2025 at the latest) as a "*de facto* referendum" in an attempt to demonstrate that most people in Scotland support independence, which would increase the pressure on the British Government to take the matter more seriously (Brooks, Crerar, Quinn, 2022).

However, this strategy will not be implemented since, on the 15th of February 2023, rather unexpectedly and in slightly mysterious circumstances, Sturgeon resigned, which initiated the procedure of selecting the new leader of the SNP (and therefore the new First Minister of Scotland). There is no doubt that Sturgeon fought for Scottish independence, but she failed to persuade any of the five British Prime Ministers she worked with to accept her vision. Sturgeon's successor, Humza Yousaf, declared that he would attempt to build a lasting majority for independence, irrespective of what public opinion polls suggest (Bland, 2023). The details of the new strategy are yet unknown, but interestingly, the issue does not seem to be of crucial importance for the Scots themselves. In recent weeks, support for Scottish independence (and for the SNP) has visibly decreased. As many as 60% of the Scots believe that Sturgeon spent too much time on the issue, 53% think that this should not be a priority for the new leader of the SNP (this view is shared by 20% of SNP voters), and if a referendum on Scottish independence were to be held today, 54% would vote against it and 46% would support it (Smith, 2023).

¹³ This Act was a part of the famous vow made even before the 2014 referendum by the then leaders of the three largest British political parties: David Cameron (the Conservative Party), Ed Miliband (the Labour Party), and Nick Clegg (the Liberal Democrats). They promised that if most of the referendum participants voted against independence, there would be more devolution for Scotland. In practice, the Act was not a revolutionary change, although it did give the Scottish Parliament and the Scottish Government more permanence, which means that their potential liquidation will require consent from the Scots, to be expressed in a referendum.

¹⁴ SNP won 64 seats and recorded the highest ever percentage support across all constituencies (almost 48%).

The current status of Northern Ireland within the United Kingdom

The history of Anglo-Irish relations is even more bloody and dramatic than that of Anglo-Scottish relations, also because, in this case, religion was an additional factor generating mutual aversion (and often pure hatred). The Irish Catholics still remember the harm they suffered at the hand of their Protestant neighbours. In 1800, under the Acts of Union 1800, the Kingdom of Ireland and the Kingdom of Great Britain united, forming a new state, the United Kingdom of Great Britain and Ireland. However, for many of the Irish, this was unacceptable – the long years of English and then British domination blocked their dream of freedom, of having their own, independent state.

The first discussions on granting Ireland a certain degree of autonomy (known as home rule) took place already in the second half of the 19th century. Between 1886 and 1914, three bills concerning devolution in Ireland were brought before the British Parliament, but ultimately none of them came into effect as an act.¹⁵ The Irish War of Independence (1919–1921) ended in an Anglo-Irish treaty establishing the Irish Free State, but under the Government of Ireland Act 1920, six of the nine counties of Ulster formed Northern Ireland, which became a part of the United Kingdom of Great Britain and Northern Ireland. This Act provided for the establishment of a separate parliament for Northern Ireland (commonly referred to as Stormont¹⁶), which functioned until the introduction of direct rule in 1972. For the next 26 years, Northern Irish laws were laid down by institutions of power based in London, whether by means of special acts concerning this part of the United Kingdom or through Orders in Council (Russell, Lodge, 2005, p. 20). Within the British Cabinet, the Northern Ireland Office was established, headed by the Secretary of State for Northern Ireland (Danel, 2017, p. 113).

The Good Friday Agreement signed on the 10th of April 1998 in Belfast (*The Belfast...*, 1998), which crowned the peace process following the Troubles that lasted for three decades, established separate institutions of power in Northern Ireland: the Northern Ireland Assembly and the Northern Ireland Executive, which is appointed by the Assembly in such a manner as to guarantee that the representatives of both communities, i.e., the unionists and the nationalists, rule together. These institutions were established under the Northern Ireland Act 1998, the adoption of which was a consequence of the Good Friday Agreement. The Agreement was accepted by the residents of Ireland and Northern Ireland in a referendum that was held on the same day (the 22nd of May 1998) on both sides of the border. In Ireland, support for the Agreement exceeded 94%; in Northern Ireland – 71%.

The Northern Ireland Assembly was granted powers slightly less extensive than those of the Scottish Parliament. According to the Northern Ireland Act 1998, the Assembly has the power to lay down laws with respect to the transferred matters, i.e., those that have not been expressly reserved for the British Parliament. These, in turn, are divided into excepted matters, which are within the exclusive competence of London (e.g., defence, national security, monetary policy, and taxes, etc.) and reserved matters, which the

¹⁵ For more on the first devolution processes in the United Kingdom, see e.g. Bogdanor, 2001; Mitchell, 2009; and Kaczorowska, 2006, pp. 51–71.

¹⁶ This name still functions today; it derives from a castle in Belfast that is the seat of the Northern Ireland authorities.

Assembly may work on in the future, provided that the Secretary of State for Northern Ireland comes forward with such an initiative (Sarnecki, 2008, p. 17).

Brexit and the prospect of unification of Ireland

The joint rule over Northern Ireland by the unionists and nationalists turned out to be a difficult challenge, especially as, only several years after the signing of the Good Friday Agreement, two parties that had previously been considered extreme, i.e., the Democratic Unionist Party (DUP) and Sinn Féin, became the loudest political voices in these two conflicting communities. The political tensions between them regularly produced political crises, which even resulted in the British Government suspending the Northern Ireland Assembly and Executive and reinstating the direct rule of London (via the Northern Ireland Office). The Northern Ireland Act was also amended a number of times in order to reflect the changes in the functioning of Northern Irish institutions.¹⁷ However, it should also be noted that the Good Friday Agreement served its purposes: the border dividing the island virtually disappeared, British troops were withdrawn, and the activity of extreme sections of the Irish Republican Army (IRA) almost vanished. In Ireland, there was peace for the first time in years and, at least until 2016, it seemed that this peace would last.

Just as for Scotland, Brexit turned out to be a crucial moment for Northern Ireland, although for completely different reasons. In this part of the United Kingdom, in the referendum held on the 23rd of June 2016, the supporters of remaining in the European Union came out on top (55.78%, with 44.22% voting leave), but, in the same way as the Scots, they had to accept the will of the general British population. As a result, on the 1st of February 2020, they found themselves outside the EU. One of the main reasons for which the residents of Northern Ireland were mostly against Brexit was the fear that, if the United Kingdom left the European Union, this would upset the peace that was worked out in 1998. The Good Friday Agreement contains numerous references to the European Union since, at the moment of its signing, both parts of Ireland were within the EU. EU membership in itself is not a requirement for the Good Friday Agreement to be valid, but the residents of Northern Ireland had reasons to fear that Brexit would somehow disturb its framework, not to mention the many problems it would introduce in their everyday life.

The United Kingdom leaving the European Union would mean that the border between Ireland and Northern Ireland would be reinstated; what is more, this would be the EU's external border. As a result, all attempts were made for it not to be a hard border, as this would be a major threat to the entire peace process and to everything that was achieved after 1998 in order to make this peace last. It was specifically for this purpose that the Northern Ireland Protocol was produced. It came into effect on the 1st of January

¹⁷ For instance, the 2006 amendments, i.e., the Northern Ireland (St Andrews Agreement) Act 2006, introduced a new mechanism of appointing the First Minister and deputy (which was a result of the 2006 St Andrews Agreement). In turn, the 2009 amendments, i.e., the Northern Ireland Act 2009, were intended to deepen the devolution by means of transferring to the Northern Ireland Assembly competences related to the police and the justice system.

2021 and is a part of the EU-UK Withdrawal Agreement (*Protocol...*, 2020). The Protocol lays down trade rules for Northern Ireland that are different from the rules for the rest of the United Kingdom; consequently, Northern Ireland has *de facto* remained a part of the European common market, enforcing all of the EU's customs regulations. This means that there is now an actual customs border between Northern Ireland and the rest of the United Kingdom, with customs inspections taking place in Northern Irish ports. Unionist circles (including the Democratic Unionist Party) and fervent Brexit supporters (such as the representatives of the European Research Group, the most Eurosceptic group of Conservative MPs in the British Parliament) were opposed to the Protocol from the beginning. Their criticism boiled down to claiming that the new legal situation undermines the existing status of Northern Ireland (as part of the United Kingdom) and that granting the Court of Justice of the European Union the right to settle disputes resulting from the application of the Protocol is a major threat to British sovereignty (Scullion, 2021).

After two years of negotiations between London and Brussels, on the 27th of February 2023, the British Prime Minister, Rishi Sunak, and the President of the European Commission, Ursula von der Leyen, announced that a new agreement, known as the Windsor Framework, had been reached. Its chief purpose was not so much to replace the Northern Ireland Protocol, but to improve its functioning in the areas that turned out to be problematic. This is why the new agreement introduces significant facilitations in terms of trading in the goods transported from the rest of the United Kingdom to Northern Ireland through the Irish Sea. These mainly concern less bureaucracy and fewer formalities in the case of goods that remain in Northern Ireland and are not intended for the European Union common market. Furthermore, the agreement allows the application in Northern Ireland of British legal regulations concerning the VAT and excise duty charged with respect to a number of goods. It also introduces a mechanism known as the Stormont brake, which allows the British Government, with support from at least 30 members of the Northern Ireland Assembly, to reject new EU regulations intended to be applied in Northern Ireland if these were to have a significant impact on the everyday life of its residents and the operations of the businesses based there (Edgington, Kovacevic, 2023).

The agreement was accepted by the House of Commons on the 22nd of March 2023. Contrary to previous fears, only 22 Conservative MPs, mainly those affiliated with the ERG, voted against it. At the same time, however, 6 MPs of the DUP were against, as the leadership of that party decided that negotiating corrections to the Northern Ireland Protocol is insufficient and more talks and legal changes are necessary, including those intended to abolish EU regulations that are already in force in Northern Ireland (McDonald, 2023). This hard position of the DUP is of note because, in February 2022, as a sign of protest against the Protocol, the party withdrew from the Northern Ireland Executive, making it impossible for it to function.¹⁸ The early election to the Northern Ireland Assembly resulted in the greatest ever victory of Sinn Féin, which won the largest number of seats (27) and was therefore able, for the first time since 1998, to nominate its leader,

¹⁸ Under the St Andrews Agreement mentioned above, the leaders of the major parties in the unionist and nationalist blocks are, as it were, automatically appointed to serve as the First Minister and deputy. These parties are the DUP and Sinn Féin.

Michelle O'Neill, to take the position of First Minister. Ultimately, this did not happen due a boycott from the DUP.

In the background of all this, there is the question of Ireland's reunification under a single republican flag. What works for the benefit of that scenario is the legal chaos caused by Brexit and the fact that the United Kingdom's withdrawal from the European Union has complicated the life of Northern Ireland's residents. Purely political circumstances also seem favourable. The success of Sinn Féin in the recent election to the Northern Ireland Assembly means that, for the first time since the division of Ireland, a unionist party, i.e., a party supporting close ties between Northern Ireland and the United Kingdom, does not hold the largest number of seats, meaning that it has in fact lost the election. What is more, in February 2020, in the election to the lower house of the Irish Parliament (Dáil Éireann), Sinn Féin was also hugely successful, being the first preference of the voters under the STV system.¹⁹ Winning 37 out of 160 seats in Stormont was the best result of this party since 1932. Although these successes did not translate to Sinn Féin rising to power (in Northern Ireland, there is a political deadlock; in Ireland, the government coalition was formed by Fianna Fáil, Fine Gael, and the Green Party), it remains a fact that a party whose main postulate is the reunification of Ireland is slowly becoming a major political force on both sides of the border.

Questions concerning the reunification of Ireland have also started to appear in the context of Northern Ireland's changing demographic structure. According to the September 2022 census, for the first time in history, more people declare themselves to be Catholic (45.7%) than Protestant (43.5%) (Carroll, 2022). When Northern Ireland was established, the situation was completely different: in the six counties of Ulster, Protestants were twice as numerous as Catholics. However, it remains to be seen whether religion could be a driving force behind such an important political change. A lot seems to suggest that it could be, at best, one of the factors that should be taken into account when discussing this topic.

Irrespective of everything, the road to Ireland's potential reunification is very long, also because the issue itself is fairly secondary for the Irish, similarly to how the Scots see their independence. However, the signatories of the Good Friday Agreement did foresee this possibility and opened legal paths that allow such an operation to be carried out in the future. For this purpose, the Constitution of Ireland was amended: the section which defined the entire island as the territory of Ireland was replaced with a section saying that a united Ireland shall be brought about only by peaceful and democratic means and only if a majority of the people in both parts of the island so decide. In turn, the Northern Ireland Act 1998 provides that Northern Ireland is a part of the United Kingdom, unless the majority of its residents vote, in a referendum, to reunite with Ireland. The Secretary of State for Northern Ireland is legally obliged to organize such a referendum if, at any point of time, they consider it likely that most of the voters would support the idea of Northern Ireland ceasing to be a part of the United Kingdom and reuniting with Ireland (*Northern...*, 1998). Naturally, the question of how this wish could be verified remains. The authors of a special report produced by University College London claim that the British Government could use six sources of evidence for this purpose: votes cast in an

¹⁹ The Single Transferable Vote system, which is based on preference voting, in other words, voters have the option to arrange the candidates on the electoral list in an order that matches their preferences.

election, seats won in an election, how the Northern Ireland Assembly votes, results of public opinion polls and surveys, demographic data, and qualitative research presenting the views held on the matter by various parts of Irish society (*Working...*, 2021, p. 140).

Conclusions and summary

The result of the 2016 referendum significantly increased the importance of national identity of the Scots and intensified the discussion concerning the reunification of Ireland. At the same time, Brexit strengthened Welsh nationalism, which, however, has never been as strong and as politically represented as, for instance, Scottish nationalism. This is because Wales and England are joined by much stronger political and legal ties than the other parts of the United Kingdom. Most of the Welsh (approx. 52.5%) voted for Brexit, but Plaid Cymru, a political party representing Welsh nationalism and supporting Welsh independence, was actively involved in the pre-referendum campaign within the remain camp. Believing in electoral success, the party established a special commission in December 2019 to draft recommendations on how the future regional government formed by Plaid Cymru should prepare for holding a Welsh independence referendum. The commission's report, *Towards an Independent Wales*, was published in September 2020. Its authors clearly emphasized the need for Wales to strive for independence and then to return to the European Union (*Launching...*, 2020). In 2021, before the election to the Welsh Parliament (the Senedd Cymru), the leader of Plaid Cymru, Adam Price, went as far as to announce that in the event of a victory allowing the formation of an independent government, the party would make a Welsh independence referendum happen (Morris, 2020). Ultimately, the election was decisively won by the Welsh section of the Labour Party (Welsh Labour), but the two parties signed a cooperation agreement, which provided, among others, for the establishment of the Independent Commission on the Constitutional Future of Wales, which, in its interim report, presented three possible options concerning the future of Wales, with one being independence (*Interim...*, 2022).

Today, the prospect of Welsh independence is rather vague, but importantly, in recent years, support for this idea has been growing for the first time since the devolution reforms came into effect. Public opinion polls show that 20–25% of the Welsh would like Wales to be independent. However, the majority (approx. 55%) still opposes the idea (*Should...*, 2023). Even if Plaid Cymru is currently not the leading political power in Wales, it is evident that the Welsh fractions of the two main political parties, the Labour Party and the Conservative Party, are moving towards more nationalist positions (Danel, 2022, p. 160). In the years to come, this could significantly affect the way in which the Welsh think about the idea of independence.

Finally, English nationalism is worth mentioning, as it has always been very strong and played a major role in shaping the final outcome of the 2016 referendum. This nationalism is deeply rooted in the long history of the English state,²⁰ but, in the last two decades, it has become particularly prominent in the context of the alleged harm suffered by England as a result of the devolution reforms. These reforms never applied to England, which is perceived by English nationalists as a historical injustice. In constitu-

²⁰ For more on English nationalism, see e.g. Black, 2011 and Kumar, 2003.

tional terms, this issue is reflected in the so-called West Lothian Question, which leads to a discussion of matters that go as far as creating an independent English state or, as a minimum, establishing an English Parliament whose task would be to pass laws for the English part of the United Kingdom (Danel, 2022, p. 154). In 2015, the Standing Orders of the House of Commons were modified to introduce a procedure known as English Votes for English Laws (EVEL). This meant that legislation affecting only England required the support of most of the MPs representing English constituencies. This procedure was suspended in April 2020 (and abolished altogether by the House of Commons a year later), but serves as another remainder that the constitutional dilemma known as the West Lothian Question has still not been settled in a manner that satisfies the English.

Summarising the analysis carried out in this article, it should be emphasized that Brexit has visibly strengthened regional nationalisms, which is expressed through opposition to the England's dominant position. This rise of national identity is noticeable chiefly among the Scots and Northern Irish, but also exists in Wales. Brexit has also reinforced English nationalism and the sense that England, deprived of its individual identity, is being taken advantage of by the other parts of the United Kingdom, which are dependent, for instance financially, on England and London (Danel, 2022, p. 154). In the long run, all of this puts into question the territorial integrity of the United Kingdom. Deeper devolution seems unavoidable since all the parts of the United Kingdom demand this form of federalization. For London, transferring more powers to the regional assemblies in Edinburgh, Belfast, and Cardiff may be the best method of counteracting decentralist tendencies and, perhaps, the price to be paid for maintaining the unity of the United Kingdom of Great Britain and Northern Ireland.

In this process, a number of factors will play a major role. Traditionally, the realm has been cemented together by the monarchy, and Elizabeth II, who passed away in September 2022, performed this role admirably. The question of whether her successor, Charles III, will rise to the challenge remains open. Consequently, the future of the United Kingdom is at least uncertain. For a number of various reasons, it is difficult to imagine today that the UK could disintegrate, but one of the side effects of Brexit is without a doubt the fact that the vision that, one day, all that remains from Great Britain is Little England has become slightly more likely.

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Bibliography

- Adler J. (2013), *Constitutional & Administrative Law*, Palgrave Macmillan, Basingstoke–New York.
- Black J. (2018), *English Nationalism. A Short History*, C. Hurst & Co. Publishers Ltd., London.
- Bland A. (2023), *Tuesday briefing: What Humza Yousaf's win means for Scotland, the SNP and independence*, 28.03.2023, "The Guardian", <https://www.theguardian.com/world/2023/mar/28/first-edition-humza-yousaf-snp-leader>, 30.04.2023.
- Bogdanor V. (2001), *Devolution in the United Kingdom*, Oxford University Press, Oxford–New York.
- Brooks L., Crerar P., Quinn B. (2022), *We will find another lawful way to express will of Scots, says Nicola Sturgeon*, 23.11.2022, "The Guardian", <https://www.theguardian.com/politics/2022/nov/23/we-will-find-another-lawful-way-to-express-will-of-scots-says-nicola-sturgeon>, 30.04.2023.
- Brooks L. (2021), *Sturgeon: SNP will hold Scottish independence vote if it wins in May*, 24.01.2021, "The Guardian", <https://www.theguardian.com/politics/2021/jan/24/scotland-independence-referendum-nicola-sturgeon-snp-wins-may->, 30.04.2023.
- Carroll R. (2022), *Catholics outnumber Protestants in Northern Ireland for first time*, 22.09.2022, "The Guardian", <https://www.theguardian.com/world/2022/sep/22/catholics-outnumber-protestants-northern-ireland-census>, 01.05.2023.
- Danel Ł. (2017), *Brytyjskie dylematy konstytucyjne „pytania z West Lothian”*, „Studia Polityczne”, no. 4.
- Danel Ł. (2022), *Zrozumieć Brexit. Przyczyny wystąpienia Zjednoczonego Królestwa Wielkiej Brytanii i Irlandii Północnej z Unii Europejskiej*, Wydawnictwo Naukowe Scholar, Warsaw.
- Edgington T., Kovacevic T. (2023), *Brexit: What are the Northern Ireland Protocol and Windsor Framework*, 12.04.2023, BBC News, <https://www.bbc.com/news/explainers-53724381>, 01.05.2023.
- Ford J. (2007), *The Legal Provisions in the Acts of Union*, "The Cambridge Law Journal", vol. 66, no. 1.
- Hankus P. (2015), *Szkockie referendum niepodległościowe jako przykład dążeń secesjonistycznych w Europie*, „Dyplomacja i Bezpieczeństwo”, no. 1(3).
- Interim Report by The Independent Commission on the Constitutional Future of Wales* (2022), Welsh Government, <https://www.gov.wales/sites/default/files/publications/2022-12/independent-commission-the-constitutional-future-of-wales-interim-report-december-2022.pdf>, 10.05.2023.
- Kaczorowska M. (2006), *Proces dewolucji w Wielkiej Brytanii – między regionalizacją a federalizmem. Przypadki: Szkocji, Walii, Anglii*, in: *Dylematy państwowości*, ed. K. Trzciniński, Oficyna Wydawnicza Aspra-JR, Warsaw.
- Kumar K. (2003), *The Making of English National Identity*, Cambridge University Press, Cambridge.
- McDonald A. (2023), *Northern Ireland's DUP to vote against Windsor Framework Brexit deal*, 20.03.2023, Politico, <https://www.politico.eu/article/northern-irelands-dup-to-vote-against-windsor-framework-deal/>, 01.05.2023.
- McVeigh K. (2014), *Scottish referendum: yes and no agree it's a once-in-a-lifetime vote*, 17.09.2014, "The Guardian", <https://www.theguardian.com/politics/2014/sep/17/scottish-independence-referendum-yes-no-agree-once-in-lifetime-vote>, 30.04.2023.
- Mitchell J. (2009), *Devolution in the UK*, Manchester University Press, Manchester–New York.
- Morris S. (2020), *Plaid Cymru sets out possible roadmap for Welsh independence*, 25.09.2020, "The Guardian", <https://www.theguardian.com/politics/2020/sep/25/plaid-cymru-sets-out-possible-roadmap-for-welsh-independence>, 10.05.2023.
- New Labour because Britain deserves better* (1997), Labour Party Manifesto.
- Nicolson S. (2022), *Independence referendum: Scottish government loses indyref2 court case*, 23.11.2022, BBC News, <https://www.bbc.com/news/uk-scotland-scotland-politics-63727562>, 30.04.2023.
- Northern Ireland Act 1998*, Schedule 1, <https://www.legislation.gov.uk/ukpga/1998/47/schedule/1>, 01.05.2023.

- Launching the Independence Commission report* (2020), Plaid Cymru – Party of Wales, https://www.partyof.wales/indy_com_comisiwn_annibyniaeth, 10.05.2023.
- Protocol on Ireland/Northern Ireland* (2020), Legislation.gov.uk, <https://www.legislation.gov.uk/eut/withdrawal-agreement/attachment/1/adopted>, 01.05.2023.
- Pryde G. S. (ed.) (1950), *The Treaty of Union of Scotland and England 1707*, Thomas Nelson and Sons Ltd, London.
- Russell M., Lodge G. (2005), *Westminster and the English Question*, The Constitution Unit, UCL.
- Sanderson D. (2022), *Boris Johnson formally rejects Nicola Sturgeon's request for Indyref2*, 06.07.2022, "The Telegraph", <https://www.telegraph.co.uk/politics/2022/07/06/boris-johnson-formally-rejects-nicola-sturgeons-request-indyref2/>, 30.04.2023.
- Sarnecki P. (2008), *Ustroje konstytucyjne państw współczesnych*, Wolters Kluwer Polska, Warsaw.
- Scullion D. (2021), *European Research Group demand NI Protocol is scrapped*, 25.02.2021, The Critic, <https://thecritic.co.uk/european-research-group-demand-ni-protocol-is-scrapped/>, 01.05.2023.
- Should Wales be an independent country?* (2023), YouGov, <https://docs.cdn.yougov.com/mr1b35b4c8/YG%20Trackers%20-%20Wales%20-%20Indy%20Ref%20W.pdf>, 10.05.2023.
- Smith M. (2023), *Nicola Sturgeon's legacy, according to Scots*, 21.02.2023, YouGov, <https://yougov.co.uk/topics/politics/articles-reports/2023/02/21/nicola-sturgeons-legacy-according-scots>, 30.04.2023.
- The Belfast Agreement: An Agreement Reached at the Multi-Party Talks on Northern Ireland* (1998), Cm. 3883, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1034123/The_Belfast_Agreement_An_Agreement_Reached_at_the_Multi-Party_Talks_on_Northern_Ireland.pdf, 30.04.2023.
- Working Group on Unification Referendums on the Island of Ireland. Final Report* (2021), The Constitution Unit, University College London.

Jedność Zjednoczonego Królestwa jako wyzwanie wywołane Brexitem

Streszczenie

Artykuł poświęcony jest zmianom, jakie następują w Zjednoczonym Królestwie Wielkiej Brytanii i Irlandii Północnej po opuszczeniu przez nie Unii Europejskiej, co ostatecznie miało miejsce 31 stycznia 2020 roku. Jak się okazało, jednym ze skutków ubocznych Brexitu stało się naruszenie jedności państwa brytyjskiego – pod tym względem jego przyszłość, w kształcie w którym funkcjonuje ono obecnie, stała pod znakiem zapytania. Utrzymanie tej jedności należy traktować jako jedno z najważniejszych wyzwań stojących dziś przed brytyjskimi elitami politycznymi.

Celem artykułu jest analiza stanu aktualnego jeśli chodzi o jedność państwa brytyjskiego – przede wszystkim w kontekście tendencji separatystycznych w Szkocji oraz potencjalnego ponownego zjednoczenia Irlandii, a także, choć w mniejszym stopniu, w kontekście rozwoju nacjonalizmu walijskiego oraz angielskiego. Autor próbuje odpowiedzieć na pytanie na ile w dłuższej perspektywie czasowej Brexit może wpłynąć na tę jedność i czy może doprowadzić do rozpadu Zjednoczonego Królestwa Wielkiej Brytanii i Irlandii Północnej. By odpowiedzieć na tak postawione pytanie badawcze Autor posługuje się metodą historyczną, metodą analizy instytucjonalno-prawnej, a także metodą analizy treści.

Przeprowadzona analiza prowadzi Autora do wniosku, że Zjednoczone Królestwo w najbliższym czasie czeka pogłębiona dewolucja, a co za tym idzie – ewolucja w kierunku klasycznego państwa federalnego. Tego rodzaju reforma konstytucyjna wydaje się być dziś ceną utrzymania jedności tego państwa.

Słowa kluczowe: Brexit, Szkocja, Irlandia Północna, Zjednoczone Królestwo, jedność

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