



Has the European Union empowered the regions? A pre- and post-Brexit preliminary investigation of the United Kingdom

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Abstract

The literature on the relationship between regions and the European Union (EU) has generated important insights. Firstly, existing scholarship has found that the EU has empowered, as well as disempowered, regions and sub-national governments. Secondly, researchers have convincingly demonstrated how regions have adapted to the EU opportunity structure. Finally, studies exist that have investigated the ways in which regions and sub-national governments have also influenced the EU opportunity structure. These dimensions are rarely brought together to examine the mutual influence and constant interaction of regions and the EU. Accordingly, this article aims to provide a short systematic account of how empowering and disempowering structures and sub-national governments' endeavours in the United Kingdom (UK) interacted with the European level. It will do so through the Strategic-Relational Approach, showing how regional motivations, processes of devolution, differential opportunities and constraints and strategies of adaptation and transformation are interrelated. The last section will discuss some of the disempowering issues Brexit presents for the UK's territorial and constitutional future.

Keywords

European Union Politics, United Kingdom territorial politics, Strategic-Relational Approach, Brexit, European Union territorial cooperation

Introduction

One of the principal reforms introduced by New Labour in 1997 was the devolution of power from Westminster to elected institutions representing the United Kingdom (UK) territorial nations and regions: a Parliament for Scotland (1999), an assembly for Wales (1999) and a Power-Sharing Executive for Northern Ireland (1998). At the same time in England, successive governments established regional development agencies in all nine regions (1999). In London

this was accompanied by an elected Greater London Authority (2000), although elsewhere a purely administrative regionalism developed (Hazell, 2006; Willett and Giovannini, 2014).

Recent research (Murphy et al., 2020) on the challenges that Brexit poses to the UK's system of

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devolution and to the relationships between the four governing administrations has generated a broad range of difficult questions, which have been bubbling below the surface since 2016. What is to be the balance of power between the UK Government/Parliament and the devolved institutions in a post-Brexit UK? Can the Union and its regions find their own distinctive voice in the UK's governance structure? And has the European Union (EU) really empowered UK regions?

This short commentary will discuss some of the disempowering issues Brexit presents for the UK's territorial and constitutional future, from a Strategic-Relational perspective (Jessop, 1990, 2008). The Strategic-Relational Approach (SRA) (named by Rene Bugge Bertramsen in 1991) emerged to resolve tensions related to a theoretical analysis of the state. It was next applied to political economy and, ultimately, it was also employed to investigate complex governance processes. The latter practical application of the SRA is particularly interesting, as it enables a focus on the social relations and on the differential strategic effects of those on social actors in a specific context. It includes the notion of 'structural strategic selectivity' (Jessop, 1999: 47–48) to identify how the context's specific balance of forces – at a specific time and space – has differential effects on various political strategies in a way that some actors are more privileged than others. At the same time, the SRA also asserts that it is the interaction among these strategies that ultimately results in the exercise of state power. Hence, the SRA enables one to investigate the different forces, within and outside the state, acting for different political purposes. Moreover, it focuses on their consequences for the historical and geographical developments of that particular context, as well as its specific conjunctures.

To investigate the effects of the Brexit process on the UK's territorial and constitutional future through the SRA means to, firstly, examine how the EU facilitated the realisation of regional interests. Even if research has found that regions are generally disadvantaged by the process of EU integration (Börzel, 2002; Keating and Hooghe, 2006), it has been demonstrated that regional entities can adapt to the EU opportunity structure¹ (Bursens and Deforche, 2008) by reorienting their interests and adjusting their strategies (Jeffery,

2000; Keating and Hooghe, 2006; Tatham, 2008) in an attempt to change the structure in which they act (Jeffery, 2004; Ruge, 2003). Secondly, the theoretical framework provided by the SRA enables one to understand how actors and policy networks could better pursue specific interests at the EU level. Within the EU framework, they were offered options and ways to legitimate their position and to gain resources to improve the local economy and the very livelihood of citizens (especially true for Northern Ireland) to partly compensate for the disadvantages connected to UK centralisation (Bullmann, 1996; Fargion et al., 2006; Hooghe and Marks, 2001). Finally, and more in general, through experience, project evaluations and direct participation in public political debates and EU policy-making processes, actors contributed to continuously improve the EU policy machinery. This shows how actors and policy networks are able to influence and shape the EU opportunity structure for the benefit of all member-states. These three dimensions have been rarely brought together in investigating the multi-layered and diverse nature of the sub-national territorial politics of the UK (Keating, 1989) and how they have evolved in the EU framework. Such an undertaking can potentially highlight the structural and strategic losses entailed by Brexit and the tensions that the Brexit process has created in the relationships between the governments and the territories of the UK.

How United Kingdom regions and administrations have adapted to, shaped and transformed the European Union opportunity structure

The process of UK devolution has always had an asymmetrical nature and it was on the agenda only for the areas that were of political significance to the Labour Party. Scotland and Wales were granted a form of political devolution as a way to address the pressures coming from two of the 'Celtic nations' of the UK, which were also traditional Labour strongholds. England remained the gaping hole in the settlement (Hazell, 2006; Willett and Giovannini, 2014), while Northern Ireland 'is, and always has been, a constitutional oddity'.² To function effectively, the

construction of devolution in the UK needed to be embedded in the identity of the local population (DeFrantz, 2008; Rodriguez-Pose and Gill, 2005; Tomaney, 2000). This provided a point of convergence with autonomy movements based on distinctive territorial identity, which were – and continue to be – very vocal within the EU. Such bottom-up ferment played a role in the case of Scottish and Welsh devolution. The need to respect the Belfast/Good Friday Agreement (GFA) and the principle of consent was another essential element to incentivise devolution in Northern Ireland. However, issues of territorial identity were problematic in the case of English regionalism. Campaigns within England were based on diverse and heterogeneous movements (for example the Cornish campaign) and, among these, New Labour proved keener to embrace only those falling into the broader regionalisation discourse developed by the party (Willett and Giovannini, 2014: 344).

The EU supported the New Labour project with an attitude of ‘cooperative asymmetry’ (Bulmer et al. 2006), positively engaging with Scotland, Wales and Northern Ireland sub-national authorities. These pushed for constitutional, institutional, financial and ideational changes that gave them a stronger voice and vertical, preferential communication channels with EU institutions (Jeffery, 2004; Ruge, 2003). Hence, sub-national governments achieved a relative freedom to participate in institutions, engage in EU networking, set up offices in Brussels and mobilise funds (Lagana, 2017; Moore, 2008; Tatham, 2008). At the same time, England remained at the margins of this process and was given only regional structures of government (such as Regional Development Agencies and Government Offices in the Regions) with no political clout and with no actual link to regional identities. The Labour government had intended the devolution project to be extended to English regions if there was popular support. In the event, following an unexpected ‘No’ vote in the first such referendum held in the Northeast of England, plans for English devolution have effectively been shelved (Bulmer et al. 2006: 76) and, in these instances, relationships with the EU have always been managed by the central government.

Devolution brought with it a significant challenge to the UK government’s approach to the handling of

UK/EU policy. A commitment was given in the devolution proposals to include the Scottish executive and parliament, the National Assembly for Wales and the Northern Ireland Assembly and Executive in the process of formulating the UK position, where EU proposals touched on a devolved competence. As EU policy was (and is) an issue of political sensitivity, involving sub-national authorities (Bulmer et al. 2006: 79) in what could be disputatious internal government discussions clearly carried attendant political risks. Instead, the approach taken attempted to minimise the risks by devising procedures that would permit some scope for articulating and pursuing particular interests in the EU framework, but that did not compromise the government’s sole authority to represent a single UK position on all EU issues.

Scotland, Wales and Northern Ireland gained significant and partly autonomous experience in mobilising the EU opportunity structure, from a political and economic perspective. For example, through participating in EU programmes and initiatives in the framework of EU Structural Funds, they could represent and pursue specific local, political and geographical interests. They gained resources and established strategic partnerships with other devolved administrations. They also established cross-border contacts across the Irish Sea, thus shaping relationships and ideas between the UK and the Island of Ireland (Lagana and Wincott, 2020). The upshot is that Scotland, Wales and Northern Ireland have enjoyed substantial access to the UK/EU policy-making machinery, at least compared with non-constitutionalised English regions. They employed a whole toolbox of relationships, resources and ideas to overcome UK centralism. The EU empowered them in this sense (Lagana, 2017; Lagana and Wincott, 2020). However, the Commission, while supporting the administrations in their attempts at carving out a role for themselves in the policy-making processes, recognised the importance of the ministerial level in the form of an omnipresent ‘hand’ of the state. The EU has thus always acted through the ‘high-level’ of politics, while sub-national authorities in Scotland, Wales and Northern Ireland used their position as decision-makers within the EU territorial cooperation strategy to strengthen their claims. The ultimate gatekeeper of the decision-making process has always remained the

central UK government. The EU has always been studiously respectful of this centrality (Lagana, 2017: 291), as also shown during the Brexit negotiations.

A Strategic-Relational analysis of how Brexit will shift the political and economic geography of the United Kingdom

Across each of the devolution settlements, constitutional authority over external relations, including relations with the EU, lies with the UK Parliament and Government. There is no formal right for the devolved institutions to co-determine UK foreign policy, nor any guaranteed rights to be consulted on it. This is true even where the issues at stake affect devolved powers and responsibilities (Murphy et al. 2020: 14). However, informally (as described in the above section) there has long been recognition by the UK Government that the devolved institutions have a legitimate interest in EU issues and policies. The structures of devolution have posed different opportunities and constraints to the different UK territorial units, which impacted on the realisation of different actors' interests in the EU framework. Brexit has added another layer of constraints to this picture. The new context of rules, resources, ideas and institutions has locked the privileged entrance gates that the UK sub-national governments, and (to a much lesser extent) the UK regional beneficiaries of EU Structural Funds, had been provided by the EU. From this perspective, the Brexit process was aimed at extending central government much deeper into regional policy, as by-product of centrally taken decisions.

In addition, losing the privileged, vertical communication channels with the EU has also limited the freedom of UK sub-national governments to pursue their own specific interests. As seen in the above section, the responses of Scotland, Wales and Northern Ireland to the EU opportunity structure have followed two logics. The first views them as rational actors that pursue the best possible relation between costs and benefits. The second logic conceptualises them as norm-driven actors that follow ideas that define the margins of the thinkable and feasible (Bourne, 2003: 606; Bursens and Deforche, 2008). By combining these two concepts, we assume that sub-national authorities have always acted in the

pursuit of certain interests, and thus strategically. Interests have provided the motivation for strategic action in the EU arena. As regional actors were aware of acting against a background of opportunities and constraints, they have based their interests and strategies on an observation of the material context (Jessop, 1990: 266). However, no single actor could capture all the rules, resources, institutions and actions that made up the context. Therefore, sub-national authorities in Scotland, Wales and Northern Ireland have employed ideas, which have served as a filter and have allowed them to select among the many possible observations and actions (Jessop, 2008: 234–235). Their objective was, for example, to gain greater economic independence and access to funds; or, as in the case of Northern Ireland, to foster societal cross-community reconciliation. The 2019 Conservative manifesto committed to ensuring that '£500 million of the UK Shared Prosperity Fund is used to give disadvantaged people the skills they need to make a success of life'. This looks like a replacement for the European Social Fund and, theoretically, a new neutral arena in which to pursue strategic interests. However, no other information is available – not even in the new Internal Market Bill. With time running short, the UK government has not yet clarified what the future would look like. The neutral arena in which regions and sub-national governments could manipulate the strategic selectivity of the context in which they acted looks to be gone.

The withdrawal from the EU has shifted the attention from a mutual interaction between structures and strategies (Jessop, 2008) to an electorally focused necessity of combining the multi-layered and diverse territorial politics of the UK in one voice. The UK Government does not require the consent of sub-national authorities to pass a law and it has the political strength, in parliament, to see bills through despite objections from any opposition party or the Upper House. Yet, the UK Government can completely ignore the concerns that the devolved institutions could spell out (Hayward, 2019). The pre-Brexit approach had the advantage of representing the interests of all the territorial units in the UK and it had been advanced at the European level. On the other hand, the new centralised process initiated during the Brexit negotiations has not, so far, produced a very promising picture, which has only been further

aggravated by the concerns raised by the Internal Market Bill. Sub-national authorities had little influence over the timing, substance or outcomes of UK–EU negotiations during the phase leading to the Withdrawal Agreement and culminating in the UK leaving the EU on 31 January 2020. The ‘soft Brexit’ preferences of the Scottish and Welsh governments were not factored into Theresa May’s negotiating ‘red lines’ (Murphy et al. 2020: 14), and they were not listed in the priorities of Prime Minister Johnson.

Brexit also added new complexity to the current asymmetrical system of UK devolution. It entails losses of opportunities, but also of a significant loss of constraints. Until now, the requirement to comply with EU regulations has limited the extent to which the UK’s four administrations could pursue divergent policy paths (Murphy et al. 2020: 9). The structure in place consisted of different layers that were accessible to some and less accessible to others (Hay, 2014). The different layers interacted with each other, but also with the ideas, interests and strategies of specific actors (Bartley, 2011). Leaving the EU and its internal market increases the likelihood of more intra-UK policy and regulatory divergence in the future. Unless, that is, new rules prevent it. Officials from across the administrations still hope that new UK ‘common frameworks’ to replace EU regulatory frameworks will be developed. Nonetheless, difficult political questions are yet to be resolved, not least how to govern and maintain the UK’s own internal market after Brexit, how to protect that Northern Ireland peace process and how to protect devolution altogether.

Conclusion

This short commentary has applied the SRA to the analysis of the constant interaction between the EU opportunity structure, responses of adaptation and strategies of transformation that have characterised the relationship of UK regions and sub-national governments with the EU, from 1998 onwards. Accordingly, this article has investigated how the EU has facilitated and constrained the realisation of UK regional interests, how regions and sub-national governments have adapted to the EU and how they have tried to transform the EU opportunity structure. The findings have exemplified these interactions by referring mostly to the specific space of the UK devolved territorial units. This field is distinct, as it

explicitly stipulates the involvement of regional authorities in EU policy-making. As such, it is also the most vulnerable to Brexit, given the fact that there has been almost no UK sub-national consideration given whatsoever in the Withdrawal Agreement, other than the issues surrounding the Irish border. Therefore, the last section has investigated the difficulties entailed by the Brexit process in the context of the mutual interaction between strategies and structures among the different UK territorial units.

The EU framework provided UK regions and administrations with a comprehensive space in which interactions with the EU could represent specific UK regional interests. It allowed bypassing the centrality of the UK government, taking into account that opportunities and constraints are differential and interest- and strategy-specific; that material and ideational factors interact in territorial and sub-national authorities’ responses; and that actors and policy networks themselves can transform opportunity structures. Brexit has removed this dynamic framework and it has placed a new emphasis not on the constant interplay of structure and strategy, but rather on a separation between them in producing specific outcomes. Questions about where control and sovereignty lie within the UK itself have thus far remained unanswered. The future will depend on three factors (aware that we cannot know, *ex-ante*, what the precise economic and political impact will be on the regions and local communities): the scale of the ‘external’ economic and political shock caused by Brexit; how resilient the regional administrations and their local economies are to those shocks; and how quickly regional and local economies will be able to shape and influence new opportunities structure coming from within the Union – if there are any.

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Notes

1. This paper uses the notion of ‘opportunity structure’ to refer to the structural landscape of opportunities and constraints, which influence regional actors and policy networks’ interests, strategies and the realisation of their interests in the EU framework.
2. Historical Archives EP, PE 1-88.265, report drawn up on behalf of the Political Affairs Committee on the situation.

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