Culture, Tourism, Europe and External Relations Committee  
Inquiry - Article 50  
Written submission from Church and Society Council

Our Concerns

The Church of Scotland has previously responded to the Committee’s enquiry on Scotland’s relationship with the EU on 5 September 2016 (included as an appendix, below). In particular we would encourage the committee to reread the sections on “Scotland’s future relationship with the European Union”, “Alternatives to EU membership”, “The withdrawal process”, “The domestic process for dealing with a withdrawal from the EU”, and “The position of EU citizens in Scotland”. These sections highlight a number of our concerns around the negotiations and their current trajectory. In particular:

- the significance the Church places on being part of an international community;
- the benefits that freedom of movement have brought to the life and work of the Church;
- the withdrawal’s impact on our ability to positively resolve major supra-national issues including climate change, the refugee crisis and human rights;
- the uncertainty surrounding the position of nationals from other EU nationals living within Scotland and the impact this was having on their lives and those of their family, as well as those UK citizens who have chosen to make their lives in other EU countries;
- our desire to see a participative public process to help shape the UK’s withdrawal from the EU.

It is also the case that in times of significant uncertainty and transition, those who are already on the margins of society, particularly those experiencing poverty, are liable to be negatively impacted. We would therefore urge that the negotiations bear in mind this potential for harm and seek to do all they can to ‘poverty proof’ the outcomes of the negotiations.

In addition, as one of the biggest social care providers within Scotland we are mindful of the benefit that EU membership brings in allowing CrossReach, the social care arm of the Church of Scotland, to recruit and retain staff levels within a sector that struggles in these areas.

The negotiations so far

Although the UK Government has now published five position papers relating to the negotiations there remains an apparent lack of detail and clarity about what the UK wishes to achieve from the negotiations. Relationships between the UK Government and the other devolved administrations, including the Scottish Government appear to be under a level of strain having achieved little apparent consensus. While the referendum was for the UK as a whole, different parts of the UK produced different results, and the impact of withdrawing from the EU will be felt in different ways across the country. Without due concern for these differences of opinion, and a
desire to engage those who are concerned by the prospect of withdrawing from the EU, there remains a real possibility that any outcome will increase rather than overcome divisions within society. Lastly, there appears to have been little opportunity for the public to help shape the terms of the UK’s negotiating position. This last point in particular is regrettable given the magnitude of this decision and the many ways in which it could impact upon the rights and everyday lives of the general public.

On the position of other EU nationals within the UK and UK nationals residing in other EU countries; we note the publication of the UK Government’s proposal for ‘settled status’ for EU citizens living in the UK but believe it falls far short of what is required. There is an urgent need for this matter to be resolved swiftly and constructively. It is to our deep regret that it has taken so long for a proposal to materialize, and that much remains unclear. Gaps remain around significant issues such as voting rights, while the criteria currently put forward for residency would be difficult for part-time workers, individuals who split their time between different countries, homemakers and caregivers, or even students to fulfill. This is to say little of the bureaucratic burden that the proposals would place on individuals and families.

Lastly, we remain concerned that the position paper frequently refers to the principle of reciprocity. We would urge the UK government against making this issue a quid pro quo, and encourage them to make positive provisions for EU nationals currently resident within the UK, regardless of the actions of individual Member States. Every day in which there continues to be uncertainty around this issue adds to the anxiety, worry and sleepless nights of many individuals and their families placed in a precarious situation not of their own making.

Going forward we would continue to urge the Scottish and UK governments to

- initiate a full and open participative process to enable ordinary people and civil society organisations to examine the possible choices for its future relationship with the EU and other European countries;
- consider, after a full public consultation, maintaining EU directives which are currently in force;
- consider, after a full public consultation, making a commitment to implement future EU directives unless there are clear reasons to the contrary;
- in an open and participatory manner consider whether, upon the completion of the Article 50 process, to maintain or replace the Common Fisheries Policy (CFP) and Common Agricultural Policy (CAP);
- enable the continued free movement of people to live and work across European countries including Scotland and the UK;
- listen to the perspectives of other European countries, both EU members and others, and seek to develop a shared vision for the future of Europe;
- ensure the rights of citizens of other EU countries already resident in the UK regardless of the actions of individual Member States.
Summary

The Church of Scotland is encouraged that the European and External Relations Committee is conducting an inquiry into the implications for Scotland’s relationship with the EU as a result of the Referendum result. It is important in this time of uncertainty that individuals and organisations across Scotland are able to explore and talk about the challenges and possibilities that the Referendum result presents. The Church would be pleased to explore any of the issues raised in this response in more detail with the Committee.

The Church of Scotland places significant importance on being part of an international community, which transcends national barriers in order to promote peace and democracy, and bridges the gap between rich and poor in Europe and around the world. Church members and ministers come from across the European Union and beyond. Many more have family members and friends living in the UK but come originally from other parts of Europe. There has long been movement of people across Europe and a history of engagement between the countries; the current conversation should be set in this historical context and understood as a renegotiation rather than a departure.

Over the last 20 years the Church of Scotland, through its General Assembly, has supported ongoing membership of the EU. This was reaffirmed as recently as last year. The Church is also convinced that as a country it is able to make better decisions when people from all parts of our society are involved in making those decisions.

As the future of Scotland’s relationship with the EU is considered, the Church of Scotland calls on the Scottish Parliament to:

- initiate a full and open participative process to enable ordinary people and civil society organisations to examine the possible choices for its future relationship with the EU and other European countries;
- consider, after a full public consultation, maintaining EU directives which are currently in force;
consider, after a full public consultation, making a commitment to implement future EU directives unless there are clear reasons to the contrary;

consider, in an open and participatory manner, whether to maintain or replace the Common Fisheries Policy (CFP) and Common Agricultural Policy (CAP) in the event of Scotland leaving the EU;

identify mechanisms to enable the continued free movement of people to live and work across European countries including Scotland and the UK;

listen to the perspectives of other European countries, both EU members and others, and seek to develop a shared vision for the future of Europe;

urge the UK Government to offer an immediate right to remain to citizens of other EU countries already resident in the UK.

**Case studies on how the prospect of a withdrawal from the EU is affecting Scotland**

The Church of Scotland is part of a worldwide family of Reformed Churches and has close relationships with both the Conference of European Churches and the World Council of Churches. Its relationship with European Churches is not dependent on UK membership of the EU; however this has been the context in which collaboration has been framed in the past few decades. Over the last 40 years of EU membership there have been no visa negotiations hampering visits between countries, and there have been many training opportunities – especially for EU Nationals coming to the UK. The Church values the exchange of ideas and relationship building that these arrangements have made possible. Its practice and experience is inter-related to the structures of the EU, and there will be challenges for the Church as it reimagines a way of working with European partners. The UK decision to leave the EU and the questions raised by the current political dialogue is likely to generate an increase in European engagement by the national church

The Church of Scotland is one of the largest organisations in Scotland. It has over 350,000 members, and even more people regularly involved in local congregations and communities. Within the organisation, there are around 800 ministers serving in parishes and chaplaincies, supported by more than 1500 professional and administrative staff. A number of ministers and staff are EU nationals. Most parishes are in Scotland, but there are also churches in England, Europe and overseas.

The Church of Scotland values the opportunity to include ministers from other parts of the world in its life and worship. There is concern that community diversity will be diminished if it becomes harder for nationals from other EU countries to live and work in the UK.

**CASE STUDY**

Two further case studies of Church of Scotland ministers from the Netherlands and Germany are available in the appendix on page 7.

**A Church of Scotland Minister from Eastern Europe with a parish in a small Scottish town**

*How do you feel about the decision that the UK has taken to leave the EU?*
The vote to leave the EU has left me and my family with deep sadness. My wife is Scottish and our three children consider themselves as Scottish and European citizens. Two of my children have double citizenship and we hope to get around applying for the youngest one soon. The children, who are all school age, have been travelling through Europe extensively with us and they were very aware of the result of the referendum.

*Will the decision affect your way of life, and if so, how?*
Obviously there are going to be implications for us as a family when the UK leaves the EU. Personally I have dual citizenship so my rights will not be affected. We travel regularly to visit family in my country of birth and if visas are reintroduced then we will be affected. My wife doesn't have dual citizenship and if my family want to visit that would be harder for them to come. If we in the future (for example at retirement) decide to go and live in my country of birth, it will affect us.

*What are your hopes / concerns following the EU referendum vote?* I do hope and pray that the exit doesn’t happen (which in reality is almost impossible). However, that when it happens, I hope that the exit is a, kind of, soft exit. One of the biggest concerns that I have is the rise in intolerance and racism in the aftermath of the referendum. Soon after the referendum my son (who is in the high school) was twice called by one of his peers in the school 'dirty immigrant' - and my son was born in Scotland and lived all his life here. The issue was taken to his guidance teacher who seems to have softly dealt with it.

**Scotland’s future relationship with the European Union**

The Church of Scotland has strongly supported continued membership of the EU over many years, most recently in the report, *Our Place in Europe*, presented to the General Assembly in May 2016 and passed unanimously. It was therefore disappointed by the outcome of the referendum, but understood the passions that it evoked, and the strongly held and widely divergent views that exist across Scotland and the wider UK.

The Church believes that there must be a clear vision for the future of Scotland as a fairer, more equal and more just nation, in a fairer, more equal and more just world. The Church is still part of the European continent and it needs to enable it to thrive by continuing to make its own contributions. There are areas in which cooperation is required at European level, including policy around refugees, human rights and environmental protection. International judicial cooperation is an important tool in combating organised crime and human trafficking, it is necessary that arrangements of this kind, currently provided through Eurojust, can continue. It is not simply a question of whether the Church benefits from being a part of Europe, but also what it can offer to ensure the wellbeing of others, internationally as well as at home. The Church values the opportunities created by freedom of movement and would be supportive of arrangements which allow the continuation of this position.

We recognise that the UK is not alone in being dissatisfied with the current operation of the EU and that there is a need for a reimagining of the collective vision for Europe. A future relationship with the countries of Europe must include clear routes

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1 Supplementary Report of the Church and Society Council to the Church of Scotland General Assembly 2016
to finding shared solutions to questions that affect Europe, irrespective of whether the UK or Scotland is a member of the EU.

If Scotland is taken out of the EU, the Church would welcome moves to keep Scotland closely aligned to the EU and member states. The Scottish Parliament should consider, after a full public consultation, maintaining EU directives which are currently in force and making a commitment to implement future EU directives, unless there are clear reasons to the contrary. In this context, the Church calls upon the Scottish Parliament to instruct the Scottish Government to consider carefully, in an open and participatory manner, whether to maintain or replace the Common Fisheries Policy (CFP) and Common Agricultural Policy (CAP) in the event of Scotland leaving the EU. Churches would have significant interest in this process because of concerns regarding food poverty, the future wellbeing of rural communities and the natural world. It is clear that change to CAP and CFP would have significant implications for Scottish communities.

**Alternatives to EU membership**

The UK and Scotland are and will remain part of Europe; the question now is how to express this sense of belonging. The fundamental values of the European Union are of respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights, including the rights of minorities. As Scotland and the UK redefine their relationship with their European neighbours, these values must be upheld.

The vote to leave the EU was a democratic decision based on a UK-wide Referendum. Decisions about alternatives to EU membership must include strong elements of public participation. The Church of Scotland calls on the Westminster and Holyrood Parliaments to initiate a full and open participative process to enable ordinary people to examine the possible choices for the future relationship with the EU. Churches and other civil society organisations should be partners in this process.

It is clear that the majority of Scottish voters chose to remain in the EU, and that there is therefore democratic justification for Scotland to call for a different arrangement to other parts of the UK.

We must also be open to listening to and understanding the perspectives of other European countries, both EU members and others, seeking to develop a shared vision for the future of Europe.

**The withdrawal process**

As highlighted in previous sections, the process for withdrawing from the EU and decisions about the Church’s ongoing relationships with other European countries should include public participation.

The uncertainty caused by the referendum and the withdrawal process has a range of implications that are causing widespread concern and uncertainty. The Church of Scotland is particularly concerned about the human implications of the referendum result and how this is creating stress and worries for many individuals and communities; about job security, the right of EU citizens from outwith the UK to stay in Scotland, and of our status as Europeans. The anxiety of UK citizens who live elsewhere in Europe must also be listened to and acted on. We are concerned that
this may put good community relations at risk, or create suspicions or xenophobia across the UK, and the Church welcomes reassurances from the Scottish Government that residents from other EU countries are welcomed in Scotland and that their contribution to the economy and Scottish society is valued.

The domestic process for dealing with a withdrawal from the EU

It has been highlighted by the Scottish Government that agriculture, fisheries and environmental policy will be affected significantly by withdrawal from the EU. Caring for Creation is an important part of the mission of the Church of Scotland and it is concerned that such a traumatic transition could put at risk gains that have been made in improving Scotland’s environment, as a result of EU directives on air quality, water quality, and nature conservation. The Church is also aware that an exit from the Common Agricultural Policy (CAP) and Common Fisheries Policy (CFP) will create huge uncertainty for farming and fishing communities. However it does recognise that these policies have not always been popular, and that the CFP in particular has been widely criticised by fishermen and their organisations.

If we do leave the EU there will be an opportunity for the Scottish Government and other stakeholders to create a new regime for agriculture and fisheries that helps to sustain farming and fishing communities; provides affordable food to everyone in Scotland, particularly those living in poverty; and which protects and enhances Scotland’s natural environment. The Church of Scotland was pleased that the Scottish Government called a meeting of stakeholders in July 2016 to seek views on the implications of the EU referendum for agriculture, fisheries and the environment, and that the Church was able to contribute to that meeting. It is ready and willing to contribute to discussions that will be necessary in the coming months to help support those communities facing profound change and upheaval.

The position of EU citizens in Scotland

The Church of Scotland is pleased that the Committee has made specific reference to the position of EU citizens in Scotland in this call for evidence, as this is an important issue that requires immediate resolution. As already highlighted, the Church supports the reassurances given by the First Minister that residents from other EU countries are welcomed and valued in Scotland.

Current citizens from other EU countries should continue to be made welcome and it should be reiterated that this is their home. Using people as bargaining chips is immoral and unacceptable. It is also unnecessary, as the UK Government can and should offer an immediate right to remain to citizens of other EU countries already resident in the UK.

Responding to the situation Rev Dr Richard Frazer, Convener of the Church and Society Council said, “In what are very uncertain times it is vital that we as a country are not defined by our fears. The extent of our generosity must not be limited solely

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2 Within the broad field of environmental protection there are a number of areas which are covered by EU law which may require action to maintain current standards. These include chemicals, energy, land management, noise and nuisance, pesticides and biocides, pollution and prevention control (PPC), radioactive substances and waste (reduction, reuse and recycling).
to what we might receive in return. We heard these concerns at our General Assembly in May, and it is important we as a Church act on them now.\(^3\)

**CASE STUDY 1: Rev Joanne Evans-Boiten, Minister of Athelstaneford linked with Whitekirk and Tyninhame, East Lothian**

My full name is Joanne Harriette Georgine Evans-Boiten

I am 58 years old and Dutch by nationality

**How do you feel about the decision that the UK has taken to leave the EU?**

Though I was not surprised at the outcome of the referendum, I am of course hurt and feel rejected.

**Will the decision affect your way of life, and if so, how?**

I believe the decision will affect my life emotionally and it is possible that I may no longer wish to remain in this country which I call home, and which I have come to love more than my own. Presumably it will also affect me financially and may mean that visiting friends and family abroad will become difficult both for myself and our children.

**What are your hopes / concerns following the EU referendum vote?**

As for hopes, I guess my hope is that Scotland will become independent and remain in the EU as I believe in unity not in division, particularly in times like these (and yes I see the irony of what I have just written and I was against Scottish independence before!)

**CASE STUDY 2: Rev Tabea Baader, Minister of Fort Augustus and Glengarry**

Tabea Baader, I am German and I am 33.

**How do you feel about the decision that the UK has taken to leave the EU?**

It makes me very sad. It was a very clear signal for Europeans that the British as a whole do not agree with the developments in Europe, but instead of changing the course of politics, they have withdrawn.

**Will the decision affect your way of life, and if so, how?**

I had decided to go back to Germany before the referendum. I am now relieved rather than overly saddened.

**What are your hopes / concerns following the EU referendum vote?**

I hope that the hidden poverty in Great Britain will be tackled. Compared with the life standard in Germany, Great Britain is rather behind, even Scotland. I intend to keep links with the Church of Scotland to support the congregations I know to carry on during difficult times.