



Note of the LINK Network meeting 27 August 2015 at the Melting Pot, Edinburgh.

Present: Pete Minting (ARC), Tim Ambrose (SWLG, LINK Treasurer), Lloyd Austin (RSPB, Governance TF), Vicki Swales (RSPB, Sustainable Land Use TF), Danny Heptinstall (BES), Jonathan Wordsworth (AS), Calum Duncan (MCS, Marine TF) Sheila George (RSPB, Freshwater TF), Aedán Smith (RSPB, Planning TF), Denis Mollison (HWDT), Sue Hamilton (PD), Helen Todd (Chair, RS, Land, Hilltracks), Pete Richie (Nourish, Agriculture TF), Mathew Crighton (FoES), Rea Cris (RSPB), Simon Jones (SWT, Trustee), Roger Powell (SCRA), Thomas Quinn (RSPB), Mike Johnson (Butterfly Conservation trustee). Andy Myles, Lisa Webb, Alice Walsh, Jen Anderson, Phoebe Cochrane (staff). Stephen Hinchley (RSPB, EEB UK rep), Sarah Bernard (WCL Communications Manager). For pm Graham Reekie WREN, John Thomson (SCNP, Landscape TF), Diarmid Hearn (NTS), John Mayhew (APRS).

Apologies: Deborah Long, Clare Symonds, Paul Walton, Craig Macadam, Beryl Leatherland, Tom Leatherland, Charles Dundas, Eddie Palmer, Bruce Wilson, Sarah Robinson, Sam Gardner, Kathy Wormald, Roger Downie, Ross Finnie.

Chair's Welcome: Helen thanked Simon Jones and Jonathan Wordsworth for their contributions to LINK as both would soon be moving on and this was their last Network meeting. Each was presented with a small gift. The morning focus was on LINK interaction within wider networks, assisted by Stephen Hinchley and Sarah Bernard.

Working in the UK and within Europe: Andy Myles set out the rationale for improving LINK's strategy across UK, EU and beyond, as international treaties and a globalised economy necessitated it, while LINK was also working to connect with local environment bodies through the Local Links project. LINK has worked since inception with the sister Links, and for many years has been a member of the European Environment Bureau (EEB). Stephen is UK representative on the board of EEB, Andy has taken part in its annual meeting for 4 years on LINK's behalf. There is much good work happening in member bodies (MBs) and task forces (TFs) in Scotland, we have much to offer and share across Europe, and much to learn from others. Networking among the eNGOs – EEB, Birdlife, FoE Europe etc, G10 - needs to be improved at EU level, to counter current threats from the corporate networks.

Across the UK, the Links meet every 2 years for a conference with regular telecalls and occasional meetings. With devolution of environment we need to adapt with evolving government structures. Should Scotland continue to pursue a course of more formal connection into EEB, seeking potential observer status to reflect the need to input as Scotland?

EEB: Stephen had worked for MPs, in public affairs and advocacy, joining the Wildlife Trusts in 2010 and is now with RSPB. EU affairs have been his whole job for just one year. The EU agenda has changed, no new Directives planned, legislation on the circular economy which business quite supported was withdrawn. The new Commission is pursuing a very explicit 'better regulation' or deregulatory agenda, which chimes with the Tory Government's agenda. The Natura Directives Refit is within this context. Why? Main inspiration is extremes of left/right, with centre ground

coalescing to save the European project, restoring jobs, stabilising the Eurozone, old ways are no longer a priority. ENGOs access and relationships are reduced. The Environment Commissioner's role is downgraded in new regime. At same time there will be work on the Common Fisheries Policy, and Climate legislation for post 2020, an opportunity to get progress on renewable targets. Threats are the Fitness check of Natura Directives, merge and modernising being the starting point. The Commission's PR post the Nature Alert campaign which drew over 500,000 responses was couched in terms of making them fit for the future - massive work ahead for us there. Perennial challenges of CAP and EU budget. The Agriculture Commissioner's view that CAP has nothing to do with environment is linked with the outcome on Natura: if we can win that, we can challenge the CAP on why biodiversity targets are being missed, so change that policy to improve outcomes. It is likely that the Commission won't want a big battle about Natura while the UK in/out discussions are ongoing. In Scotland the Yes /No campaigns will be further away, harder for us to engage with. The No campaign will be on deregulatory isolationist agenda. Not about cooperating on the environment, will be a challenge for eNGOs to engage with that. Stephen advised members to check reach of charitable objectives.

Early decision is preferred but won't coincide with Scottish elections, could be later 2016, best to plan for early rather than late. The renegotiation process is focussed on sovereignty, business friendliness, what the City wants, financial regulation is core. Agriculture and environment are not within the scope apparently, but need to keep a careful eye. What is future governance for 2 stream Europe? The challenge is increasingly how we work with other networks, taking environment out to social, health, consumer issues. Opportunities are definitely there. The UK Lobbying Bill brought lots of interests together, massively important and huge coalition. There is an argument for wider coalition on deregulation agenda, a common interest. Food and farming, some opportunities, but no assumptions on who allies would be. EEB does not have regular meetings with other coalitions, though Refit work in committee will lead to some wider coalitions or we will be outgunned and picked off individually. Cooperation will be needed, and starting to think about how to respond. Andy noted that WWF, FoE & Birdlife may take observer status on the EEB board. G10 informal group too, and Andy has pushed cooperation against the deregulatory interests, that EEB acts as a Link, getting the larger Brussel based orgs together. The IUCN includes governments too, there are informal discussions and collaboration, joint debates, though not part of eNGO discussions, is a respected source of information and advice.

The Transparency register has been taken more seriously by new Commission, need to be registered to go to their meetings. EEB can advise if going to Brussels and we should be covered by membership of it. Andy's advice is we don't have to register here as we don't play party politics, and it is unlikely Scottish parties will have a lobbying bill on their manifestoes.

On Land Use, our experience is quite radically different from rest of UK, our work to get sustainable land use into the Climate legislation. Scotland tends to look beyond UK to northern and Eastern Europe for models and processes, could plug into any EEB work. Membership of any working group is open to all members and travel and accommodation costs are covered for meetings. Format is an email distribution list, supported by a policy officer, and email discussion. At least 1 meeting per year, held in Brussels or Presidential host country. As regards LINK taking part, the opportunity is there for smaller organisations as larger orgs have EU staff to cover and would not duplicate. Pete is willing for Agriculture/Food, and Honorary Fellows are also a possibility. **Action: Scottish LINK to consider participation in working groups.**

EU Referendum: Andy spoke to his paper circulated with the agenda (and appended below). Proposal for coordination on EU referendum in discussion with sister Links. Debate will have different aspects for each of the 4 countries. Andy noted that we have recent experience of the deregulatory agenda at work, corporate dominated, with recent Scottish Regulatory Reform legislation. This is a factor and our fight against Sustainable Economic Growth has relevance across EU and UK. Few people on Scottish Yes side want an isolated Scotland. The First Minister wants agreement to be from all 4 parts of UK; if Scotland votes yes, how can it be dragged out? Discussions are going on in UK bodies, Andy hoped recent Scottish experience on Indyref will help.

Sarah reported that WCL has a Legal Strategy group, organisations are checking out charitable objectives, and there is appetite for joint approach, the LS group is keen to know outcome of this discussion, whether we can have joint view. This is not an easy government to engage with, on its issues WCL taking a consultative approach and promoting that in engagement with Ministers. In launching the Agriculture paper in September WCL has been careful to engage with farmers first, so can answer the questions of what farmers think to government.

Mechanisms for EU Referendum are needed as early decisions will give us a surer position. A similar approach to LINK's Referendum Challenge was agreed as a good way forward, complicated in that we don't know the question, or outcome of renegotiation. Rather than support either answer or declare neutrality, promote what we want the process to end up delivering. The RC approach can apply to both the position and the referendum. If avoiding been seen as neutral and play it as being open to persuasion it will generate more interest, though difficult to carry that off, if logic of wanting any cross border cooperation is to be Yes. A tricky hurdle, will require careful positioning. There are examples outwith EU for cooperative mechanisms, which could be a No camp way of delivering our asks. It is important to get the No people to recognise and support the idea of non EU x border cooperation. As long as we have an idea of delivery mechanisms and pitch them evenly, worth trying to do it in case No wins. Referendum Challenge text should serve. Sarah noted the Legal group see it as possible.

If No camp does not rise to the challenge, where does that leave us? In Scotland we published both responses, both sides were unconvincing. Worry that in this situation, Yes convincing, No doesn't care, would in effect look like we endorsed Yes, very difficult for us to say we are neutral. A bridge to cross when time, accept it's a risk, phrase it carefully. Don't take sides, engage with both.

Benefits / disbenefits of doing a joint challenge versus 4 country ones discussed. The meeting agreed that one Federal version and 4 tailored to the country concerned in a coordinated manner would be politically better for credibility for ongoing relations. Need to deal with where legislation comes from, how its implemented, will be country dimensions to how questions are pitched.

Others in Europe will have an interest, concerns of what agenda UK government is bringing to Europe. An early text from the Links will input that way and can be used to influence.

Action on Mechanism: For Scotland, Governance TF leads, and more engagement from member bodies is welcomed. For WCL the Legal Strategy Group leads. Jen will check with NIEL and WEL to see how they want to progress. Need to identify which member bodies are working on it, when to take decisions on what we are going to do.

WCL strategy and Sarah's role: WCL has 46 members, through working groups of policy people focused on developing policy, which in turn influence member bodies' policies. Her one year role is to put more emphasis on campaigning and communications. An example is the event in September to launch 2 publications on agriculture and water, encouraging more ambitious and louder launches than low key as former, bringing working groups together more, identifying what will get more attention. As an external she hears the jargon and knows what externals think, probably wrongly, that environment organisations don't work well together. Why does WCL want to raise profile? Not to raise its brand, over summer got good headlines for MBs not for WCL, getting the message across is the important thing. Bringing Water and Agriculture paper together, getting MPs interested and more MB comms people along too. Wants to embed thinking of advocacy and comms strategy at the planning stage. Refit example, constant banging the drum, getting others onside, finding consensus is a big part of the role.

Paper on SNP at Westminster (appendix 2). How do we cultivate contact with WM as LINK, cooperate with WCL, and advise to our MBs working there. How can we work this new situation to our advantage?

LINK has effectively ignored WM since devolution. Situation is changing with the Scotland Bill transferring more power. If we end up with differentiated voting system how are we/they going to handle it. We need to help colleagues, even if LINK itself not doing much at WM. Stephen noted there is an interesting Scottish dimension on Refit, the UK is main state in EU proactively looking at reopening the directives and there is potential for SNP to take a differing position at WM to the government. Discussion noted Scotland government too pursues a deregulation agenda and is being heavily lobbied to weaken Directives, it's not a given that they are onside. The primary drive for SNP MPs voting is how does it affect Scotland, not the issue at hand. This changes how anyone engages with them, need to reaffirm that with colleagues. Job to persuade SNP MPs that environment is something they need to work on, they don't think it is because it's devolved. Urgently need to say that SNP need to vote eg on fracking. That is a resource issue for Scotland, need to facilitate WCL doing so over the term of this Parliament, there are a lot of reserved matters that impact on the environment. We need to persuade them to engage with eNGOs, as reserved issues (energy and EU issues negotiated at UK levels, that they want a seat at the table, on a lot of issues the views of MPs will be important) affect Scotland. See how the runes go for WCL, not pushing them one way or another. Elaine King has good access to WM and civil servants, useful to discuss with her. Big issue for BES is ecological research, some funding is under threat from WM, worth getting Scots MPs up to speed. Also UK organisations getting act together at MB level to ensure smooth cooperation. If LINK Directors are talking, bring MBs in. WCL has no Governance TF, could be the 25 year plan for nature group, Sarah will find out where it would sit. No Parliamentary Forum equivalent at WCL, Sarah will take that suggestion back.

For Scottish eNGOs it's wise to put some resources put into establishing a relationship with Scottish MPs, some friendly faces among SNP to get environment on radar in the first place. Andy suggests that across sister links and EEB we reflect different cultures grown within the different networks and get to know one another's cultures and styles and what can confidently leave to others to pursue. This understanding needs more of a structure that we have currently got, it can't be left to secretariats, needs to be the advocacy officers. Good also to have Stephen for the EEB angle. Job to be done getting all of us to recognise how to work better with devolution, for all to be more effective. **Action: LINK directors, member bodies.**

LINK's Forward Strategy: Graham explained his role working with staff and board on the new strategic plan. This session was to update on the members survey, take soundings and inform the survey with external stakeholders. He explained the process and key findings. A good spread of people replied, with medium and large organisations well represented, and a good show from smaller MBs too.

Value continues to be in coming together, purposefully. TFs are one of the key routes to LINK's success. What is valued is that enough other people are there. Discussion covered whether there was confirmation bias, and should past members have been interviewed. JMT and MCoFS were mentioned and their reasons for leaving discussed (meetings held and letters exchanged). The external survey will build on these findings, what we need to find out from external stakeholders. Interesting to ask if sector is seen as fighting amongst themselves in Scotland.

Responses were from those most involved with LINK. The wider membership might not take same view. Two HFs and 2 smaller orgs felt the questions were more appropriate for those who knew LINK better than them, so Graham took comments by email. Staff are much appreciated. Though better resourced than other TFs, Calum was convenor before dedicated staffing in 2007, noting having extra capacity creates more work, support of core staff has helped the TF get to where it is. Looking at WCL where policy officers support working groups, other TFs could do with that. It's a measure of respect that people have for LINK to invest in the TFs. Graham felt people like the model of having a resource attached. Sarah noted that on WCL, though there are staff helping each group, they don't facilitate, and ambition is for them to do more of that. Graham feels secretariat support is what is desired in Scotland.

MB priorities: land use at top covered reform and land use, greater consideration of landscape, fundamental to many MB concerns. Graham felt we need a conversation of what we do with this input, his personal view is this is a sounding, and mirrored what we do fairly well.

For the next plan two issues are important. One, the extent of LINK as collaborator or critic, particularly of government, finding the right balance; the other is having more clarity about priorities and decision making, LINK being an organisation in its own right, with limited resources; and a network, where the job of trustees is difficult, with no authority over members who themselves are the biggest resource, eg If we do A do we stop doing B, which is up to members, not LINK. This is flagged each year and more is added.

Sarah noted that WCL may seem to be growing, internally staff may not feel they are part of an organisation, may feel almost too aligned to TFs, crossing two cultures, there is a need to feel like an organisation internally, the brand of link is important to us internally, as well as externally to see value of collective voice. Andy noted is about voice and diversity, one of our jobs is to get MBs to sing in choir, to a hymn sheet, using the diversity to advantage.

Diarmid felt that Scottish government understands what LINK means and the collegiate approach it takes. Resource issue is important, where MBs vote with feet and leading MBs leave, a TF can roll along in name only. Matthew felt tension is between trying to shoehorn an organisation like LINK into a company structure, imposed from outside by funding needs. The network can operate without a strategy, if resources don't allow. Still needs clarity about who makes decision, eg on the 'narrative' process.

Graham asked TFs if members are comfortable for growth at centre to serve them better. Yes to more support, no to growth. If no limit on numbers, is it up to trustees to allocate resources to some. Jen noted that when LINK was young, members of the TF were the power and did the work, staff did help, but strategy, drafting, etc was done by MBs. Now we are drifting from this with various TFs wanting help not available through TF members. There is a limit to how this can be sustained. Worth thinking if TFs really need staff support, or working out what can be delivered by MBs at TF level. If the value of collective action is greater, there is an implication about how much people put in to LINK. MBs may also want to collaborate where LINK cannot help, then it gets into further second order questions about how LINK operates, which need to be worked through to get to bigger answers. Maybe that MBs wanting more LINK support is a reflection on the squeeze on their resources. No right or wrong, issue is lack of resources to do TF ambitions, in absence of getting more staff for MBs. Marine TF funding history was discussed. Also useful to look at size spread of MBs on a TF. One of purposes of LINK is that burdens are spread and smaller MBs helped. Economics and Governance TFs resulted from strategic discussion which none could tackle individually. Sue noted that on Planning and ERA, PD valued the support and strength of other members for the message, no plan to ask for LINK support, PD will put in their resources for that. Strategic opportunism describes how we have got where we are now, eg for Marine TF a perfect storm of opportunity, a unique set of circumstances not replicable. Task is to make decisions about how decisions are made. Not to lose what people value about shared purpose. No intention to change anything, just how it helps members to prioritise and focus.

Pete commented that Nourish gets a lot out of LINK, though it is not the main thing it does. Others have put more in, LINK matters more to them, and whether the strategy points to disquiet? Helen gave the history, the strategy review every 3 years and this time want it to be very short, clear and focussed. These issues are not new, need regular airing. We cannot assume it all happens organically, need to make sure we are doing the right things with scarce resources. Issues lately about robustness, collaborator or critic, members leaving, the impact of that, what are the relationship building activities that need to go on, more and more the prioritising problem. The board does not have authority over wider resources, which is challenging.

Diarmid asked about WCL's strategy 2015-19, what we can usefully take from it. WCL has a wider spread of MBs. Sarah joined staff in April, and would not have if there was no strategy. Elaine worked on WCL's with the board, it is a really important way of working now, becoming empowering for staff who work with the groups, can guide how groups function, putting the questions about what to do with all their resources

John Thomson noted LINK is not entirely owned by MBs as gets funding from elsewhere. Check it is happy with terms of funding, can it continue to secure it. If getting public money, what are the implications and requirements? Always a strategic decision. Public funding is low in terms of other networks/intermediaries. The requirement to report drives the reporting needed from TFs to some extent.

Matthew asked whether there is an environmental 'narrative' (as previously discussed in network meetings), if LINK is going to represent views of the sector what is the process of formulating that narrative, what it is you say and when. Is it about MBs learning from each other in relation to changing contexts, eg economics issues, social justice issues, a set of functions about how we learn from each other, how our narrative is able to be heard, and influencing the outside. We have to

learn more about SJ, and the process there is very important. It can be either explicit or not, it is all right if not, can be sum of processes we agree to do. There are MBs who won't have SJ on their agenda, and may not want to consider it.

Denis noted costs benefits, positive side for small organisations LINK enables them to achieve more, access to bigger discussions, huge benefits there. On other hand, cost of belonging is not just subscription, its time invested. If you are giving up half a policy officer, may achieve more not in LINK.

Lloyd, adding to these points was interested that collective action came out highly. While often most visible to external stakeholders, and the thing that gets measured as progress, in previous strategies information exchange and discussion were high. Benefit in keeping those aspects up, even if you decide not to take collective action, as you have learnt something, or done something in a different or better way as a result. There is value of a network that in some areas does not take collective action, sometimes that is to be decided by having the discussion. Not always the thing to aim for, other aspects are still very important.

Ideas for external contacts to survey would be invited by email by Jen.

Networking business.

Social justice – what we've done so far and what next. Some TFs responded to questions in paper tabled, maps where we are now. How far can we progress this? We need to be able to make sure we are not stuck in our environmental box.

Matthew who has worked in the SJ sector agreed it's a description of where we are at. It would be interesting to hear reflections from an SJ perspective. This is about what we do without thinking about it, as organisations, decreasing or increasing inequity, and if we did want to integrate an SJ perspective, what would we do. No grounds for satisfaction, though it's a start. If we want to take it further, need to have a dialogue with experts in this area, also disability, ethnicity, have to make a decision on who, possibly Poverty Alliance, and think through implications of what would be expected from us as a result. Also, Scottish government is consulting on a Fairer Scotland now, may be useful exercise to think how to input to the conversation. There is nothing specific about environment in there. Pete noted that some of the community empowerment content was very woolly at start, and that every eNGO should be talking to communities about fairness and the environment. If none respond it will be taken as lack of interest.

The meeting agreed we should provide some overview as LINK, and encourage MBs to engage, to give it a good breadth. The SG conversation process gives some funding for organising community meetings. Andy will draft a short generic LINK document, overseen by Matthew, for MBs to sign up to, with encouragement to MBs to input from their issues, and to publicise it to their wider memberships. LINK can approach from level of environmental justice, access to greenspace, food, legal issues. Next step could be to organise a workshop. We can ask our Ministers to do a roadshow on environmental aspects, eg food, which is not on their list so far, raise at next Ministerial meeting. Using our entry into the economics as a model, can engage more members to this issue as being relevant right across board. SJ agenda is overarching, a lot more to be done to be relevant, lot of allies to be gained. **Action: Andy, all MBs.**

Discussion of future plans that have implications for network or other taskforces.

Protected Areas: RSPB paper and SNH paper circulated with agenda. What LINK action is needed? Sheila reported SNH is reviewing protected areas (not marine, not those with landscape designations), scale is yet unknown, one element was the panel review. A further Board discussion paper from SNH is now out. There are some positive aspects; the need step change to halt declines, protected areas alone won't do it, lots to agree with. Rationale for doing review? No known precisely. It's happening at same time as Refit discussions and some aspects are worrying - reducing resources, shifting resources from PAs to wider countryside related to Refit. RSPB paper (circulated), elucidates concerns: where the slack is taken up; new approaches about what SNH does, invasive species work, keep species as indicators of condition not targets of management. The main concern is lack of transparency, scope, drivers, timeous with Refit, where legislation can be weakened. Dropped 95% favourable condition to vaguer improvements, lost funding from Natural Care scheme to via limited SRDP budget and NFUS antipathy towards environmental protection. The focus is on biodiversity sites at present, worried it will spread. Planning TF noted refocus of SNH's work on planning from wider countryside to PAs, which is contrary to that. SNH's corporate plan has getting smaller as an objective. NSAs not considered a PA as there is no management scheme for it. The broad deregulation agenda is at work here. Andy advised it is time to challenge Scottish Government on cutting budgets further. Lloyd thought we should explore the extent SNH and government are acting in concert or second guessing, and giving up without a fight. Daniel proposed that BES can help with supporting evidence that PAs work; current discussions show pressure on academics to concur that they don't. Also irony of losing PAs on land while creating MPAs. **Action: It was agreed that LINK needs a meeting first to agree position, through Wildlife Forum with opportunity for other MBs to take part. Sheila will find out more about an SNH stakeholder event in October, and via RSPBs planned meeting with Andrew Bachell.**

LINK Manifesto: The manifesto has gone to 5 political parties; message is that LINK is here to help them. Three have responded Greens, SNP and Labour, so making progress and engaging. New model for our manifesto; structure is on sustainable development and 5 principles and each area chosen top policies, trees needing 'leaves'. Now MBs are encouraged to supply their issues as 'leaves for the tree' under each heading, being very brief, and direct to the parties, by September October. This is opportunity for small members to get their issues in, eg APRS added the bottle deposit scheme and more greenspace. All parties manifesto processes have started now. There is no deadline on LINK manifest (not open for further comment on the 5 principles) which the Governance TF will finalise it for launch early 2016. It will be available to members via website as it develops. **Action: MBs to get issues to parties.**

Task Forces

Agriculture: Going well. Connections with MTF members via Kara Brydson. Been talking about getting food into the planning discourse. Aspiration to get the wider food coalition, which ATF nests within, to get commitment in manifestos to bring food up the agenda, some developing ideas..

Planning: want to make progress on Equal Rights of Appeal. Last meeting good presentation from Ireland. Tie ins with Governance TF and access to justice. Identified issue but need to progress.

Sustainable land Use: LU strategy being reviewed, conversations about better join up with land reform, talking about ownership and use in same breath. Will need more engagement from members in responding.

Economics: tender out on work on circular economy, all will have opportunity to input. Plan to have workshop later in year, will decide on content next week, could be just MBs or wider. Circular economy, carbon bubble, or raise sights on input to manifestos.

Freshwater: Been unimpressed with content and ambition of SEPA consultation docs.

Marine: Heaps going on. Join up with TFs on Feb event on marine, developing papers, contact with planning via Aedan, building to big marine event next June, Living with the Seas a prelude to it. At some stage will put it to all MBs to sign up to if they wish. Will tie in aquaculture to ATF.

Landscape: Have a Landscape and wind energy statement TF members are happy with. On back burner pending LINK energy policy review, not publishing ahead of that. May need to add verdict on landscape designations by IUCN not passing muster as category 5 designations. Not discussed yet, will think on for next year's plan.

Governance: Legal governance, Scottish Government is committed to producing an options paper on environmental courts, before end of this Parliament. Links to fairness issue and ERA. Lloyd and Mary Church will carry on working, and let others know when opportunities for input arise.

Hilltracks: Friends of the Scotsman article to be published next day.

Land reform: Duncan Orr-Ewing asked to give evidence to the Committee on Deer aspects.

Meetings coming up:

17 September freedom of information seminar. All welcome.

16/17 November Congress – please book it.

6 October Energy review – workshop with organisations taking part, will report back to board and MBs. Statement on value of consensus, potentially a consensus statement, and where LINK sits in contexts of other networks, like SCCS.

14 December – festive reception, hope to see all there.

Media training session last week was very successful. Nick will be organising a media forum before Christmas.



LINK and the EU Referendum

In the Autumn of 2014, the Board, the Governance Group, and the full network assessed the LINK contribution to, and involvement in, the referendum on Scottish independence. It was agreed generally that we had:

- managed to concentrate on our core aims and objectives without major diversion of attention or action, during a period of political turmoil; and
- emerged with our reputation enhanced by the methods we used to participate in the wider national debate – in particular our decision to concentrate on the substantive issues surrounding what kind of world we wanted to live in.

As a result of the Conservative Party majority at the May 2015 Westminster election, it is almost certain that we face another referendum - on UK membership of the European Union. The timing of the new referendum is dependent on:

- the election promise to hold it by 2017;
- the outcome of the re-negotiation of the UK's terms of membership, launched by the new Westminster Government which will supply the substance of the question;
- the passage of an enabling Act at Westminster – including debate of the whether the vote should be unitary, or several between the four nations; and
- pressures from the business community for the matter to be settled at the earliest possible date.

Just as in the Scottish referendum of 2014, there is likely to be a certain amount of pressure applied by forces on either side of the debate to the environmental NGOs to take a stand on this issue. This pressure may be applied particularly to eNGOs who have hailed the benefits of pieces of EU legislation.

The LINK Governance Group discussed the issue at its May 2015 meeting and strongly recommends;

- that we concentrate our activities on environmental matters and avoid being drawn deeply into the constitutional debate;
- we carefully observe our legal obligations and the regulatory framework; and
- that we take a neutral stance and follow a course of action that is consistent with the constitutional position we took in the 2014 referendum.

The core text of our main document, “the Scottish Environment LINK Referendum Challenge”, is set out here.

“We have entered a period where the constitution of Scotland and the United Kingdom is probably the major topic of political debate here in Scotland. As environmental non-government organisations, we are a part of civic Scotland, and wish to make our contribution to this debate.

In our view, the constitutional question should not be seen in isolation, however, from the substantive economic, social and environmental issues that are central to Scotland’s future. We face many pressing and urgent issues of substance, such as combating climate change and the loss of biodiversity, and people (including many of our members) want to know how the constitutional solutions on offer will make a real difference in tackling these and similar major issues. We will continue to pursue environmental improvement whatever our constitutional arrangements are, but we hope that the campaigns can provide arguments as to why their position offers the greatest hope of achieving sustainability.

We recognise that the constitutional issue is of great importance, that it has come to a decision point, and that there is going to be a referendum within the next few years. We cannot and do not seek to hide from this, or to change it – but we want a large part of the debate to concentrate on the substantive outcomes of either continuity or the options for change.

Our contribution is to have drawn up this statement of the ideas Scotland’s environmental non-government organisations think are essential for our future. We want to investigate which constitutional option will best deliver these aspirations. We are publishing our vision here – and seeking a detailed explanation from the advocates of each competing constitutional option as to why their option would deliver best against our statement of aspirations.

(Insert the text of LINK’s fundamental aspirations for Scotland.)

We challenge the campaigns for each of the constitutional options to tell us how and why their preferred option will best meet each of these aspirations. We will publish the replies we receive on our website so that our members and other interested citizens can read them before they make their decision on Referendum Day. We don’t know exactly when this day will be, nor the options on offer, who will be able to vote, or who will be the ‘referee’ for the referendum – but we ask that these technical issues be settled in the near future so that we can concentrate the debate on the serious, substantive issues outlined here, and by other sectors of the Scottish community.”

The Governance Group recommends the following course of action.

- LINK should draw up a similar “European Challenge” document in preparation for the referendum; and
- issue the document to the Yes and No campaigns (and to the public and individual political parties) when greater clarity as to the referendum process has emerged.
- We should discuss an early draft of the document as soon as possible with colleagues in our sister Links in other parts of the UK.
- We should offer the draft document as an aid to members in discussion with their colleagues and counterparts in the other parts of the UK and Europe.

Much of the discussion may centre on the benefits to conservation of the EU Birds and Habitats Directives. It should be remembered that these are legislative instruments (on a par with the Wildlife and the Countryside Act (1981) or the Nature Conservation (Scotland) Act (2003) and other

keystone measures). They are NOT constitutional instruments and it is the matter of constitutional arrangements that is in question. As legislative instruments, they are comparatively ephemeral – as is demonstrated by the current REFIT process.

The Directives must be seen also within the context of the whole spectrum of European law – including, inter alia, the CAP and the CFP.

ABM 02.06.15



LINK, the SNP and Westminster

The political dynamics of the Westminster Parliament were dramatically changed at the 2015 general election. The Governance Group discussed this at their meeting on 21st May and decided that the several issues arising from the result require further, detailed discussion. We have to recognise that our colleagues operating in and around Westminster know that Parliament best but that we know the SNP opposition very well indeed and that they probably have little knowledge of this new force. This paper is designed to facilitate a discussion of the situation and maximise opportunities for successful lobbying.

First must be considered, however, some facts.

- With 56 MPs elected in May 2015, the SNP have become the third largest party at Westminster. This will entitle them, under the conventions, to very considerable speaking and other rights in the chamber, and they have already appointed Shadow spokespersons covering all substantive Cabinet policy areas.
- In the past, the SNP have not voted or intervened on matters they deemed to be purely English – and with very small numbers of MPs, this has tended to be loosely defined. Now, with much greater numbers, they have indicated that they intend to tighten the definition greatly. For example, matters of education and health policy, which are fully devolved, have nevertheless consequences for Scotland through the disbursement of funding using the Barnett Formula – and the SNP have stated that they will intervene if they think that Scotland's interests are being affected. And this question cannot be seen from only a Scottish perspective. Already on the issue of fox-hunting we have seen appeals for support and votes from SNP members coming from radical interests over a purely English matter.
- The Conservative Government has very clearly indicated that it is intent on quickly delivering “the Vow” given during last year's referendum for greater powers for the Scottish Parliament and Government – although the exact meaning of the rhetoric used is an opaque area. The starting point will be the report of the Smith Commission, but negotiations have begun between David Cameron and Nicola Sturgeon over extending the areas to be devolved in the legislation. The Conservatives though, have pledged to address, in addition, the issue of English Votes for English Laws (EVEL) in parallel with any Scotland Bill. Both of these matters are likely to be very dominant issues on the political agenda at Westminster over the next couple of years (if not for longer).
- On Committees, it is almost certain that the SNP will hold two Convener-ships. The first of these is likely to be the Scottish Affairs Committee – which in the 2010-2015 session was used as a highly partisan weapon on constitutional issues, and could be a powder keg, especially if the SNP are denied a majority on the committee. The second is rumoured to be the Energy and Climate Change Committee. Here the Conservatives will insist on a majority on the Committee, which will render holding the chair influential but considerably less than decisive. It opens, nevertheless, the possibility that the SNP will try to distinguish

themselves as more radical on climate change issues (where they proudly claim that Scottish legislation is “world-leading”) than the Westminster parties.

- The SNP have never nominated any members of the House of Lords and have said that they intend to stick to this position. Questions of the role of the second chamber are, therefore, likely to be a distinct constitutional issue – but it may become tangled up with territorial issues.

If these are the facts we have to adjust to, there are also some political questions we should ask – or developments that have to be watched carefully. The first covers cultural adjustment, while the second is more a matter of political strategy.

How “native” will the SNP go?

The indications from the behaviour of previous SNP MPs (including one Alex Salmond) at Westminster has been that they, as with almost all members, is that they “go native” and fit into the pattern of rules, customs and behaviours of the Westminster culture. We have already seen this acceptance of norms in the spat over Denis Skinner’s preferred “rebel’s seat - on the front bench, below the gangway”.

There is, however, a reasonable chance that the new SNP MPs will react against the culture of the Westminster Parliament and find it irksome. This might cause divisions within the SNP ranks – as happened in the 1974-79 and other sessions. It might on the other hand end up with a decision to go “disruptive” – dismissing the traditions as pointless and causing loud questioning of the “rules” – as per the example of Parnell’s Irish nationalists in the c.19. (It is notable that Parnell is something of a hero to Alex Salmond.)

What will they vote and speak on?

As indicated above, the SNP voluntarily refrained from voting on issues they saw as “purely English”, but there is a new definition of this term we will have to watch carefully. We will have to bear in mind that environmental matters are very largely devolved, but that there is very considerable overlapping between the two. This is an issue we need to monitor and discuss with our colleagues in the four countries, as it will require sensitive handling with regard to (a) it being a sensitive procedural matter for the SNP to decide for themselves, and we should not fall into the trap of telling them what to do (unless asked) but (b) we will have to co-ordinate, also, any advice we offer them on issues of policy substance with the advice being offered by London colleagues

LINK has never had to deal with this type of situation before, and at an organisational level there are three further questions we must address.

How do we cultivate contact with Westminster?

We have a variety of existing Westminster contacts. Should we (a) review them and add any deemed necessary? and (b) improve our level of provision to Westminster contacts and offer to increase our help to them?

How do we co-ordinate with Sister Links?

Do we require any new mechanisms for co-ordinating our approach with our sister Link organisations? If so, what forms might this take?

What advice do we give to LINK members operating at Westminster?

Many members of Scottish Environment LINK are also members of larger, UK-wide organisations, with active lobbying operations at Westminster. These members have already started extensive work on models to grapple with the questions being asked here. Are there any ways we can assist them? Should we try to establish some “rules of thumb” on handling contacts across the movement?

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