



## 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 fairly 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 progress/outcome of the re-negotiation of the UK's terms of membership, launched by the new Westminster Government which will influence the substance of the question;
- the passage of an enabling Act at Westminster – including debate of whether the vote should be unitary, or several between the four nations (which the Government have said they will reject); and
- pressures from the business community for the matter to be settled at the earliest possible date. (The latest indications are that holding it on the same day as the Holyrood and Senedd elections in May 2016 has been rejected.)

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.*

(Inserted - 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."*

<http://www.scotlink.org/files/publication/other/LINKReferendumChallenge2012.pdf>

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 – once again asking for a response which we would publish for our members assistance.
- 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.