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National Security Complications Arising from Scottish Independence

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Introduction

The United Kingdom of Great Britain and Northern Ireland, in its current incarnation, is a little over eighty years old but is arguably one of the most stable and historic unions of nations. Scottish independence, if it is achieved as a result of the autumn 2014 referendum, will see the fragmentation of this stability. [1] It will be the most significant constitutional change to the United Kingdom (UK) since *The Act of Union*, 1707,[2] which entwined the future of England and Scotland together, "...for ever after be United into One Kingdom by the Name of Great Britain." [3]

This union evolved with the advent of devolution, which granted some powers to a Scottish Executive,[4] but the actions traditionally the prerogative of the nation state – foreign affairs, declarations of war, and a variety of others – were reserved matters, and as such the Scottish government cannot legislate on them. *The Scotland Act* of 1998 grants certain powers to the Scottish Government. The 1998 Act was to significantly extend the powers that were granted to Scotland via *The Scotland Act* of 1978, which did not gain the necessary majority to become law, but was arguably put forward as a result of the election of the first member of the Scottish National Party (SNP) in 1967 and the discovery of North Sea oil reserves, as a measure to prevent the growth of the SNP and the call for independence. In both these cases, these were political decisions taken by Westminster to publically provide some level of autonomy of action to the growing nationalist movements within the political sphere but in effect were attempts "...to entrench devolution and limit the institutional scope for independence." [5] This has not been achieved as the proposed referendum on independence illustrates.

Although the Scottish Socialist Party (SSP)[6] and the Scottish Greens[7] seek independence, they represent only a small percentage of Scottish voters and as such do not feature significantly in this text, but it is noteworthy that the SNP are not the only voice in the independence debate, merely the loudest. The current devolved situation became untenable when the SNP won a majority at the 2011 Scottish Government elections,[8] and "...to the separatist party, a regional legislature is a prototype for a potential national legislature in an independence state." [9] This is the situation that the UK currently finds itself in.

The central thesis of this text is that Scotland does not have the financial security, revenue sources, necessary infrastructure, knowledge, oversight bodies or personnel that would be required to operate and run a government as an independent state without significant and detrimental impacts to the security of an independent Scotland and, possibly, the wider British Isles. In order to reach this central thesis this text has asked three key questions:

1. What would independent Scottish intelligence and police services have to create as an independent nation, and what will be the complications to the reduced UK (RUK)?
2. What will a Scottish military look like, and how will independence impact the RUK and international partners?
3. Can these discussions and infrastructures required of these first two questions be financed by an independent Scottish budget?

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The following chapters will detail the problems that could arise with the creation of a Scottish national security infrastructure and questions if this is actually achievable while maintaining the security of the RUK and an independent Scotland. This text aims to highlight areas and questions that require answers and solutions, and although “the UK government is not in the business of contingency planning for an independent Scotland...”[10], this situation has serious consequences and repercussions for the security of the RUK and thus requires some forethought.

Scottish independence, if achieved, could act as a litmus test for other devolved legislatures, sub national authorities with independence and/or separatist movements, renewing their desire for independence “...creating wide ranging security problems across the European continent.”[11] As a result, it is necessary that the conduct of the referendum is legal, fair and occurs with as few transitional problems as possible, especially within the greater international network of bodies and alliances to which the UK is currently subject. France, Spain, Italy, Russia, China,[12] Canada and arguably Israel,[13] all have separatists movements or those that regard themselves as ‘other’ vying for independence or greater autonomy that could be impacted on by the precedence created by Scottish independence, especially within the European Union (EU). Given that “...any gain in sovereignty would be limited by the realities of globalisation,”[14] is the dismantling of the UK and the example it could become to others really in the best interest of the UK and international security? Could the SNP be seeking the extreme end of the political spectrum, independence, in order to seek greater concessions, such as greater financial powers being devolved?

This situation is unique and as such there is no single case study that can act as precedence, or a proposed route for an independent Scotland and the RUK to follow. Owing to its geographical location and former inclusion within the UK, the Republic of Ireland (IRL) offers the most likely route for an independent Scotland to follow, not least in the creation of its national security architecture. This could include the intelligence function of the state being conducted within a branch of the military, such as is the case with IRL, with the police acting as another branch of the security architecture. Scotland could also choose to create a smaller version of the National Intelligence University found in the United States (US). This could result in necessary individuals being educated for the national security architecture that an independent Scotland would require. This could be achieved via the extension of currently available academic courses, including; St. Andrew’s Centre for the Study of Terrorism and Political Violence,[15] the Policing and Security Course,[16] or Intelligence and Security Informatics[17] both at the University of Abertay Dundee, or as part of the Centre for Global and Security and Governance at the University of Aberdeen.[18]

The SNP aim to transfer from Westminster authority to suzerainty directed by the EU. However, an independent Scotland will have to have significant links with the nations in the RUK due to the sharing of the same Isles. Indeed, the SNP state that the RUK would remain its closest ally,[19] despite the ramifications that independence will create to the national security infrastructure of the RUK. The RUK and the North Atlantic Treaty Organisation (NATO), as well as other international partners, will not want Scottish independence to pose a threat to their national security. Sterling will be retained,[20] a shared land mass divided by a territorial border and the two nations will likely face the same threats due to the lengthy shared history and institutions, but without the security and stability that union has created.

Negotiations for the independence settlement are further complicated by having devolved legislatures within the asymmetrical structure that is the UK; these cannot happen in a vacuum as the EU has a significant and growing role in the conduct and internal affairs of the UK, which would require three way negotiations.[21] Indeed some eighty percent of the devolved competencies of the Scottish government are themselves the subject of EU legislation.[22] This can, and depending on the outcome of the SNP internal debate on NATO membership for an independent Scotland, be augmented to include other nations, such as Canada and the US. These nations will likely be watching the situation, as negotiations will include military hardware and training bases that are used by NATO, as well as the role Trident plays within the organisation. This will add a further significant dimension to the complications and length of resulting independence negotiations. The SNP want independence within the EU. It is not universally agreed that this will occur automatically, and even if Scotland went via the traditional entry process, it would not have the economic institutions required for entry if it retains Sterling and the Bank of England as its central banking mechanism. Is this another indication that the call for an independent Scotland is an act of political hubris by “... a Machiavellian figure like the leader of the SNP Alex Salmond,”[23] rather than a party seeking what is in the best

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interest of Scotland?

Scotland does not currently have the legislative competence to even hold the 2014 referendum, under the powers granted to Scotland under *The Scotland Act*.^[24] This is subject to ongoing negotiations between the two parliaments that aim to be resolved by October 2012.^[25] The current literature indicates that the referendum will occur and, depending on outcome, negotiation for division of assets will then occur. The UK government has not raised objections to this proposed chronology as the route to achieving independence for Scotland.^[26] This could, and likely will, be a lengthy process owing to the need to dismantle over three hundred years of joint government and legislation, as well as the international complications touched on above.

Government documents, from both Westminster and Edinburgh, form the primary body of sources. These government documents are aided by published media reports from daily newspapers, primarily *The Scotsman* and a national broadcaster, the British Broadcasting Corporation (BBC), as well as reference to a body of international academic literature. Together, these sources provide a large and growing literature on the situation, as there are potential repercussions for not only the current structure of the UK, but the wider international arena.

The following chapters will detail the complicated structure that is currently involved within the national security infrastructure of the UK. A clear complication is the police services. Under the terms of *The Scotland Act*, police forces are a devolved matter; the eight Scottish police forces are to be assimilated from 2013 into one body.^[27] Is this going to benefit Scotland, or have the potential to create a draw of resources to the Central Belt area of Edinburgh and Glasgow, leaving the rest of Scotland with fewer resources while covering a wide area including international ports and airports?^[28] This, when combined with the establishment of the National Crime Agency (NCA) by December 2013, subject to *The Crime and Courts Bill* becoming law,^[29] will see the abolition of the Serious Organised Crime Agency (SOCA). Both these measures are due to happen prior to an independence referendum, but will require a relationship to be built in the mean time for the UK wide prevention of organised crime. The relationships that are created between these two new bodies will be required to change significantly should independence be achieved.

The military negotiations and the international alliances and partnerships, particularly NATO, will be affected by the breaking up of the union. This is expounded in a separate chapter, which will also detail what a Scottish military might look like and what percentage of assets might be applicable as a result of negotiations. It will also discuss areas where the SNP may need to make concessions; particularly the temporary continued stationing of Trident within Scottish territory. This is likely to be the most contentious issue in the whole of the independence debate, as it is likely to involve a variety of international parties, particularly the US and France, with the US to a larger degree owing to the fact that the Trident D5 warheads are used by both, the US and the UK,^[30] which facilitated easy collaboration within the two militaries for training and on operations.

The final chapter will detail the funding of the national security landscape of an independent Scotland; in order to do so, it will be briefly discusses how Scotland is currently funded. As a basic requirement of government is the ability to fund the national security and defence that its citizens require and expect, as well as a variety of welfare structures that are currently free within Scotland, that the SNP aims to keep in an independent nation. These include a variety of services, such as free National Health Service (NHS) prescriptions, that due to an ever-increasing aging population will require an even larger percentage of revenue. Could this be another political promise that might have to be revised with the reality of independence?

All the issues and complications raised in the following chapters will need to be negotiated in parallel, and will have repercussions on each other, all the while security will have to be maintained in the transition period for both resulting nations if a vote for independence achieves the necessary majority. It could become an acrimonious divorce, as the Trident issue alone is likely to create a variety of complications for the UK, but could also result in variety of international partners and bodies suffering consequences too.

Chapter I: National Security: Intelligence Services and Police Forces

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National security is an interconnected framework, which includes domestic and international partnerships across a variety of areas of government. The intelligence services are just one aspect; the military are also part of this interconnected framework. This chapter will work on a top down basis, starting with a discussion of national intelligence, followed by national forces that work across the UK. The final section will discuss the devolved police services and the internal changes these are set to go through and the impact that these could have in the short term with other UK forces prior to the independence referendum. All three of these levels interact and share intelligence across the UK; this sharing of intelligence, personnel, assets and resources will be significantly disrupted and harmed by the fragmentation of the union.

This is complicated by the sharing of intelligence with international partners, which is conducted on a strictly confidential basis, which has the potential to be harmed by the fragmentation of the UK. This will impact both the RUK and an independent Scotland as “any reduction in the quality and quantity of intelligence that overseas intelligence partners share with us would materially impede our intelligence community’s ability...”[31] as without the necessary confidentiality processes and vetted individuals in place will the RUK want to share domestically produced intelligence with an independent Scotland? Would the international Community share intelligence with the RUK on the strict basis that it *cannot* be shared with an independent Scotland? There are a variety of interlinking organisations at this second level that work in partnership with those above and below that all work towards providing the security of the UK and as such attempts to detangle and separate all these organisations will be complicated, likely lengthy, and not without cost for the security for both the RUK and Scotland.

“The term ‘national security’ is not specifically defined by UK or EU law,”[32] and can and does extend beyond territorial borders. The UK for example, has border guards “... stationed in Boulogne, Brussels, Calais, Coquelles, Dunkerque, Frethun, Lille and Paris.”[33] The current land border between England and Scotland would likely remain, as it is, as this has been stable since 1237, with Berwick Upon Tweed being the exception.[34] If Scotland joins the Schengen common travel area an agreed land border will be vital, as some sort of border check[35] will result.[36] The SNP disagree and maintain that there will be “...no checks or delays – no customs post or Immigration officers demanding passports”[37]; this is unlikely to be true for as long as the RUK is exempt from the Schengen scheme. Requiring Scotland to have some form of Scottish border agency and intelligence service(s) to have links with the international community, at minimum Europol and Interpol as well as with the RUK. These broader transnational links have become increasingly important in a globalised world, as “...the UK’s security and prosperity are dependent on international stability.”[38] This again indicates that any move Scotland takes towards independence is to be constrained by the wider international arena, owing to the fact that the threats to national security are not from other nation states, requiring greater international cooperation to counteract these threats to security.

Therefore, if independence is achieved the RUK will have a vested interest in forging close links with any resulting Scottish government particularly any form of intelligence infrastructure, up to and probably including the sharing of intelligence, especially given that “...while the world is becoming more multilateral, bilateral relations between states remain as important as ever.”[39]

The UK, in its current form, is in a unique position within Europe with access to US intelligence, which “...enhances our own security and counter-terrorist capabilities.”[40] This is likely to continue with the RUK after independence, but it is highly likely that the US will seek assurances that not all intelligence, if any, is shared with Scotland, without the necessary safeguards in place to ensure the intelligence remains clandestine. Even with these safeguards in place intelligence sharing on a regular basis is not confirmed. A similar complicated situation of sharing intelligence is likely to arise within the Five Eyes Community as a result of a change in structure of the UK. Creating a complicated position for the RUK, especially when the “...northern boundary will be with a foreign country.”[41] All the while an independent, foreign Scotland might be a member of the Schengen scheme, outside NATO and within the British Isles; a myriad of potential problems will likely arise that will need to be solved.

This becomes more complicated under the terms of *The Intelligence Service Act, 1994 (ISA)*. Scotland as an independent nation, regardless of the historic union and proposed shared currency and monarchy,[42] will likely be viewed as a foreign nation. The Secret Intelligence Service (SIS), under the terms of the ISA, are responsible for

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obtaining and providing “...information relating to the actions or intentions of persons outside the British Islands,”[43] this would geographically exclude the gathering of intelligence by SIS on those individuals and organisations that pose a threat within Scotland to the RUK. This at a minimum will require legislative changes, not least the amendment of the ISA that allows for Scottish Ministers to issue warrants, as well as other areas that make special arrangements for Scottish Ministers.[44] The amendment of legislation is likely to be made easier by the fact that the Westminster has maintained a separate statute book for Scotland,[45] but, it is still likely to take time owing to three hundred years of shared legislature.

Given that national security has no universal or agreed definition, nor static borders and as SIS is granted the authority to act “...in the interests of national security, ...”[46] should the situation arise that Scotland (or those within its borders, either Scottish nationals, Schengen travellers or other international persons or organisations,) pose a national security threat to the RUK, would the resulting intelligence gathering be conducted under the jurisdiction of SIS or the Security Service (MI5)? Would a domestic Scottish intelligence service(s) have the required resources to gather the necessary intelligence and share this with RUK partner agencies? This seems unlikely in the short to medium term given that it will take time to recruit and train the individuals to staff Scottish intelligence service(s), resulting in various complications for the RUK, and its international intelligence sharing partnerships, as well as national security.

Should Scotland achieve independence prior to the establishment of an intelligence infrastructure, the necessary legislation and oversight apparatus of this infrastructure as well as measures to ensure security of any intelligence that is gained from partnerships, will create further complications that will require resolution prior to any intelligence sharing. Many of the mentioned requirements evolved over the one hundred years plus existence of the British intelligence apparatus, with significant cost and not without problems, the exploits of the Cambridge Five being just one example. If Scotland wishes to recreate a miniature version of SIS, they will be required to have the necessary vetted individuals in situ, as it is not publically known “...how the SIS *really* works.”[47]

Owing to the fact that an independent Scotland might not be within the purview of SIS jurisdiction, it might also be outside that of the MI5 as Scotland would be a foreign nation. Considering that IRL is both within the British Isles but a separate nation, it is interesting to note that it has a publically recorded relationship with MI5.[48] Therefore, it is possible that an independent Scotland would have a close relationship with MI5 akin to that with the An Garda Síochána (AGS), the police force of IRL. This relationship is important owing to the fact that the Irish Security architecture is created from the AGS, the Irish Defence Forces, and Customs & Excise as part of the Department of the Inland Revenue.[49] It is also an important parallel, as IRL is cited in academic literature as a national security model that Scotland might choose to follow should independence be achieved.[50] In which case, it is possible that MI5 would take the premier contact role with any Scottish intelligence service(s).

“[T]o have an effective cyber warfare defence, one has to look at replicating what the UK has at the moment...”[51] Government Communications Headquarters (GCHQ) will likely be the most costly piece of the current UK intelligence apparatus for an independent Scotland to construct. The SNP have stated that an independent Scotland will have a “...cyber security and intelligence infrastructure to deal with new threats and protect key national economic and social infrastructure.”[52] The SNP, however, has not elaborated on whether the proposed intelligence infrastructure will include mimicisation of SIS and/or MI5 alongside that of GCHQ, or if one organisation will complete the tasks of all three current UK agencies.

It is highly unlikely that the RUK will be willing to sacrifice a significant number of personnel to help establish a Scottish counterpart to these agencies, especially if it will interfere with current operations, collections and/or create schisms within the wider intelligence sharing community to which it is part. As by allowing these individuals to aid the establishment of Scottish intelligence service(s) lest it be seen to dilute the capacity of the RUK even for a temporary period of secondment to Scotland or as the benefit from being a member of the Five Eyes Community will be significantly more influential and beneficial to the maintenance of the national security for the RUK than a relationship with a newly established, and poorly funded Scottish intelligence infrastructure. This is due to the fact that the threat to nations is no longer likely to come from nation states, requiring international efforts to thwart and prevent activities such as the destructiveness of terrorism, but also newer threats such as that which the Arctic will pose in the

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future.[53]

One significant issue for an independent Scottish intelligence infrastructure will be finding those who have the necessary skills and experience that are eligible to be recruited, "...as they would require skills and techniques beyond those used by police forces north of the Border." [54] It is unlikely than non-Scottish nationals will be able to be recruited into domestic intelligence service(s); does Scotland therefore have the necessary body of foreign language speakers to recruit from area experts, or would they have to create, fund or subsidise academic courses or even a smaller version of the US' National Intelligence University to find suitable recruits? This has real potential for Scotland as much of the academic infrastructure is already in place, as the introduction notes, this is further aided by Scottish students not having to pay tuition fees for undergraduate degrees at Scottish institutions,[55] thereby creating a pool of Scottish nationals with some knowledge that could be of use to an independent Scottish intelligence infrastructure. This will naturally have an extra cost associated which would need to be calculated into an independent Scottish budget, though how much would this cost? How many personnel will a Scottish intelligence service(s) require? Neither of these can be calculated until the SNP has formulated what an independent Scottish national security apparatus will look like.

This lack of personnel with the requisite skills and knowledge at a national intelligence infrastructure level is also possible at the next tier of national policing and more specialised areas of national security; UK wide organisations that work in partnership with local police forces and intelligence agencies, both in the UK and with overseas agencies as and when required. Carving up of these relationships could have a detrimental impact on the national security of an independent Scotland, as "the reality is that these big issues rely on personal relationships, and confidence in the words of others, this will be difficult to achieve with separated nations." [56] This will be especially true in the short-term, as these relationships will simply not exist.

A proportion of this level of ensuring national security is managed and facilitated by the Association of Chief Police Officers and via its sub committee, Terrorist and Allied Matters (ACPO (TAM)), "... which overseas and agrees guidance in regard to counter-terror policies and the broader issue of emergency planning and community safety." [57] Scotland does have a member represented on this committee, and has the opportunity to advise and create the strategies that will be utilized by forces across the UK to counteract the effects from organised crime and terrorism; this includes documents such as the current CONTEST strategy.[58] The CONTEST document details how the devolved police forces, under direction of the Association of Chief Police Officers Scotland (ACPOS) act as "... an integral part of the UK Police Counter Terrorism Network," [59] and an independent Scotland would very likely need to create its own version of a CONTEST esque document to ensure Scottish security. Once again, due to a shared landmass, and that it is possible that RUK will be sharing intelligence with Scottish counterpart agencies, it is possible that some linkages would be beneficial to both governments in this field as well, especially given that terrorist and organised crime groups "...don't care about national boundaries." [60]

Agencies such as SOCA, and the subsequent NCA, work on a UK wide footprint. The utility of SOCA, and by extension the NCA, is questioned by current intelligence practitioners who believe that they add an extra layer to the national security hierarchy without proving their usefulness to those above and below. This is compounded by the quick return of staff to other national security organisations from SOCA.[61] At present SOCA acts "...as the UK's national central bureau for important international crime fighting networks including Interpol, Europol and Schengen." [62] Scotland would likely lose this facility if independence happens, resulting in the need to incur further costs in establishing a similar facility for an independent Scotland, especially if it becomes part of the Schengen scheme. Unless special measures are taken as part of any independence negotiations to ensure that these close links remain in effect there could be a negative cost associated for the security of both the RUK and an independent Scotland. Continuance of these links could be of benefit to both resulting nations, to foster good relations as well as preventing organised crime or terrorists viewing an independent Scotland as a soft target from which to attack the RUK.

As part of this second layer of national security, the protection of sites designated, as key to the national infrastructure is necessary. These sites are generally under the guardianship of Sector Sponsor Departments (SSDs), the Scottish Government acts as one of the SSDs, and as such is charged with protecting the key

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infrastructures that have been devolved including the emergency services, but excluding the British Transport Police and the higher layer of security, SIS, MI5 and GCHQ. The strategies to protect these key national installations form part of the broader commitment to national security and “...sit under and meshes with the UK National Security Strategy, the UK CONTEST Strategy and the UK CNI [Critical National Infrastructure] Protection Framework.”[63] Should independence be achieved, the negotiations will create all sorts of repercussions for the security of the RUK and once these have been achieved, it is a real possibility that links will be established with an independent Scotland.

An independent Scottish government would have two working nuclear power stations within its territory,[64] however, nuclear energy falls within the reserved areas of *The Scotland Act*, the UK government is responsible for nuclear safety, security and safeguards, and liability for nuclear occurrences.[65] These two sites fall within those designated as pieces of CNI, therefore, Scotland would once again need to recruit the necessary personnel and organisations responsible for the maintenance of such sites, until and especially during the decommissioning process.

As the security for these facilities is a reserved matter, they fall to the Civil Nuclear Constabulary (CNC). The CNC is “...positioned between providing protection for civil nuclear licensed sites and safe guarding nuclear materials, nuclear site operators, policing and nuclear regulators as well as interlinking with Home Office forces.”[66] This acts as a clear example, as aside from the CNC links with the local Scottish police forces, Scotland has little or no knowledge of how to supersede this organisation with the advent of independence. This combined with all the other currently reserved areas that an independent Scotland would be responsible for: how will these be financed, and where will the skilled workforce be found? There will be many start-up and unique costs that come with independence, so that any way to save funds, for example for their own intelligence infrastructure would likely be welcomed. If such close links are maintained with independent Scottish forces such as currently exist within the devolved framework, would this really be any different to the present situation? In which case, is the cost of destabilising and re-establishing links with newly independent forces really of benefit to the national security of both nations?

There are a variety of other UK forces that have working and fruitful relationships with Scottish forces and services, the UK Border Agency (UK BA), the National Counter Terrorism Security Office (NaCTSO), Centre for Protection of National Infrastructure, Scottish Crime and Drug Enforcement Agency (SCDEA), the Serious Organised Crime Taskforce, British Transport Police, and Ministry of Defence Police (MDP). Owing to the interconnectivity of the national intelligence structure it is likely that an independent Scotland would require smaller versions of these organisations, as well as the ability to fund and staff them. Would a better option be to pay RUK organisations especially the CNC to oversee Scottish facilities, or would this be another example of Scotland diluting any gain in sovereignty by the reliance on RUK trained staff and organisations?

The lowest level is the devolved police forces within Scotland. These forces work alongside and with the agencies in the second level, as well as carrying out the work of the UK government strategies for national security. Scottish forces work with the intelligence agencies in first tier in forums such as ACPO TAM,[67] with MI5 working “...hard to ensure good relationships exist with all 51 police forces – eight of them in Scotland...”[68] From 2013, Scotland's current eight police forces will be amalgamated into a single body to be known as the Scottish Police Authority.[69] This authority will also absorb the SCDEA.[70] This new authority will continue to act subject to current legislation already in place, including such EU acts as the Convention on Human Rights,[71] requiring three way negotiations should independence be achieved. If the necessary oversight bodies and systems can be instigated by this new authority, to the satisfaction of RUK agencies, it is likely that information can continue to be shared at this level. This is likely to be made easier to facilitate owing to Scotland having one single body by the time the independence referendum is due to occur. In the future, if the single police authority proves successful and should information sharing be established, it would be made easier to continue if as “...ACPO hopes, that the various police forces in England will merge, forming only one, national service.”[72] It is possible that like the smoking ban, if a consolidated police force is successful in Scotland it might then be applied throughout the UK.

The current police relationships with other forces, be they with other forces within England or with the devolved forces, enable a constable from one part of the UK to arrest or detain a suspect in another part of the UK.[73] This relationship would have to be revised if independence was achieved, as relationships for this form of police work with

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other foreign and EU countries is slightly different. As a result, if entry to the EU is not automatically granted, how would a relationship with an independent Scotland work? It is plausible that this would be dependent on the outcome of negotiations across all levels of the national security apparatus.

A single Scottish authority should make it easier and quicker to share information with the necessary UK agencies in the year prior to the independence referendum and the RUK subsequently. Negotiations and linkages in a post independence UK may see this as beneficial, and subject to the independence negotiations this could continue, depending and subject to Scotland having the necessary security and confidentiality systems in place. This would make it easier to share information across all levels, as there would be fewer agencies that will be required to be informed. This was a criticism of the police in the aftermath of the Soham murders of Jessica Chapman and Holly Wells. Huntley was known to other police forces and this information was not passed on to the Cambridgeshire police, prior to the murders of Chapman and Wells.[74] This example indicates that a lack of intelligence sharing is not uncommon at any level of national security infrastructure, and that Scotland's decision to consolidate its domestic police forces into one authority could have some benefit alongside that of reducing costs.

Could independence act as a new beginning for Scotland to create its own national security apparatus based on its own values and traditions from the grass routes up, or will political expedience and the need to have some form of security apparatus in place almost immediately take precedence? Recreating the good and bad aspects of another national security apparatus is dependent upon the finance such of a structure.

This chapter has detailed that there are a multitude of interlinked agencies, bodies, taskforces and layers to creating and ensuring the national security in all its various forms. Protecting national security extends outside the mainland of the British Isles to partner agencies in the EU, NATO as well as those within the Five Eyes Community. All of these bilateral relationships will likely feel some form of repercussion should Scotland gain independence, as this occurrence will "...alter the fundamental character of the state that remained,"[75] as well as cutting the links that create national security within the UK currently. The SNP have not specified how or what type of national security infrastructure will be created in an independent Scotland. Given this, it is difficult to see how these three layers and the number of agencies in each layer can be funded and staffed effectively in Scotland, without some forethought regarding how this could be achieved.

Given how interlinked the levels are, it is troublesome to note that the National Security Council (NSC) under Sir Peter Ricketts had not raised the subject of independence and its implications for the UK,[76] neither has his successor Sir Kim Darroch.[77] The Foreign Affairs Committee, have announced an enquiry into some of the issues discussed in this chapter.[78] The results of this Commons enquiry, as well as others on the subject on Scottish independence, may prompt a change and for this area to be required to be discussed by the NSC. Given the number organisations involved and their close links, this will not be a quick nor an easy process to resolve.

It is clear that national security covers a variety of areas, many of which will require at minimum a working idea of what the framework for an independent Scotland will be. The literature surveyed does not indicate that these issues are being discussed in either Edinburgh or London thereby having the potential to lengthen the negotiation process while both governments work out their respective positions within the wider international security arena.

Chapter II: National Security: the Military and Foreign Affairs

National Defence and securing of territory is an irreducible function of the state.[79] The armed forces are included within the reserved matters as part of the devolution settlement; the defence concordat ensures that the Scottish government does not have a role to play in decisions of the armed forces, "all matters relating to the defence of the United Kingdom remain the direct responsibility of the UK Government." [80] One of the reasons for Scotland wanting to be independent and therefore having a separate military is to have the "...right of refusal in future British military adventures, of which the most controversial recent example was the invasion of Iraq..." [81] However, the unravelling of the British armed forces, could be exceptionally difficult, as the British military is arguably "...one of the strongest sources of political unity in the UK." [82] As a result, this is likely to be the most publicity drawing aspect of the independence campaign and could potentially act *against* the SNP and the campaign for independence.

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The central issue of this chapter is that via independence, Scotland would lose the small say that it currently has in RUK actions, as both would have the inalienable right to act as independent nations: that Scotland might actually find the situation arise whereby independence of action is not in the best interests of Scottish national security. The Trident section of the text offers the clearest illustration of this paradox.

The British military, is a source of pride and one of the most obvious cases of unity, as “these are unified Armed Forces which have been built up over centuries...”[83] this unity, shared history with a single command centre, enables a unified response to a variety of threats that require just one response so as to prevent repercussions and potential fall out. This need for unity in response is clear where the devolved legislatures responses are to be combined with those of other constituent nations within the UK to tackle large threats should this be required. This is also created by joint task forces, such as that of the Serious Organised Crime Taskforce[84] that again combine resources to tackle UK wide threats.

The literature indicates that for the protection of the whole of the British Isles in times of threat it may be of value for RUK forces and those of an independent Scotland to allow for temporary reintegration in times of global crisis and war.[85] This will create all sorts of complications; it would also limit the scope for independent action that the SNP wants for Scotland to be able to prevent a Scottish role in another Iraq War situation. Which nation's command system would be followed in times of reintegration? What type of crisis would be required to call for reintegration? Would this temporary reintegration of forces require the creation of a position similar to that of Eisenhower in the Second World War, to allow for the two separate militaries to function on an equal footing in times of crisis or war? [86] This would significantly complicate the negotiation process, as it could indicate that independence was good for Scotland in times of peace, but that they recognise that in times of war they require the larger military capabilities of the RUK. Therefore, does this again indicate that independence is wanted when it best serves Scottish interests, as well as that of the SNP but not in bad times? Or perhaps raises the question, and possible answer that Crown Dependency might actually be what is best for Scotland?

This chapter will discuss what a Scottish military might look like, and what it might be used for. This is problematic and largely hypothetical as the independence campaign has not detailed what an independent Scotland's military posture will be. Linked to this will be the internal debate in the SNP over NATO membership, and how this might impact on the negotiations with the RUK after the referendum. Trident will be the most complicated military issue, which will require resolution as part of the negotiation process not least because “the UK nuclear force is made available to NATO.”[87] As such this will be discussed separately from other NATO complications. The labyrinth of problems that independence could create in the British military establishment are not in isolation and will have impact on and will be impacted upon by negotiations and relationships that will arise as a result of the issues raised in chapter one.

The SNP in their defence statement detailed that Scotland would have “a professional defence force of 15,000 regular and 5,000 reserve personnel,”[88] and these forces will be used as peacekeeping forces aiding United Nations (UN) missions and with defending Scottish territory. Special Forces and Royal Marines, will retain responsibility for offshore protection,[89] however, there is no inclusion of a Scottish Air Force. Even though the SNP claim from Scotland's share of current Ministry of Defence (MoD) military hardware, that they would be entitled to share of; “... ocean going vessels, fast jets for domestic air patrol duties, transport aircraft and helicopters as well as army vehicles, artillery, and air defence systems.”[90] This is an overview of what a Scottish military might consist of but, “defence is just one of the many area where the SNP have so far failed to set out what independence would mean in practical terms for Scotland.”[91] Perhaps indicating that the proposed chronology of referendum, then negotiations, needs to be revised, or even that an unprecedented move for two referendums could be in the best interest of both parties?[92]

Close links would likely be forged with the independent security service(s) and the central police authority as well as the Scottish Defence Force (SDF), thus similar to the national security architecture of IRL. Thus, dependant upon how an independent Scottish government terms what is national security; it might not require such extensive and expensive hardware to ensure this security. Therefore, Scotland might prefer to follow other smaller European nations by using off the shelf hardware “...the American F-16, which has been brought extensively by other smaller

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NATO nations...”[93] or a percentage share of the current Royal Air Force’s (RAF) stock of “...Hawk advanced trainer, albeit with an operational capability, might be more appropriate post-independence.”[94] These aircraft would provide an independent Scotland with the ability to protect its territory, with the added possibility of playing a small part within coalition UN forces, if the SNP proposed policy is not subject to revision upon independence being achieved. A Scottish Air Force (SAF) would possibly require as many as eighteen Hawks, four maritime reconnaissance aircraft, eight Hercules transport aircraft, six Chinook helicopters and six Sea King aircraft helicopters[95]; however, there is no hypothetical or proposed number of personnel for the SAF. In the short term, it is likely that Scotland will be dependent on the military hardware it receives as part of the negotiations; this is likely to lead to the purchase of off the shelf military hardware once these inherited items are no longer capable of defending Scottish interests. With the long term aim of establishing a domestic Scottish military industry,[96] to ensure that defence of Scottish national security interests is not dependent upon receipt of publically available hardware. Would this be another situation where the RUK and an independent Scotland could establish links, as Scotland is currently home to one hundred and seventy companies involved in the aerospace, defence and naval sectors?[97]

A proposed Scottish “...special forces contingent – possibly somewhere between 75 and 100 strong – which would have all the normal anti-terrorist tasks, with particular reference to protection of the North sea gas and oil rigs,”[98] would be plausible. Enabling the protection of off shore installations, depending on how territorial waters are divided and what percentage of littoral, and Crown Estate controlled foreshore was received as part of any independence settlement.[99] Again a Scottish naval force, with approximately twenty to twenty five vessels altogether, with a couple of frigates, which would enable inclusion in coalition forces if desired or required,[100] would be plausible and staffed by a proposed Scottish navy of up to 2,000 service personnel.[101]

The SDF would probably not require a larger number of personnel than the 20,000 proposed as even with the creation of an independent Scotland “...there is no real, credible, conventional military threat to the UK as a whole.”[102] Therefore it is likely that any Scottish contingent in UN coalition forces will be small, but could help establish Scotland’s role within the international arena, especially if an independent Scotland does not join NATO.

However, an independent Scotland chooses to organise its domestic military, it is highly unlikely to pose a threat to the RUK, but the RUK will suffer, as will NATO allies from Scottish independence. As a result of independence the MoD will lose nearly four hundred individual military sites, about 124,000 hectares accounting for 33 per cent of the entire MoD holdings.[103] A loss of close to a third of available land is not inconsequential, especially as some of this terrain offers unique training opportunities,[104] and unparalleled access to clear skies allowing for maximisation on the number of training hours available,[105] for both current UK forces and NATO allies. This would include a potential loss of access to, Cape Wrath, which is “the only ship-to-shore bombardment range in Europe,”[106] as well as RAF Lossiemouth which is a fast jet base and capable of “...acting as operational base[s] for overseas operations,”[107] and RAF Buchan which is home to the “...Control and Reporting Centre for Air Defence Radar Units, capable of working alongside Scandinavia, and NATO forces.”[108] These would be hard, in some cases impossible to recreate in the RUK, and/or Europe. Again, offering an example of where three way negotiations might be applicable, perhaps other nations, such as the US and Canada may have a role to play given that the UK has played a significant part in international security and provides unique training facilities used by NATO.

Aside from this loss of unique topography is also the possible loss of potential recruits, this is not to say that these cannot be made up from other constituent parts of the RUK, but Scotland has historically “... been overrepresented (relative to population) in the British armed forces.”[109] Scotland represents between 8.5[110] and 8.6[111] per cent of the population of the UK, but recruits into the armed forces are about thirteen per cent.[112] Scots are also over represented in comparison to population size within the British Foreign and Commonwealth Office, the diplomatic service as a whole as well as “the upper echelons of its secret service as well as in the Ministry of Defence,”[113] seven of the twenty two Prime Ministers (PM) since 1900, have been Scottish, with two further PM having a Scottish parent. [114] Therefore, Scottish independence has far reaching consequences for the potential scope of recruitment within the political and national security arenas of the RUK. This in turn indicates that Scotland could have the personnel to staff the necessary government offices that are currently reserved matters, but that will be required as an autonomous nation. However, will those Scottish individuals within the national security organisations and the military in the current UK be viewed as a security risk after independence? Will these individuals want to return to live

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in Scotland and staff the Scottish national security organisations, and the SDF? Or will they be offered the opportunity to continue to serve in the RUK military as traditionally Commonwealth and Irish citizens have been?[115] Would this tradition be applicable to the intelligence agencies within the national security apparatus of the RUK too?

NATO could also potentially feel the repercussions of Scottish independence; it is therefore interesting that the SNP with its staunch anti nuclear stance, both militarily and as an energy source, which forms “...part of the SNP’s DNA,”[116] is considering changing its stance over membership of NATO. This is an especially important change as NATO “...reconfirms that, as long as there are nuclear weapons in the world, NATO will remain a nuclear Alliance.”[117] An independent Scotland, has arguably something to offer NATO, the retention of access to unique training facilities would possibly be one such benefit. The national security of Scotland would be aided by inclusion as “...the overarching purpose of NATO, which is basically that an attack on one member is taken as an attack on all members.”[118] Scotland with only limited air power would have difficulty protecting territorial airspace,[119] and inclusions within the wider NATO integrated air defence arrangements would be of great benefit, as RAF Lossiemouth could also be used to provide surveillance and resupply capabilities for use by NATO allies and the US.[120] With the RUK as a NATO member, is unlikely to want to have to intercept possible threats only when they have crossed the border from Scotland in RUK airspace. This is probably another arena in which Scotland and the RUK would forge a connection, as it would be in the national security of both nations to protect airspace over the British Isles regardless of a territorial land border.

The boundary between territorial airspace and outer space like that of national security has no unified, nor agreed limit,[121] indicating that the boundary created by the RUK and an independent Scotland will be created as an *ad hoc* process during the negotiation process. However, IRL offers a potential successful working example of how two independent nations operate in shared airspace. The UK and IRL have a Functional Airspace Block (FAB), within which the local and regional airspace (LARA) is included allowing for enhanced coordination of military and civilian flights resulting in a more efficient use of airspace for all users.[122] This FAB is one within the European initiative of the Single European Sky, to prevent delays to commercial and freight flights as well as military ones, with the overarching aim to make for more efficient use of airspace across the European continent.[123] Lack of NATO membership would be detrimental to an independent Scotland as “...European neighbours in NATO – not least the [R]UK – would also be on their guard against what they might see as a Scottish attempt to free- ride on their security protection.”[124] With an independent Scottish inclusion with the UK-Irish FAB, this would reduce one arena in which European nations would require an input in the negotiation process, as it is in the best interest of all airspace users within Europe to have an independent Scotland as part of this already established framework. It would also make for easier integration of the protection of British Isles airspace from threats, in times of peace but also if temporary reintegration is required in times of crisis. Membership of these established frameworks, reduces the ability for an independent Scotland to act as a fully autonomous nation, once again illustrating that a gain in sovereignty does not mean as much as it has historically, as alliances and partnerships are the bedrock of wider protection for the fluid term that is national security.

NATO membership would also be a platform from which an independent Scotland could build other bilateral and multilateral partnerships, as it would show that Scotland wanted to be seen as a peaceful and normalised independent state that poses little threat to international stability. The internal SNP debate over NATO has created a schism within the independence movement as a whole. With members from the Scottish Greens and the SSP forming the pressure group ‘No to NATO,’[125] thus although the SNP are the most vocal proponent of independence, this rift highlights that it is not just one party seeking independence.

The SNP as part of their October 2012 Party Conference will debate the party’s longstanding opposition to NATO, but as many as twelve members of the Scottish Parliament (MSPs) are likely to join a campaign urging the retention of the anti-NATO membership stance.[126] The SNP resolution on NATO, does not actually say that an independent Scotland would join NATO, if inheritance of treaty obligations under articles thirty-four and thirty five of the Vienna Convention is not conferred on an independent Scotland.[127] The SNP have indicated that an independent Scottish foreign policy, without NATO membership, would consist of membership of the Common Security and Defence Policy (CSDP) of the European Union, the Organisation for Cooperation and Security in Europe (OSCE),[128] the Partnership for Peace,[129] and the European Rapid Reaction Force (ERRF).[130]

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If the independence movement agrees that NATO membership is required for both national security and defence, it is likely that NATO would accept this request, and, "...providing an initial and basic form of integration to Scotland's security needs while awaiting admission,"[131] while negotiations were taking place with the RUK is the likely chronology. The most problematic point in the negotiations process is likely to be the location of Trident. The UK, the US and France are the only members of NATO with nuclear weapons capabilities, which as part of the alliance are made available to all members.

The UK, has since 1998, had all of its nuclear weapons, less than one per cent of global nuclear weapons, [132] stationed in Scotland, at Her Majesty's Naval Base (HMNB) Clyde.[133] Although many of the ancillary requirements for the operation of the four Vanguard class submarines[134] are located within England.[135] With the Trident warheads serviced in the US to save costs and facilitate continued Anglo-American partnerships, where commonality by using the same warheads has significant benefits.[136] Once again indicating that if independence is achieved negotiations will be protracted, as negotiations about Trident will feature a variety of actors. The US, NATO, RUK and the UN Office for Disarmament Affairs are all likely voices in the negotiation process.

The 2010 Strategic Defence and Security Review (SDSR) stated: "the Government will maintain a continuous submarine based deterrent..."[137] if independence is achieved as a result of the referendum, the RUK will likely have to remove these from Scottish territory as the UK's nuclear deterrent *would not* continue to be based in an independent Scotland.[138] This is likely to be one of the most contentious issues in the whole negotiation process as there is "...no immediate place to take the deterrent to,"[139] and would not be achieved without large financial outlay and time. It is more likely that the SNP and the independence movement will have to make some form of concessions in the negotiation process, as the RUK's nuclear weapons are important to national security and are part of wider NATO strategy, ensuring that the US, at a minimum, has a vested interest in this particular area of negotiations. This could be especially important for an independent Scotland, as if the SNP can overturn the party's long-standing anti-NATO stance "membership of NATO would require active US support." [140]

What is certain is that Scotland would have to make peace with the notion that nuclear weapons would remain on their territory for periods measured in decades rather than years after independence.[141] This is further facilitated by the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which does not prevent a Nuclear Weapon State (NWS) from basing nuclear weapons within the territory of a Non-Nuclear Weapon State (NNWS), [142] which is what an independent Scotland would become. As long as the RUK had complete freedom of action, complete control and complete sovereignty over the facility as well as the weapons themselves.[143] This, in effect, is how the relationship between Westminster and Edinburgh operates as part of *The Scotland Act* currently. It is likely an independent Scotland would see nuclear weapons within its territory for decades as a result of negotiations, of what benefit would there be of independence, especially as Scotland would lose the small say that it currently has over nuclear weapons, as in reality the "... UK nuclear force cannot now be operated without the full cooperation of the Scottish police and administrative bodies." [144] This arrangement would possibly be achieved by the leasing of HMNB Clyde and the linked Royal Navy Armament Depository (RNAD) at neighbouring Coulport which also plays an important role in the operation of Trident in return for significant funds £100 million per annum might not be unreasonable.[145]

It then becomes a political decision for an independent Scottish government. Scotland will not be able to force unilateral disarmament of the UK, and as the weaker partner in negotiations seeking concessions and grants from the RUK, not least conventional military hardware so that a SDF can be formed for Scottish national security, the stationing of Trident, and its successors, in exchange for large annual rents and relationships required for the national security infrastructures discussed in chapter one and two might be required, regardless of the internal political turmoil this decision could cause the SNP.

Aside from the largely security and defence focused partnerships outlined previously, that an independent Scotland would become partner too this is a vague area in the SNP literature, "Scotland's international relations have three principle dimensions: relations with the European Union, relations with the wider international community and other international organisations, relations with the rest of the United Kingdom." [146] The EU has been key to the international footprint of an independent Scotland since the 1980s but the Vienna Convention is of little help in

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ensuring Scotland ascends to membership as “...international law does not apply inside the European Union,”^[147] as a result Scotland may seek to mirror Norway with membership of the European Free Trade Association (EFTA) and the European Economic Area (EEA).^[148]

The majority of the processes and offices that create and carry out the UK's foreign affairs are reserved matters, and this is another area that an independent Scotland would need to fund, facilitate and staff. Scotland is likely to retain its current overseas footprint created via Scotland House in Brussels,^[149] the Scottish Affairs Office within the British Embassy in Washington D.C.,^[150] and staff in Beijing, as well as the twenty one offices operated by Scottish Development International.^[151] Added to these establishments would be the creation of a “...diplomatic service as well as a government department to deal with international affairs.”^[152] Commonwealth membership is also likely, especially as the Queen and her successors are to remain as the Head of State in an independent Scotland.^[153] However, the Commonwealth itself could see augmentation with Jersey calling for membership^[154] while nations such as Jamaica are to remain as a member but are asking to be a republic state^[155] without the Royal family as Head of State and to replace the UK's Privy Council as the final court of appeal.^[156]

Jersey is another quasi case study. As a Crown Dependency it has many of the freedoms of action that Scotland seeks, therefore might this be an alternative to independence, which could benefit Scotland? Scotland already occupies a unique position within the asymmetrical union that is the UK. The retention of a separate Church, legal system and education system, at both school and university,^[157] as part of *The Act of Union* means that Scotland already has some of the powers that the Crown Dependencies have. Sark even utilises the same Civil Service as the UK rather than having formed its own. ^[158] Jersey has been able to sign several bilateral treaties with overseas states while a Crown Dependency.^[159] As a Crown protectorate Scotland would also save from the establishing of a Foreign Office and the embassies that would be required, even if some cost could be reduced by the sharing of embassies.^[160] IRL has a precedence of using UK embassies in overseas territories where they are not represented to aid Irish citizens in times of trouble,^[161] would this be offered to citizens of an independent Scotland if independence is achieved? The Crown Dependencies have full financial autonomy but pay an annual voluntary contribution towards defence and national security costs.^[162] Might the facilities at HMNB Clyde and the access to unique military training areas serve as Scotland's payment towards unified defence and national security? The SNP have, as part of their outline for an independent Scotland only sought one power not currently available to the Crown Dependencies: the ability to choose where their military forces are sent. However, as temporary reintegration might be required at some unknown future point, this freedom would be suspended for periods of time.

Given that the RUK will remain the most strategically important partner for national security for an independent Scotland, with the number of links that will result from the negotiations, will Scotland actually have independence of action? What with the potential loss of voice over Trident for a period of decades at minimum, can this be politically rationalised, as much of the resulting negotiations could depend on the outcome of this one area? Is a reduction in Scotland's global standing, with the potential to be outside the EU and NATO *really* in the financial and national security interests of Scotland?

Chapter III: Financing Scottish National Security

The ability to fund the national security architecture is a fundamental responsibility of government, and although these areas are currently funded by the taxes raised from across the whole of the UK, an independent Scotland will have to fund these areas along with a host of others that are currently provided by Westminster, including the basic requirement of establishing a tax collection system.^[163] It is likely that in the division of UK assets, items such as military bases will be divided upon a territorial basis, but that moveable assets, with the likely exception of Trident due to the issues raised in the previous chapter, will be divided upon a per capita basis as Scottish taxes have contributed to the national security structure that protects the whole of the UK.^[164]

This chapter will discuss how this outlined national security and defence architecture might be funded. In order to do so, this chapter will discuss how Scotland is currently funded. It will look at the claim by the SNP that an independent Scotland will be entitled to automatic EU membership, under the terms of the Vienna Convention; however, as international law is not applicable within the EU,^[165] automatic EU entry is unlikely, which will have significant

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repercussions for an independent Scotland, as well as possibly acting as a precedent for other separatist groups within other EU countries, which could well be a reason for an independent Scotland to be made to follow the normal entry route as set out in the Maastricht Treaty.[166] The issue of independence inside or outside of the EU for an independent Scotland is part of the wider "... Tory mainstream debate between repatriation of powers from Europe and complete withdrawal." [167] Given the financial role that the UK has played in the bail out packages for IRL and others, will the wider EU want to play a larger part in the negotiation process between an independent Scotland and the RUK, increasing the time the negotiation process may take?

This chapter will show that although, the SNP claim Scotland could thrive with autonomy,[168] the long-term fall in revenue from oil will create economic problems for Scotland. This will be impacted upon by where a territorial sea border is drawn. This chapter will show that the current Scottish government has a significant deficit, and that this will not have decreased prior to independence and will likely grow due to a percentage share of the current UK debt, which will likely total more than £3.5 billion,[169] as well as a loss of defence contracts that bring significant funding to the manufacturing industry of Scotland.[170] All the while the issue of the continued stationing of Trident within Scottish territory might be politically untenable for the SNP, but the funds that could well be generated by leasing the facilities at HMNB Clyde may well be necessary to finance a host of other requirements for an independent Scotland.

Therefore, is independence actually going to be the best option for financial security, especially as the Eurozone crisis remains one of the most serious threats to UK security?[171] Given the variety of links that are likely to remain between the RUK and an independent Scotland, would Scotland actually have a separate chain of command and be able to act independently of the RUK? If not, is the disruption to the organisations in chapter one and the military actually going to improve Scottish national security or harm it? Would perhaps a Crown Protectorate status be better for Scotland, providing the financial and welfare systems independent of London as desired by the SNP, all the while maintaining the current national security and military unity that protects the UK?

Under the present financial system within the UK, the devolved nations receive a block grant, while other areas such as defence and welfare are paid for directly by the Treasury.[172] The grant is calculated via the Barnett formula for Scotland,[173] which is as unpopular as the West Lothian question within current UK politics.[174] Added to the Barnett formula calculated grant is another eighteen per cent of total spending. This eighteen per cent includes EU agricultural subsidies, social security payments, as well as a per capita allowance of central services such as defence, intelligence, foreign affairs and the cost of running government.[175] This eighteen per cent is a significant overall share of all the UK spending costs, and as such Scotland will have to fund these central services as an independent nation, as the SNP has proposed to have both a military and some form of intelligence infrastructure. The latter of which will be significantly costly to construct, even if the military does receive a relative to population sized share of the MoD's current £88 billion worth of assets.[176] This would, if the higher percentage of the population were used from the previous chapters, be equivalent to circa £7.6 billion worth of military assets. It is likely that not all of this allocated per capita share would be spent on the military and that during the negotiation process it could be supplemented for other material assets than an independent Scotland will need.

Aside from the block grant, Scotland is able to raise some locally funded revenue, primarily via the Scottish Variable Rate of Income,[177] local taxation such as council tax as well as business rates.[178] None of these contribute significantly to the current financing of a devolved Scotland, but they are significantly greater powers than have been granted to either Wales or Northern Ireland. Income tax, the largest of the revenue sources was accountable for about a quarter of all public spending in Scotland, in 2010-11, it was a little over £10.6 billion.[179]

Clearly Scotland depends on the grant from Westminster to fund a variety of services deemed essential, as revenue from Scottish sources are not enough. Current expenditure is significantly larger than income, with a deficit of 11.2 per cent of Gross Domestic Product (GDP).[180] Although in the 1970s oil revenue from the North Sea reserves was deemed large enough to comfortably have allowed Scotland to become a financially stable independent nation,[181] this is no longer the case. Production within the North Sea oil industry has been decreasing by six per cent per annum for the last decade,[182] with this continued fall highly likely, in return creating higher costs in extracting the oil in the first instance, creating diminished returns on investment. This is not financially expedient, as nearly twenty per cent of an independent Scotland's GDP would be dependent on a finite resource, which in turn is subject to global

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shifts in oil prices,[183] all the while creating future shortfalls in revenue, which will have a knock-on effect on services, including defence and national security for an independent Scotland, without the asset and cash injection that independence negotiations are likely to bring.

Although much of the funding for the devolved Scottish legislature and government services are funded from the grant allocation itself drawn from UK taxes. The funding of Scottish devolved services has evolved into a unique configuration different from Westminster.[184] Like the national security apparatus as described in chapter one, the financial system within Scotland is currently divided amongst hierarchies and multiple organisations. These organisations and hierarchies are likely to be subject to revision if independence is achieved, not least due to the myriad of currently reserved areas that an independent Scotland will need to fund along side those that are currently funded via the grant and the limited raised revenue from Scotland.

In terms of an independent Scotland being able to fund itself, the SNP have stated that Scotland's economy could return to pre-recession levels during 2014 but does not explain how this will be achieved.[185] The Scottish government's day-to-day running costs by the time of independence are estimated to be £25.9 billion,[186] with the devolved administration set to receive £27.5 billion in 2013-2014.[187] Clearly the running costs will be significantly higher by the addition of national security and defence costs, as well as a host of other services that are paid for directly by the Treasury, where will this required increase in revenue be found?

As mentioned an independent Scotland would be dependent on oil revenue, which although currently replaces the funds lost from the grant,[188] will continue to decrease forcing a Scottish economy to diversify to meet the shortfall. Linked to this discussion of how an independent Scotland will be funded is the announced retention of sterling as the currency, as well as maintaining the Bank of England as the central financial regulator, ensuring that the RUK will continue to have a significant role in the financial running of an independent Scotland. Therefore, would this be significantly different from the current financial relationship between London and Scotland? Would Scotland actually see a reduction in financial independence as a result of having to respond to international financial pressures and global commodity prices in particular? Given that one of Scotland's largest financial companies, the Royal Bank of Scotland (RBS) is owned largely by the UK public, how would division of this asset be calculated? There is the linked issue that an independent Scotland would not have been able to afford to bail out RBS, which had a balance sheet that was thirteen times the GDP of Scotland.[189] Would an independent Scotland need to create a contingency fund for such a future event? Where would the revenue for this contingency come from?

The SNP claim that Scotland can become a financial haven for organisations by offering competitive levels of corporation tax, but it is possible that without improvement to the wider financial service industry, this aim will go unaccomplished, with potential impacts to funding for other areas. The ability to fund Scottish national security will be impacted on by the loss of a variety of current defence contracts, as there will no longer be a political requirement for manufacturing to be located across the UK. As a result the £1.8 billion per annum that Scotland receives via defence contracts will be lost.[190] This compounded by a shrinking manufacturing industry will only be made worse as some of these areas only manufacture contracts for the MoD who will "... 'want out' of an independent Scotland,"[191] creating a reduced manufacturing base in Scotland. Resulting in a greater dependence on the financial services sector, North Sea oil and export revenue to fund an independent Scotland, none of which are currently significant enough to meet the shortfall. Resulting in circumstances where Scotland's deficit will continue to grow, creating a situation where cuts will have to be made across a variety of government services at a time when many of these will be starting up. Creating the paradox that independence may actually lead to the rationalisation or reduction of services that the current UK government has said will be saved, thus breaking a central shibboleth of the SNPs campaign for independence.

One of the central claims of the SNP is automatic entry into the EU. Although, even this point has seen evolution, as it was originally independence within the EU including use of the Euro as the currency for an independent Scotland. This is no longer the case, "an independent Scotland would remain within a sterling zone, but would have control over fiscal policy." [192] This will require significant links with the RUK, not least because the Bank of England will remain as the central financial regulator in an independent Scotland. This will result in a monetary union without the necessary fiscal union behind it, which has been a significant reason for the present Eurozone crisis.[193] Thus, is

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the SNP's plan actually all that different from the current situation? Could it actually make an independent Scotland financially worse off? As the RUK "...would still have a dominant say in the economic well being of Scotland but without the Scots enjoying anything like the same degree of reciprocity." [194] Could this be another example, like that of Trident, that Scotland could actually be in a weaker position to influence matters as an independent country?

As to the claim that an independent Scotland would automatically be an EU member, this is not universally agreed and neither is it likely to be possible if a sterling zone is created. The Vienna Convention will be of no help in this case, as international law does not apply inside the EU. [195] It is, therefore likely than an independent Scotland would have to apply for EU membership in the procedure set out in the Maastricht Treaty, which includes membership of the Schengen area. [196] This traditional route to entry is likely to be the case for an independent Scotland not least because it will prevent the case of Scottish independence acting as a precedent to other separatist movements within other EU nations.

In this situation an independent Scotland would not reach the entry criteria, resulting in the position that an independent Scotland might be outside of the EU, possibly ensuring that it mirrors Norway by joining the EFTA and the EEA until the criteria can be created to allow for entry application. The entry criteria require an independent currency, [197] an independent central bank, and a separate banking supervisory agency. [198] The latter two will not be created as part of a sterling zone and the former would require either a unique Scottish currency or resurrecting the Scottish Pound, which, in either case, would require the establishment of a Scottish Mint, creating a further cost as a result of independence that has not been factored into SNP calculations. Entry requirements also require membership of the single currency, but these have not always been automatic and have been set at future dates, this could be used as a precedent by Scotland. However, the more opt outs and derogations that an independent Scotland seeks from the EU, the more difficult and lengthy the entry process will be. [199]

This would include any wish to be outside the Schengen area that could have repercussions for national security as was discussed as part of chapter one, as Scotland would have to police the border with England in a way that was satisfactory to the conditions of Schengen membership. [200] Requiring the creation of a Scottish version of the UK BA, another level of national security that Scotland will have to fund, staff and create an oversight process for. It is possible that like that of IRL an independent Scotland might be able to remain outside of the Schengen area as a result of pragmatism. [201] This is due to a common travel area among the nations within the British Isles, reducing the need for the stationing of Scottish border guards along the English border.

Given that as part of the EU, under the terms of the Maastricht Treaty an independent Scotland would have had the removal of setting exchange rates, the setting of its monetary policy as well as having significant constraints placed upon its ability to set its own fiscal policy, [202] would this actually be any different to the financial terms a devolved Scotland currently has under *The Scotland Act*? Would Scotland actually be reducing its voice in international affairs by becoming an independent nation?

All of the above sections will have an impact on an independent Scotland's ability to fund national security, and the shape and size that this national security could take. This final section will look at the expenses that could accrue as a result of creating separate Scottish national security organisations. This is largely hypothetical as the SNP has yet to publish what the national security architecture and foreign affairs outlook for an independent Scotland will be.

The SNP have stated that should they become the majority government for an independent Scotland they will "...commit to an annual defence and security budget of £2.5 billion." [203] Presumably this does not include the funding of the police authority from 2013 onwards, nor the significant start up costs that will be required in the first few years to create facilities such as a Scottish MoD and Scottish intelligence service(s). If this is the case, it is possible that Scotland could indeed spend similar levels to that of other smaller European nations on defence, between 1.4 and 1.5 per cent of GDP. [204] £2.5 billion would be higher than both of these percentages. A defence budget of between £1.3 [205] and £2 billion [206] is indeed possible, leaving £0.5 billion for the security and intelligence apparatus.

Considering that cyber crime costs the UK £27 billion a year, [207] with the UK setting aside a further £650 million for

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the National Cyber Security Programme, on top of the share of the Secret Intelligence Account (SIA) that GCHQ receives, would a share of half a billion, itself divisible among the Scottish intelligence service(s) be enough to counter the threat that cyber crime poses to national security?[208] Would this sum be enough to create Scottish versions of all those organisations found in the first and second layers of the national security hierarchies as described in chapter one? Also required would be the creation of Scottish parliamentary oversight and funding for the intelligence infrastructure, as “ a Scottish government would want to see its national security capacity directly answerable to Scottish ministers.”[209] Partnerships for the sharing of intelligence between the RUK and Scotland are likely, but independence would mean that shared defence organisations would be impossible, as not a single member of the UN shares its military with another country for defence outside of international partnerships.[210]

There is also the complicated issue that Scotland has contributed to the cost of defending and maintaining military bases in places such as Gibraltar and the Falklands.[211] Would Scotland continue to do so after independence? If not how would a percentage share of these assets be divided? This adds another dimension to the negotiation process, as the US might be particularly vocal in this area as they have a military base on the British Indian Ocean Territory.

The type of defence assets that Scotland will want from their share of current UK assets will depend on a variety of factors, which cannot currently be calculated with any certainty, for broad ideas are all that the SNP have currently publicised. In late 2013 the SNP are to set out their aims for an independent Scotland, which should clarify the size, scope and thus the funding required for a variety of national security services. The division and creation of territorial waters will have an impact on the scope and resources that a Scottish Navy might require, as well as those of Scottish special-forces. Depending on where these lines are drawn could well affect the amount of revenue generated from oil reserves, having a potentially significant detrimental affect on Scottish government funding, and services including national security. The other is dependant on the size of this territorial area, and will depend on how many, what type and the number of staff and ancillary items that a naval force will need for the protection of this territory and assets found within it, not least fishing and oil. The national security threat and the need to create territorial waters will also be important in the longer term, as the economic role that the Artic, as a trade route and as the site of oil and gas reserves is likely to create repercussions that will need to be calculated in the negotiations.[212] Like that of territorial airspace, might the RUK and Scotland wish to retain links in this area?

A significant complication to the creation of the territorial water is that fact that the Crown Estate currently owns fifty per cent of Scotland's territorial seabed and foreshore,[213] and resolution of this will be key to the creation of territorial waters. If the RUK and an independent Scotland cannot agree up where to create a territorial sea border, it is likely to be drawn according to the equidistance principle.[214] This sees the drawing of a base line around coastal waters, spanning bays and estuaries to create territorial waters, which could be significantly complicated by the temporary or even the longer term leasing of the nuclear facilities at HMNB Clyde and the granting of access, which might impinge upon the RUK's sole sovereignty over Trident as part of the NPT. Again this is another reason why the Trident negotiations may be the most contentious and lengthy to resolve.

An independent Scotland would also be responsible for more traditional threats that espionage poses in the commercial sectors, and the diplomatic area,[215] as well as the new threat that global warming, the role of the Artic, the increasing threat from cyber crime, and organised crime in its variety of forms. Given all these potential threats, is £2.5 billion enough per annum to protect the vast remit of areas that constitute national security? Given that the combined defence and intelligence budgets for the UK total nearly £30 billion,[216] which exclude the linked costs of policing and foreign affairs, £2.5 billion will likely not be enough. Is the leasing of HMNB Clyde, despite the political and territorial issue this could create, actually required to help fund national security, particularly as the facility that houses GCHQ costs £46 million per annum, without the technical equipment that cost an extra £450 million?[217] Although, a Scottish version would not be so large nor employ as many staff, the technical equipment would have to be sourced afresh increasing the overall cost of construction of such a facility.

The financing of an independent Scotland is also going to be significantly impacted on by the fact that, although as chapter two states there are many Scots within the national security framework, they are employed as member of the single British Civil Service, which was maintained with devolution so as to allow those within the Scottish government

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to return to Whitehall for secondments and career opportunities, rather than being confined to the more limited opportunities within the devolved Scottish parliament.[218] Therefore, would all these individuals be recalled to Whitehall as a result of independence? With the situation arising that an independent Scotland would have to create, fund, recruit and staff a Scottish civil service to carry out many of the tasks that are required within the national security and defence fields, creating another significant cost that would need to be funded along side all the other currently reserved matters?

Considering that an independent Scotland is likely to see a decreasing income from North Sea oil, regardless of where the territorial sea border is created, that new threats are to continue to emerge, along side those more traditional ones, all the while the Eurozone crisis remains the most immediate threat to the security of the whole of the UK, is now the time to seek independence? Especially given all the links that are being proposed to remain, as well as the creation of new links therefore ensuring that the fortune of both an independent Scotland and the RUK remain forever intertwined? Could the quest for independence by the SNP be a form of scaremongering by advocating the extreme, in order to extract greater concessions or devolved powers?[219] Might this be a political decision rather than one that might be best for national security of an independent Scotland and the wider British Isles? If this is the case, aside from the proposed 'devolution max' scenario, might the position of Crown Protectorate be preferable? If so, is the dismantling of over three hundred years of shared security and safety going to create more security links than those currently in place, reducing the sovereign action of an independent Scotland further?

Conclusion

A successful referendum in the autumn of 2014 will pave the way to recreate an independent Scotland for the first time since 1707, despite the UK government's belief that Scotland is – and will always remain – better off within the UK.[220] However, one of the peculiarities of the asymmetry of the UK is that via *The Act of Union* Scotland was allowed to keep aspects of its own national identity, which in turn facilitated aspects of the Scottish identity becoming part of the wider UK identity, this is clearly demonstrated in Highland dress as part of the uniforms for Scottish badged regiments of the British Army.[221] This separate Scottish identity was still visible after 1707 with a separate question time at Westminster for Scottish issues,[222] pictorially different currency notes, and the establishment of a Scotland Office in 1885, in order to appease demands and accommodate the identities of all constituent nations of the UK.[223] The constituent nations helped to create the collective identity of the UK, all the while retaining their own separate identities, flags, cultures and history; a paradox, once again restating the unique case that is both the UK and the independence campaign within the wider European context.

This appeasement was increased via *The Scotland Act*, with the creation of a devolved Scottish parliament this was intended to constrain the potential for a fully independent Scotland.[224] *The Scotland Act* also limited the legislative ability of the Scottish government by reserving certain areas of government to Westminster. Within the devolved Scottish parliament over fifty percent of legislation regarding devolved areas continues to resonate from Westminster, rather than Edinburgh,[225] perhaps indicating that Westminster still has the more dominant voice in Scottish politics than the current SNP Scottish government.

With the exceptions of the 2003 Iraq War and the nuclear policy of the UK, the least contentious areas of *The Scotland Act* have been the retention of foreign and security policy by the UK government. Have these areas been deliberately highlighted by the SNP as the reasons for an independent Scotland?

The central thesis of this study was as an independent nation Scotland does not have the financial security nor the variety of resources required to develop and maintain the broad national security and defence posture that the SNP has thus far publicised. This study also had three central questions to lead the discussion and in effect the chapters mirrored the answering, and the raising of further questions, of these original three questions. Whilst this study has only discussed the area of national security, there are a variety of other areas that are currently reserved that will also require resolution by an independent Scottish government. The ability to fund national security will be impacted on further by the addition of these reserved areas and political decisions taken by the Scottish government.

This text has described and illustrated how interlinked the current UK national security architecture of the intelligence

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services, UK wide agencies and the police services are, as well as that of the military which has in turn has been utilised to aid civilian authorities on occasion throughout the last and present century,[226] adding another complication and layer to the negotiations. An independent Scotland does not have the required personnel at the three levels of national security as detailed in chapter one, although Scots do play an above proportional sized role in these areas, as discussed in chapter two. Clearly in the long term Scotland has the potential to educate and recruit the required staff for its own national security architecture, but this cannot occur in the short term, not least due to divided loyalties of those currently serving within *British* institutions between where their homes and families maybe located and their birth nation and the potential security risk they could pose to both resulting national security architectures as a result of independence.

The literature on this subject will continue to accrue, not least from the House of Commons committees that are undertaking evidence sessions into the potential consequences of Scottish independence on the UK and its multilateral partnerships,[227] as well as from the independence campaign spearheaded by the SNP with the most important document likely to be SNP's 2013, detailed vision of what independence will look like for Scotland.[228] Both of these governments, together with continued media publications, are likely to continue to inform the Scottish electorate in the years leading up to the referendum. However, as recent polls show, a rise in the number of those apposed to independence is up to fifty four per cent,[229] while those in favour continues to remain around thirty per cent,[230] requiring the SNP to convert a significant number towards its aims for independence prior to the referendum.

The previous chapters have explained how an independent Scottish government, will continue to have significant links with the RUK in a variety of areas that constitute the national security landscape. An independent Scotland is to remain within a currency union, which will require significant fiscal links, as well as the retaining of the Queen and her successors as the Head of State,[231] with the potential for those Scots serving with British and Royal Armed Forces to remain doing so after independence.

These links are most clearly illustrated over the likely decades long removal process of Trident from HMNB Clyde, which will require links to remain in place between the two nations armed forces and security services.[232] There is also the potential to share embassy locations to reduce start up costs for an independent Scotland. Potential links could extent as to yet unidentified "...cross border institutions and bodies which continue to exist after independence,"[233] and as far as to include the "the whole gamut, from collective defence, which is best represented by NATO, right down to perhaps a more simplistic arrangement with the rest of the UK on the sharing of bases and permission to enter airspace, or some sort of joint task force to protect sea routes, oil rights and fishing grounds." [234] One of the key arguments of the SNP is for freedom of action to prevent the situation of Scottish service personnel being sent to another Iraq War situation, with all these potential links would Scotland actually be independent?

Perhaps the most important international repercussion of a successful independence referendum for Scotland would be the precedence it sets, particularly as the Vienna Convention is not applicable within the EU,[235] and the Treaty of Rome did not anticipate such a situation arising.[236] For this reason the EU might be inclined to ensure traditional entry is followed by an independent Scotland, so as not to offer a case study for separatist movements within other EU nations to mimic.[237]

While the world is becoming more multilateral, with the role of institutions and networks increasing the dependence on alliances to ensure national security, is now the right time to leave the union?[238] This could be an especially difficult decision for an independent Scotland, as neither NATO nor EU membership is assured, leaving the RUK as potentially their only bilateral partner. Given that "cohesion has been the route to cheaper defence, not the reverse,"[239] and that as an independent nation that wishes to retain the current free elements of the welfare state, such as NHS prescriptions, it is unlikely that defence will be given such a high priority.[240] If this is the case might the position as a Crown Dependency be in the best interests of Scottish and the wider UK national security concerns? With the continued stationing of the Trident at HMNB Clyde as the Scottish payment towards this assured defence? Clearly there are a series of complex questions raised throughout this text that will need to be answered either before the referendum or during the subsequent negotiation process.

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The ability to create and fund a Scottish national security landscape is the one area of government that cannot await the outcome of the referendum before negotiation and planning is begun. There needs to be a clear national security architecture, that will be able to be in place hours after the result of the referendum is confirmed rather than evolve on an *ad hoc* basis as part of the wider negotiation process. This is one key area of government that cannot be allowed to be capitalised on by those that pose a national security threat to either Scotland, the RUK or the wider international arena. Clear rhetoric is required from the SNP of what national security will entail for an independent Scotland, not least to allow the public to make an informed electoral choice, but also to allow planning to go ahead prior to the referendum so that there can be strategies in place for the smooth transition of the governance of national security from London to Edinburgh. If this cannot be ensured questions need to be raised about whether independence is in the best interest of Scotland.

The national security benefits for an independent Scotland created by the fragmentation of the UK is further called into question by the fact that Alex Salmond has indicated that there would be nothing to stop an independent Scotland re-joining the UK at some point in the future.[241] This study and these words from the era of *The Act of Union*, continue to resonate within the debate, "...the more I think of Union the more I like it, seeing no security anywhere else,"[242] as they indicate that the national security of Scotland is best preserved by Scotland's continued membership of the United Kingdom of Great Britain and Northern Ireland.

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