

Political Strategy Report, Autumn 2018

1. INTRODUCTION

The PSR provides an overview of Scottish Environment LINK notable advocacy activities and engagement at different levels of government. Board members are invited to reflect on the points made below, comment and indicate agreement on planned LINK activities in *italics*.

Please note that given focus on national developments, there has been limited engagement at the local government level and therefore the relevant section of the PSR has been removed on this occasion. *To ensure that the absence of references to local government in the PSR does not create gaps, this will be revisited with each PSR and activities considered ahead of the next local elections.*

Busy times for environmental charities across Scotland with the key challenge being joint working around the “Fight for Scotland’s Nature” campaign calling for a Scottish Environment Act and linking it to existing LINK priorities, managing Brexit at a political and technical level, ensuring the domestic (Scottish) agenda meets our network’s ambitions, particularly in terms of key priorities, as well as not losing sight of the international context (UN SDGs, Aichi) and our ability to link in with global/EU developments.

Competing priorities will require clear prioritisation of LINK staff resources. This is already happening as work around the Environment Act Campaign proceeds.

Notable successes since spring 2018 include:

- Planning Bill discussions progressing well though key test will be Committee debate on equal rights of appeal (ERA) which is still in the air.
- Review of the National Performance Framework (NPF) was overall a success; some of our thinking also reflected in the PfG (“Our economy must also be environmentally sustainable and inclusive”). There was positive engagement with SCVO, SG are developing the additional indicators and there will be further opportunities to work collaboratively on NPF delivery and UN SDGs. *We need to explore this opportunity, work with the UN SGD network and seek to engage the ‘new’ performance unit as well as Derek Mackay, Cabinet Secretary for Finance and Constitution.*
- ECCLR has been responsive to ENGO concerns regarding funding and has kept up pressure via letters and in sessions with the Environment Cabinet Secretary. *Key question for the sector is how do we use this pressure to extract concessions around the 2019/20 budget?*
- SNH Aichi Report was a catalyst for engagement on biodiversity issues; our robust response to the findings was well-received by SNH but response by Cabinet Secretary to concerns around funding was disappointing. *We have failed to engage the Cabinet Secretary in terms of a positive agenda for the environment. We hope to rectify that and improving relationship with the Cabinet Secretary on this is a priority.*
- SG have indicated willingness to review the Land Use Strategy agenda including important integration with other strategy. LINK needs to take advantage of this opportunity.
- The Species Champions 100-Day Challenge was a great success which led to high levels of engagement among MSPs culminating in a successful event in Parliament.

2. POLITICAL OUTLOOK AT A GLANCE

We are approaching ‘Brexit crunch-time’ and despite being less than 6 months away from “Brexit day” (29 March 2019) there is very little clarity on what the UK’s terms of exit or future relationship with the EU will be; stakes are high and volatility higher. SG have issued a [follow-up report](#) to “Scotland’s Place in Europe” and are stepping up efforts to convince MPs to support the SG’s position to at minimum keep

the UK within the Customs Union and the Single Market; failing that Scotland should be afforded the same tailored arrangements that are offered to Northern Ireland. SNP is now also supportive of a People's Vote.

LINK needs to plan for 'crunch-time'. GUK colleagues are developing a paper on the costs of a no-deal Brexit and a set of 'Green Brexit benchmarks' against which the current 'Brexit options' (no deal, Chequers, EU - UK trade deal) can be assessed. *LINK should consider developing a similar document, tailored to the political situation in Scotland, including references to our existing position on the issue of 'UK frameworks'. The SEL document does not need to be external in the first instance, see Annex I for some first reflections. Conversation envisaged at the Governance Group on 26 October.* The GUK papers are here:



Green tests of
Brexit v4.docx



What would a no
deal Brexit mean for

The situation is fluid; however, a major political U-turn would be required by UK Government or the Opposition to significantly change the course of events. It is important to note that Defra Secretary of State Michael Gove is a key player in the Cabinet and closely involved in the intra-UK Government negotiations.

With respect to Michael Gove, while UK/English ENGOs have benefited from his taking up a lot of positive environmental policies, for example in terms of agriculture, in Scotland the situation is different. In some ways the strong pro-environmental profile of Mr Gove has created a backlash, led by Fergus Ewing. This is something that members of the Food and Farming Subgroup are acutely aware of and seeking to rectify.

Politically, there are tensions in the relationship between the UK and Scottish governments; a less collaborative approach is likely to emerge in some instances (e.g. Agriculture Bill) though this does not mean that dialogue is not taking place among civil servants. SG are developing proposals for amending the Legislative Consent Motion; the Supreme Court is still deliberating on the validity of the Scottish Continuity Bill. *LINK will need to develop a (reactive) response to judgement and assess implications.*

It has been difficult to have a UK-wide discussion on joint approaches to environmental issues despite the ENGO offer to convene a meeting with all civil servants via the IUCN. The GUK devolution group has prepared a joint briefing on how ELUK/GUK see future UK-wide collaboration on environmental issues. There is discussion now about how to use this document if the IUCN meeting does not go forward. *SEL has highlighted the importance of making sure that such activity does not 'land like a lead balloon'. In Scotland, focus on 'UK frameworks' is not seen as a 'helpful contribution'.*

Taking into account the PfG commitments as well as ongoing work, the following issues will occupy most of LINK's capacity over the next 6-9 months – this is in addition to the specific work carried out by groups/subgroups:

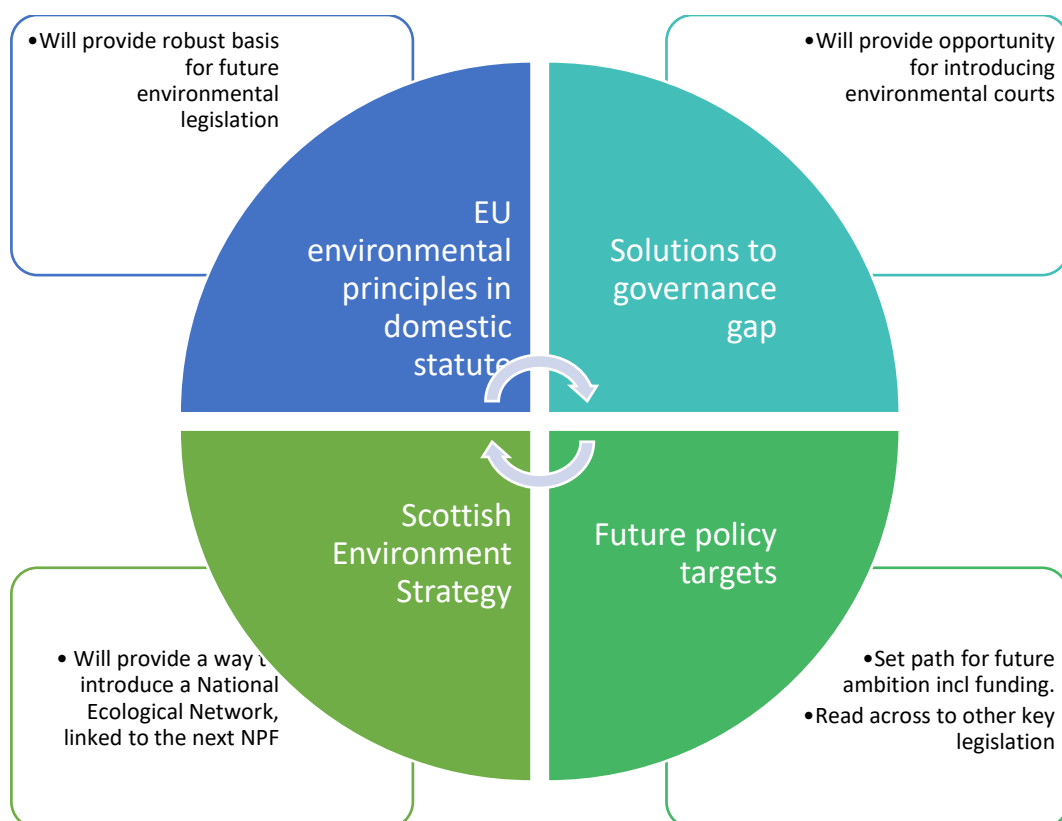
- Statutory instruments: those are now being developed; we are working with SG to provide feedback. Existing transposition gaps will not be looked at. We need to consider whether this merits some high-level intervention from ENGOs.
- Farming: in terms of post-CAP arrangements, we will navigate the complexities of the UK Bill (which excludes Scotland) but focus in the first instance that an SG motion on the principles that will frame the future payments system is in line with our views. It is anticipated that Scotland will have to put forward primary legislation on payments, which might be combined with a light touch approach in terms of the promised Good Food Nation Bill.

- Fisheries: a more collaborative approach which will be a truly UK-wide fisheries bill; there will also be a Scottish discussion paper by end of year on the same issue. This is in addition to work regarding MPAs etc.
- Post 2020 Biodiversity: some collaborative work with SNH has started, LINK is developing its views for a system based on the twin priorities of protected areas and a National Ecological Network but it will be critical to get SG buy-in.
- Principles and governance consultation: expected by end of 2018. LINK is in fairly good shape to use this opportunity, also in terms of the “Fight for Scotland’s Nature” campaign.
- Environment strategy: good consultation outcome which has SG civil servants considering whether to widen the exercise. This may mean a delay in the publication of the strategy but as long as the final product meets our expectations this would not be an issue.

LINK will continue to support Stop Climate Chaos Scotland in Climate Bill advocacy, primarily through the commissioning of a study as well as lending agriculture policy expertise.

The SG commitment to a Scottish Environment Strategy is a key opportunity for LINK to build around the principles and governance consultation and open the door for an Environment Act in Scotland. However, while it is expected that a majority support in favour of such an Act could be built up among MSPs, this not in the current plans of the SNP Government. There is a reluctance to commit to primary legislation, partly because of Brexit pressures on resources and parliamentary time.

However, a potential of an Environment Act would provide a very useful mechanism for bringing forward a number of critical issues that LINK has been campaigning on for years:



There are, however, critical challenges:

- In many ways, Scottish Government ambition and rhetoric does not match actions. For example, while overall, SG has been positive about the need to maintain EU environmental standards, there has been little commitment beyond that. This is an ongoing concern and has been raised with senior

officials, such as Colin McAllister, Head of Policy Programme for Government. The appointment of a new Environment SPAD (Leanne Dobson) as well as a more active role from Colin McAllister should be used as opportunities to raise those concerns and re-inject momentum.

- The Environment Cabinet Secretary seems reluctant to commit to more ambitious approach. Despite great engagement on marine litter/plastic issues, it has been difficult to engage the Cabinet Secretary to take on other issues in an equally enthusiastic manner. It appears that she is looking for more public-facing initiatives. There is some potential to work with her on a positive agenda on biodiversity but this is at early stages and not a fait accompli. *ENGOS need to address collectively this issue of lack of engagement and how this can be rectified via the Environment Strategy/Act and/or post- Aichi 2020 debate.*
- The Rural affairs Cabinet Secretary is perceived as less than keen to support policies that are seen to benefit the environment. There is particular reluctance to support farm payments that support the principle of 'public money for public goods'. The appointment of a new Minister for Rural affairs and the Natural Environment could be helpful depending on the practical impact of her role; potential yet to be explored with her (see below).
- Funding and budgetary issues are becoming a core concern and LINK has tried to raise this in a number of ways. While most of this work is taken forward via the Wildlife Subgroup (with input from Marine Group and interventions via the Planning Group), the advocacy required would mean a dedicated piece of work to look at Scottish Government budgets and how those impact our environment. *It would be worthwhile considering how this ties into the work of the Economics Group and the circular economy project.*

As such, priority should be to revive traction within SG of LINK priorities.

3. SCOTTISH GOVERNMENT POLICY OUTLOOK

Relationships with key cabinet members from the party in government as well as senior government officials have continued to progress. As mentioned above, it has been difficult to manage ongoing dialogue with the Environment Cabinet Secretary on key issues, however, exchange with senior civil servants has been frequent and positive.

June 2018 saw a Scottish Government reshuffle, which led to the following:

- A new minister for Rural Affairs and the Natural Environment in Mairi Gougeon, an active Species Champion. Her role is supporting Cabinet Secretaries Fergus Ewing and Roseanna Cunningham. LINK has set up two meetings with her to discuss marine and land issues. Priority would be to see whether we can have her support for key LINK initiatives regarding the NEN and as an advocate for more progressive farm payments.
- A passionate and knowledgeable advocate on environmental issues, ECCLR Convener Graeme Dey, has been promoted to a Ministerial position. His good relationship with Mairi Gougeon is a positive element; and his influence as Minister given his knowledge will be an asset.
- Gillian Martin, having lost a ministerial position, has been nominated ECCLR Convener. An opportunity for us to ensure positive legacy of Graeme Dey is kept up and look at opportunities for ECCLR to work on biodiversity post-2020.
- Humza Yousaf, Cabinet Secretary for Justice, could be potentially more progressive and LINK wishes to brief him on environmental courts, a live discussion given the work of the FM's Advisory Group on Human Rights.

There has been discussion about the absence of a clear pathway for LINK to influence the internal SNP mechanism.

4. SCOTTISH PARLIAMENT ENGAGEMENT

Relationships across the political spectrum are progressing very well, particularly with opposition parties. *Further effort should be placed in mobilising SNP MSP backbenchers and to maintain contact with SNP parliamentary research team.*

LINK has benefited from the collaborative environment in the Scottish Parliament, which has seen opposition parties working together. The last six months have seen continued relationships with members of the ECCLR, REC, LGCC and Finance and Constitution Committees.

Reshuffles in shadow cabinets have seen:

- A return of Maurice Golden in the position of Conservative environment spokesperson and the appointment of Donald Cameron as rural affairs spokesperson. This is a positive development.
- Scottish Labour has seen allies of Richard Leonard getting promotions (e.g. Monica Lennon). LINK had good links into the party mechanism.

Liberal Democrats have been very helpful across the board, despite a smaller parliamentary team compared to other opposition parties. Relationship with Greens is strategically very important.

Over 100 MSPs are now signed up to the Species Champions initiative. Over the 100 Day Challenge there was a surge of activities, including 35 site visits, 6 Motions, 3 PQs and 2 meetings with 'host' organisations. MSP engagement was equal to the total amount of the previous 18 months; activities were reported in 15 news articles. On social media, posts from the species champion twitter account reached almost 200,000 people during the 100 day period and over this time every MSP and their work was featured. *LINK staff are exploring how to enhance this programme and use more in advocacy across the breadth of LINK work areas.*

LINK participated, with a stand, at the SNP and Greens party conference - both were successful appearances, starting the discussion around the Environment Act as well as providing a useful baptism of fire for further 'LINK stands' as Environment Campaign progresses.

5. UNITED KINGDOM LEVEL

At a UK level, LINK activities continue to focus on engaging with the UK Environment Links and Greener UK to ensure a consistent approach to Brexit. Focus of activities is around SI/SSI coordination and seeking reassurances regarding the future of UK-wide work on environmental policies.

The UK Withdrawal Act was passed despite not obtaining a legislative consent motion from the Scottish Parliament.

The UK Agriculture and Fisheries Bills will provide further areas where joint work may be needed. The Agriculture Bill is going through second reading in the Commons (no LCM envisaged); the Fisheries Bill will be introduced by end of year. Depending on the outcome of the EU/UK negotiations, a Withdrawal Agreement and Implementation Bill should be introduced by November/December or at the latest January.

The Environment Links UK biennial conference in early October was hosted by WCL and focussed on a review of progress across the UK in delivering against the SDGs. With useful presentations from Scottish and Welsh Governments, input from the new staff lead at Defra, and viewpoints from the UKSSD network. LINK can make more of Scotland's commitments to the SDGs in its advocacy strategy.

6. EUROPEAN AND INTERNATIONAL LEVELS

Holyrood's Finance and Constitution Committee and SG met with Green 10; these meetings were an opportunity to exchange intelligence on Brexit negotiations and discuss EU experience in 'common frameworks'.

Lloyd Austin continues to serve as the UK Board member of the EEB and will continue to do so until the end of his term. Work is ongoing to optimise LINK's presence in Brussels for the EEB conference. *Little LINK capacity to directly participate in relevant EEB working groups; this is something to consider in forward plans.* LINK has been utilising META (the EEB's news magazine) as well as leverage European links in view of major international conferences such as Aichi 2020. *As mentioned in the previous PSR, 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.*

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.
- The next Local Government Elections is schedule to be held 5 May 2022.

8. CONCLUSION

With an expanded advocacy team, LINK staff will be doing more to support LINK members; additional funding will help provide more comprehensive advocacy assets.

In this respect, it is important to note that increasingly, ENGOs are called to produce the evidence to support policy proposals for SG to pick up. Individual LINK members have research priorities; it would be useful for Groups and subgroups to consider needs for joint research in their advocacy plans and proactively seek topics for new research proposals. Members such as BES can become more active on those points; discussions on a potential think tank in Scotland could also be helpful.

It is important to those that the role of the Wildlife subgroup is becoming particularly important. LINK and its members will need to make sure that the subgroup has enough capacity to meet its advocacy priorities.

The next PSR report is due in Spring 2019. Given implications of Brexit, the Board and network will be kept up-to-date ahead of the January Board meeting.

ANNEX I: [DRAFT] Schematic overview of Brexit options vs GUK Brexit benchmarks

	Brexit options			
	No deal	Chequers	Canada – style trade agreement	SG Position (SM & CU)
GUK Green Benchmarks				
1. Higher environmental standards in all four countries of the UK, with proper resourcing, and no back-sliding;	<ul style="list-style-type: none"> No mechanism for EU to verify EU standards / enviro legislation kept up Potential increase in political discontent between SG/UK gvt under this scenario making real UK-wide collaboration more difficult Still have power to make fish/agri laws better but there would be (greater) opposition 	<ul style="list-style-type: none"> Product standards would remain but UK could opt out creating uncertainty Robust domestic mechanisms would be needed to ensure there is no back-sliding and future ambition is maintained, incl funding Still have power to make fish/agri laws better but there would be (greater) opposition 	<ul style="list-style-type: none"> Some mechanisms to check standards compatibility; not as robust/comprehensive as previously as it would depend on nature of agreement Assumption that existing standards would be maintaining with some potential to keep pace with EU standards, at least on products incl wrt fish/agri rules) 	<ul style="list-style-type: none"> Fully compliant with product etc rules to meet requirements for CU/SM membership Those do not provide complete cover re nature laws but a tailored agreement could be negotiated which could include e.g. Nature Directives CAP/CFP not part of the package, so domestic laws could be pursued Alleviates ‘common frameworks’ concerns Puts access to EU funds back on the table
2. Effective systems of enforcement of environmental law, with people’s rights to environmental information, public participation and access to justice and remedies protected and fulfilled;	<ul style="list-style-type: none"> EU mechanism that would be developed as part of a deal would not materialise Still possibility of pursuing domestic mechanisms that meet those standards 	<ul style="list-style-type: none"> Unclear if there would be an EU/UK mechanism (presumably yes) but would still need robust domestic mechanisms 	<ul style="list-style-type: none"> As with other EU trade deals there would be at minimum a trade dispute mechanism; other protections can be added but assumption is that we would still need robust domestic mechanisms 	<ul style="list-style-type: none"> EFTA court but would still need robust domestic mechanisms

3. Mechanisms for effective co-operation on the environment, including energy and climate change, with the EU and within the UK; and	<ul style="list-style-type: none"> • Under a no deal scenario EU cooperation would not be possible and there would be a considerable gap • No ECHA/EEA or other agency membership 	<ul style="list-style-type: none"> • Unclear but PM expressed willingness to share info/data with some EU-wide agencies, but not necessarily comply with regulations 	<ul style="list-style-type: none"> • Could create some Canada ++ arrangements but that would need to be negotiated and it is not the relationship the EU has created with Canada 	<ul style="list-style-type: none"> • EEA, ECHA etc membership available and possible • CU/SM membership would facilitate co-ordination
4. Trade policy that promotes high environmental standards, minimises our global environmental footprint and is responsive to engagement by civil society.	<ul style="list-style-type: none"> • Trade is reserved; no real potential for SG to influence • Sour relations already making cooperation on reserved issues more difficult • In an extreme situation, assumption is that trade deals would trump SG/Holyrood voice • UK process to agreeing trade deals sub-optimal, also in terms of engagement with devolved nations; low probability that process would change? 	<ul style="list-style-type: none"> • 'Facilitated customs union' and Irish backstop critical • Trade is reserved; no real potential for SG to influence so concerns of a 'no deal scenario' apply 	<ul style="list-style-type: none"> • Trade rules would need to comply with EU/UK trade agreement but that would not mean that UK is not free to create 'double standards'? • Trade is reserved; no real potential for SG to influence so concerns of a 'no deal scenario' apply 	<ul style="list-style-type: none"> • Customs Union membership means we would trade as part of the EU block • Not ideal, as power to influence limited

//ENDS//