



Political Strategy Report, Spring 2018

1. INTRODUCTION

The PSR provides an overview of Scottish Environment LINK notable advocacy activities and engagement at different levels of government. Please note that given focus on national developments, there has been limited engagement with local government and therefore the relevant section of the PSR has been removed on this occasion. Board members are invited to reflect on the points made below, comment and indicate agreement on planned LINK activities in *italics*.

Overall, Brexit continues to be a key focus of the political agenda and consume public and third sector resources. However, LINK members have made clear progress regarding a number of important policy priorities and are actively planning next steps. The last six months have seen a markedly more proactive approach to LINK advocacy which is starting to yield results.

Notable successes include since autumn 2017 include:

- Through a series of meetings and exchanges with Green MSPs, LINK used the budget negotiations to secure funding for 4 nature conservation MPAs.
- LINK was able to leverage excellent relations across the political spectrum to secure commitments on the EU environmental principles and governance gap. Three political parties submitted amendments in support of LINK asks; final amendments were supported by all parties. Active advocacy on these issues led to the launch of an inquiry on environmental principles by ECCLR.
- An open letter to Scottish Government in support of carbon-neutral farming, signed by 50 organisations, including NFUS, crofters, LINK members, academics and individual farmers, has created some momentum ahead of the Climate Change Bill.
- Completion of polling exercise on public views regarding a future agricultural policy which concludes that over 70% of people support financial support for farmers on the basis that they enhance wildlife and address climate change impacts.
- A LINK e-action calling for the public to support our asks in the context of the Planning Bill has received over 1,000 signatures.

However, there are a number of challenges ahead, such as the lack of progress over the implementation of the land use strategy, wildlife crime commitments as well as climate bill ambitions. LINK members are gearing up for the upcoming programme for government.

It is important to note that LINK's departure from the Scottish Government air pollution governance group was noted by media. James Curran, LINK representative in this group, is considering next steps in terms of advocacy.

2. POLITICAL OUTLOOK AT A GLANCE

With less than a year away from "Brexit day" (29 March 2019) negotiations between the EU and the UK are continuing with an agreement on a transition deal already concluded pending resolution of the Irish border issue. An absence of a solution on this by the UK Government is likely to lead to significant concessions such as customs union membership or a "hard Brexit".

At the same time, the ongoing impasse between the UK government and the Scottish and Welsh governments has continued but the expectation from the Scottish Government is that this will be soon resolved. While discussions on Clause 11 of the UK Withdrawal Bill are ongoing, the Scottish and Welsh governments introduced their own Continuity Bills. In Scotland, the Bill was adopted by Scottish Parliament by a majority of 95 votes to 32. A great success for LINK was that MSPs voted unanimously to support EU

environmental principles, including a consultation on how those principles can be implemented in future policy as well as options for addressing the environmental governance gap. Minister for UK Negotiations on Scotland's Place in Europe Michael Russell also committed to take forward this consultation regardless of the fate of the Continuity Bill. This was particularly welcome given that the UK government has now confirmed that it will be challenging the two Continuity Bills in the Supreme Court.

In parallel, and while important UK Bills are being developed on agriculture and fisheries, there seems to be little tangible progress on a UK-wide approach to establishing and implementing common frameworks. It would appear that “a proof of concept” developed by civil servants across the UK concludes that there is limited need for legislative frameworks; in other words, it would be possible to apply existing EU legislation, on departure from the EU, across the UK without (many) UK-wide legislative measures. *This is a significant departure from the (UK) ENGO understanding of frameworks and needs to be addressed.*

In Scotland, *the £6m initiative “Scotland is Now” brings together the Scottish Government, VisitScotland, Scottish Development International and Universities Scotland to promote the country globally.* The initiative was launched at a time when party rhetoric is becoming more divisive, with opposition parties seeking major concessions from government, also in terms of a reshuffle. The first major blow to the Scottish Government was the Forestry Bill, when the government was defeated over a key amendment. This saw all opposition parties working together – a format that seems to be emulated in other areas such as aquaculture and planning. This is important to highlight from an advocacy point of view especially as Scottish Conservatives are following lead of their UK counterparts and pitching themselves as a “green” party. This has created somewhat of a language problem in some cases where ENGOs in Scotland are seen by some Scottish government officials as “espousing Gove’s politics” and “playing into Defra’s hands”.

Looking forward, *LINK members need to consider joint action in the context of the post-2020 biodiversity strategy in Scotland.* SNH have already indicated willingness to co-operate on this issue, however, it will be important to engage with Scottish Parliament early on to ensure the necessary pressure is applied so that we can have an ambitious strategy going forward. The May network meeting will consider campaigning options.

It is interesting to highlight the prominence given to environment in the context of a new initiative led by the First Minister Nicola Sturgeon. This is the [Human Rights Advisory Group](#) which includes an environmental rights expert and supported by a reference group where many LINK members are represented. This will be an important avenue going forward for raising environmental issues in a wider context.

3. SCOTTISH GOVERNMENT POLICY OUTLOOK

Relationships with key cabinet members from the party in government as well as senior government officials have continued:

- There is regular dialogue with the team of Roseanna Cunningham Cabinet Secretary for the Environment, Climate Change and Land Reform; a series of meetings with her and senior civil servants have been set up for April and May;
- There is increased coordination with the team supporting Brexit, particularly in the context of the Continuity Bill and follow-up to policy commitments;
- A meeting with Mike Russell Minister for UK Negotiations on Scotland's Place in Europe was held on 17 April;
- A meeting with Fergus Ewing Cabinet Secretary for the Rural Economy and Connectivity took place in December 2017; a further meeting is being scheduled in the coming months;

The highlight of engagement in recent months was the Continuity Bill where LINK secured amendments in support of its asks. Further meetings will focus on existing SG programme for government commitments (specifically the strategic environmental review and links to Continuity Bill commitments) and areas where LINK members would like to see more progress also in the context of the next programme for government:

- *EU environmental principles and governance gap*: this is to assess next steps given Scottish Government commitments in the context of the Continuity Bill. *Discussions are ongoing around the need for a Scottish Environment Act.*
- *Post-2020 biodiversity*: conversations are ongoing with SNH on this topic; potential for some lateral thinking in the context of the upcoming SNH stakeholder conference. LINK ambition should be to develop a robust campaign with key asks regarding a revised biodiversity strategy.
- *National Ecological Network*: a key action from the existing biodiversity strategy; some progress made with SNH but further effort is needed.
- *Land use strategy*: no real progress; this is a key concern.
- *Wildlife crime*: no progress in terms of SNP election manifesto and Scottish programme for government commitments.
- *Forestry strategy*: consideration of next steps given Forestry Bill commitments.
- *2nd tranche of MPAs, review of priority marine features, nature conservation MPAs*: work ongoing with stakeholder and public consultations expected as of the summer.

4. SCOTTISH PARLIAMENT ENGAGEMENT

Relationships across the political spectrum are progressing very well. LINK members have established relationships with a number of MSPs and variety of Committees (e.g. Finance and Constitution, Local Government and Communities). The strength of LINK relationships with MSPs is illustrated in the fact that MSPs engage with LINK, are keen to take forward our initiatives and submit amendments in support of our asks. All parties have at critical junctures supported LINK asks in a material way, even in the context of highly political debates such as the budget.

There are a number of open policy portfolios that LINK is engaging with at the moment with MSPs:

- *Planning Bill*: currently at Stage 1, LINK advocacy is focusing Committee members as well as key MSPs from different political parties. Most LINK asks should be taken up by MSPs; the main issue of debate is equalising the appeals process.
- *EU environmental principles inquiry*: LINK has submitted evidence as well as supporting submissions by other stakeholders (e.g. RTPI, EEB). It will be important for this inquiry to produce strong conclusions with respect to the relevance of these principles and supporting governance framework.
- *Aquaculture inquiry*: LINK members have engaged in this key inquiry; however strong LINK asks and advocacy have been limited due to differences of views among membership.
- *Review of the National Performance Framework*: following productive interactions with the Scottish Government at various levels, LINK has secured important aspects of environmental outcomes. However, the proposed NPF draft could be improved in a number of ways, including in terms of the revised purpose statement.
- *Post-legislative review of the biodiversity duty*: LINK has been successful in its efforts to raise this issue with the relevant committee. A call for evidence took place earlier in the year; LINK is following up on next steps.

Looking ahead, LINK is considering more further engagement on the Climate Bill, the future of Scottish agriculture and fisheries policy, as well as consideration of post-2020 biodiversity priorities.

Over 100 MSPs are now signed up to the Species Champions initiative. The most active Champion MSPs are already engaging with host organisations and active in the context of Parliamentary debates (e.g. Earth Hour). The advocacy team is closely liaising with the LINK Species Champion coordinator to identify more advocacy opportunities for those MSPs particularly in the context of Planning Bill, the Climate Change Bill and post-2020 Biodiversity Strategy ambitions. To celebrate the milestone of 100 MSPs, the initiative '100 Days of Action' will be launched in June to mobilise MSPs to work with host organisations, raise awareness about their species and make a positive policy impact for the environment.

In terms of party relationships:

- **SNP:** ongoing positive contacts with ECCLR Convenor Graeme Dey and other SNP MSPs such as Jenny Gilruth and Gail Ross. Most critically, Graeme Dey has agreed to sponsor events for Species Champions and a motion on the same topic.
- **Conservatives:** the party is working to position itself as a “green” party, following a similar UK trend. Most notably, the Scottish Conservatives are now supporting environmental courts which means that all opposition parties in Holyrood are now broadly on the same page on this issue. Key MSPs include Maurice Golden, Donald Cameron, Graham Simpson and Findlay Carson. There is now also a relationship with Adam Tomkins.
- **Labour:** strengthened relationships with key spokespeople and MSPs. Scottish Labour support of a number of issues, including Continuity Bill amendments as well as Planning Bill concerns has been critical. Key MSPs include Claudia Beamish, Colin Smyth, Neil Findlay and Monica Lennon.
- **Greens:** excellent contacts continue with Mark Ruskell, Andy Wightman, Patrick Harvie and other Green MSPs. Scottish Greens were instrumental in securing funding for nature conservation MPAs and supporting relevant amendments in the Continuity Bill.
- **Liberal Democrats:** good contacts continue with the Liberal Democrats and particularly MSP Mike Rumbles on agriculture. MSP Tavish Scott and MSP Liam McArthur supported LINK amendments in the context of the Continuity Bill.

LINK continues to participate as an observer in Scottish party conferences.

5. UNITED KINGDOM LEVEL

At a UK level, LINK activities continue to focus on engaging with the UK Links and Greener UK to ensure a consistent approach to Brexit. There is regular contact via the GUK devolution group, GUK pillars on marine and agriculture, the ELUK Brexit Nature Coalition, among other conversations. Recently GUK’s Coordinator Amy Mount has visited Wales Link and Scottish LINK, attending our Governance meeting last week.

In addition to the UK Withdrawal Bill, exchanges are being held on the UK White paper on agriculture, the forthcoming fisheries bill and the UK Trade bill. GUK colleagues are having regular exchanges on sectoral issues with the UK Government, however, there is not as much progress from a policy formulation point of view in Scotland.

The issue of ‘joint frameworks’ appears across discussions and efforts need to focus on fleshing out GUK/ELUK views further. This will be particularly important in the context of a meeting with Lord Duncan, Scotland Office minister and GUK’s devolution group expected in end of June.

The UK Withdrawal Bill is at the report stage in the House of Lords. On 18 April, the government lost votes on two cross-party amendments: the first relating to the customs union and the second on enhanced protection for certain areas of EU law, including environmental protections. The UK Government is due to submit amendments to clause 11 by Tuesday (the deadline); it is understood that negotiations will be stretched to the last minute but the amendments are likely to have the support of devolved governments. Third Reading has been confirmed for 16 May; so the bill will back in the Commons in about 4 weeks for ping-pong (the stage where MPs consider the amendments carried by the House of Lords). *Updates expected w/c 23 April.*

It is expected that upon resolution of clause 11, the Scottish and Welsh governments will withdraw their respective Continuity Bills which have been referred to the Supreme Court by the UK Government. This should allow for more constructive discussions on (future) joint frameworks/common approaches. It is yet unclear how devolved governments and parliaments will be involved in the Withdrawal Agreement and Implementation Bill, the Bill that will enshrine the Withdrawal Agreement between the UK and the EU in domestic law.

The commitment of the UK Government to produce a policy statement on environmental principles and launch a consultation on the environmental governance gap has still to materialise. It is the GUK's understanding that there are obstacles within the UK government cabinet, particularly with respect to funding and legislation schedules.

6. EUROPEAN AND INTERNATIONAL LEVELS

LINK successfully hosted the annual EEB conference in Edinburgh on 6 November 2017 and used the opportunity to orchestrate an intervention by Roseanna Cunningham Cabinet Secretary for Environment, Climate Change and Land Reform in support of EU environmental principles which was a significant milestone for LINK's further advocacy on the topic. There are ongoing discussions about how to maintain engagement with the EEB on a variety of policy issues, particularly the circular economy and farming. *It would be useful to consider how SEL can leverage Lloyd Austin's membership to the EEB Board to promote SEL's work at a European level.*

In terms of UK/EU Brexit negotiations, in April 2018, the [Green 10 hosted an event](#) in the European Parliament where Brexit negotiator Michel Barnier stated that "the agreement on the future relationship with the UK should include a non-regression clause". While this goes beyond the existing commitments of the Scottish Government, it is something that the UK Government has not supported; GUK have written to PM Theresa May to urge her to do so.

At the international level, 2020 is a key date for the Aichi biodiversity targets. This is a key milestone that LINK members need to prepare for, particularly in a domestic context. *LINK staff will be working with members to develop a strategy to pursue Scottish biodiversity priorities.*

7. ELECTIONS

The cycle of elections is set to run as follows:

- The next European Parliament elections are to be held in May/June 2019, though by that point it is likely that the UK's exit from the EU will have been negotiated.
- The next Scottish Parliament election is due to be held on Thursday 6 May 2021.
- The next general election in the UK is scheduled to be held on 5 May 2022.

8. CONCLUSION

It has been a busy but overall successful six-month period for LINK members. With additional funding secured for a project on the circular economy, a further part-time advocacy post and freelancer to support a communications campaign on Brexit, it is expected that LINK's advocacy footprint will be enhanced over the next few months. The political climate seems more open to environmental issues, not least given the ambitions of the Scottish Conservatives, the role of the Scottish Greens and drive from the part of the Scottish Government to be seen as the defender of the environment in a UK context.

Looking ahead, the Scottish Parliament's 20th birthday is approaching and initially LINK was considering a review of how well it works, and what could be improved. Since then, the Commission on Parliamentary Reform was put in place and LINK efforts focused on submitting a response. It would be appropriate to consider whether LINK wishes to pursue any further action ahead of the next PSR report, due in Autumn 2018.

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