

EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

Tuesday 26 June 2007

Session 3

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EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

2nd Meeting 2007, Session 3

CONVENER

*Jackie Baillie (Dumbarton) (Lab)

DEPUTY CONVENER

*Alex Neil (Central Scotland) (SNP)

COMMITTEE MEMBERS

*Ted Brocklebank (Mid Scotland and Fife) (Con)

*Alasdair Morgan (South of Scotland) (SNP)

*Irene Oldfather (Cunninghame South) (Lab)

*John Park (Mid Scotland and Fife) (Lab)

*Gil Paterson (West of Scotland) (SNP)

*Iain Smith (North East Fife) (LD)

COMMITTEE SUBSTITUTES

Keith Brown (Ochil) (SNP)

Jeremy Purvis (Tweeddale, Etrick and Lauderdale) (LD):

*attended

THE FOLLOWING GAVE EVIDENCE:

Linda Fabiani (Minister for Europe, External Affairs and Culture)

Lynne Vallance (Scottish Executive)

CLERK TO THE COMMITTEE

Dr Jim Johnston

ASSISTANT CLERKS

Emma Berry

Lewis McNaughton

LOCATION

Committee Room 5

Scottish Parliament

European and External Relations Committee

Tuesday 26 June 2007

[THE CONVENER *opened the meeting at 15:02*]

Interests

The Convener (Jackie Baillie): I welcome everyone to the second meeting of the European and External Relations Committee in the third session of the Scottish Parliament. There are no apologies. John Park has been held up but will join us shortly.

Agenda item 1 is a declaration of interests. In line with section 3 of the code of conduct for MSPs, members must declare any interests that are relevant to the work of this committee. As Alex Neil was unable to attend our first meeting, I invite him to declare any interests that he has.

Alex Neil (Central Scotland) (SNP): In addition to what is in my entry in the register of members' interests, I declare that I am a director of the non-profit-making Scotland's Futures Forum and have recently been appointed as the director of the non-profit-making Scottish Parliament and Business Exchange.

The Convener: Thank you, Alex. Your interests are now on the record.

Scottish Executive European and External Relations Policies

15:03

The Convener: Item 2 concerns the Scottish Executive's European and external relations policies. I take great pleasure in welcoming to the committee Linda Fabiani, who is the Minister for Europe, External Affairs and Culture. Members will recollect that Linda was a convener of the European and External Relations Committee in the previous parliamentary session. Welcome back, Linda. I hope that you will find your time on the other side of the table as enjoyable as you found your time in the chair.

The Minister for Europe, External Affairs and Culture (Linda Fabiani): It is a pleasure to be back at the committee so soon. I have to say that the table looks a lot longer from this end.

I congratulate you on your appointment as convener. I thoroughly enjoyed my time as convener of the European and External Relations Committee and I am proud of what we achieved, as is Irene Oldfather, who was the deputy convener. We produced a lot of good work together.

It is interesting to see how much the committee has changed. We often spoke about the fact that some of the committee's members had been on it for years. The convener and members of the new committee should be able to take a fresh approach, with Irene Oldfather, as the oldest member—I hope you do not mind me putting it that way, Irene—keeping you right.

The work that I spoke of is detailed in the previous committee's legacy paper, which I hope you will find helpful when setting out your agenda.

Those of you who know me will be aware that I have a passion for European and international affairs, so it is a pleasure for me to be here in a ministerial capacity. I assure members that the Scottish Government is determined to raise Scotland's voice on the European and world stages. The fact that my ministerial post has been placed in the office of the First Minister is evidence of how serious we are about achieving that objective.

I will explain my portfolio's various aspects. First, I am responsible for the Government's relations with the United Kingdom Government and the other devolved Administrations. Members will have noted that the First Minister and I had an extremely constructive and friendly visit to Belfast just last week, where we met the First Minister and Deputy First Minister of Northern Ireland. A similar trip to Cardiff is anticipated in the near future and I

am looking forward to it. We are committed to strengthening Scotland's ties with the other devolved Administrations, drawing on one another's strengths and experiences and learning from and supporting one another when necessary.

Our relationship with the UK Government will be crucial in all policy areas, but particularly so in European and international affairs. We want to develop a constructive working relationship that is based on effective, open and regular dialogue, with Scotland treated as a partner. So far, my interactions with the UK Government have been positive. I found the recent meeting of the joint ministerial committee on Europe—at which I met several UK ministers—fairly productive. I do not need to stress to members the importance of Scotland's relationship with Europe. Raising Scotland's voice on the European stage and emphasising our identity as a nation will be central to the Scottish Government's work in the European Union.

My colleagues and I shall engage actively with EU institutions. Fiona Hyslop and I are very much looking forward to welcoming Commissioner Figel' to Scotland on Thursday to discuss the European Commission's approach to higher education issues. I am buoyed by the fact that two EU commissioners will have visited Scotland in one week and I shall build on that positive start by ensuring that those visits are followed by many more. The Government will also look to build relations with other member states. It is no secret that we have opened discussions with the UK Government on leading the EU fisheries negotiations to ensure that Scotland's specific interests in that matter are heard.

Scotland's international profile is as important as our European one and we will work on presenting Scotland as the ideal location for investment and tourism. We will work with the huge number of Scots who live abroad to make the most of our positive reputation. We will also work closely with Scottish aid agencies to ensure that our international development aid support is channelled where it is most needed. None of those challenges is easy, which is why I will engage with people in the field to seek their thoughts on our proposals for our international profile.

Scotland's profile in each of those arenas cannot be raised as effectively as possible without the support and engagement of the Scottish Parliament and, in particular, the European and External Relations Committee. As I have sat at the other end of the committee table, I am well aware of the opportunities that exist for the Government and committees to work closely and constructively toward a common goal. We all have foremost in our minds the aim of representing the specific interests of people in Scotland. Members have my

assurance that I am prepared to appear before the committee frequently to present new policy ideas for members' consideration and sometimes perhaps clarifying the committee's understanding of a specific Government policy. In return, I want the committee to give me frank and open views on our work to date. If members think that we are failing to do something, they should tell me—I assure them that their suggestions will be given the careful consideration that they deserve. We will listen to the points that come back to us from the relevant committees.

We are in exciting times for Scotland, with a new session of Parliament and a new Scottish Government. I am keen to take the opportunities that are available to Scotland in my portfolio area. I hope that the committee will work closely with me to make the most of those opportunities and to give people the voice that they deserve near and far from home. I am happy to answer any questions that members have. In doing so, I will be ably assisted by Lynne Vallance from the Scottish Executive's European team.

The Convener: On behalf of the committee, I welcome your approach. We will certainly engage with you. I am sure that some members will from time to time be forthright, but you would expect that.

Linda Fabiani: Yes.

The Convener: I think that we will have a productive relationship.

Ted Brocklebank (Mid Scotland and Fife) (Con): Welcome, minister. Will you expand a little on a reply that you gave to Irene Oldfather during last week's question time? If memory serves me right and to paraphrase, Irene Oldfather asked whether you will stick by your manifesto pledge to withdraw from the common fisheries policy if you feel that Scotland does not get the benefit that it deserves. I do not want to put words into your mouth, but I think that you said that you would always fight to do the best that you could for Scottish fishermen. Of course, that is what Ross Finnie has been trying to do for the past eight years. What will you do differently? Will you stick by that manifesto pledge?

Linda Fabiani: We have the common fisheries policy as was—the recent treaty negotiations have not come up with anything different. Certainly, it has been our view that we should withdraw from the common fisheries policy, as it does no good for Scottish fishermen. However, we must bear in mind that the decision to withdraw from the common fisheries policy would have to be taken by the member state. We will push for that if it is best for Scotland, and we are currently having discussions with industry reps on how the interests of Scottish fishermen can best be represented. As

I said, we are seeking to represent Scotland in fisheries talks, as Scotland is the most relevant part of the UK in relation to fisheries.

Ted Brocklebank: I have in front of me a document that outlines the Executive's European and external relations policies. Under "Sea fisheries' dossiers", it draws attention to the fact that the Commission will

"come forward in mid 2007 with a cod recovery proposal providing for stricter measures to allow further recovery of cod stocks."

I have been watching the cod recovery plan for many years, and we seem to be imposing ever-stricter limits on the catches of cod. Yet, as many of us predicted four or five years ago, the cod have shown no sign of co-operating with those measures. Do you believe that we should continue to try to find further ways of restricting the number of cod that Scottish fishermen can catch given the Canadian example? The cod disappeared from the Grand Banks a decade ago and, despite every effort that the Canadians have made, the cod simply have not come back—they have gone elsewhere.

Linda Fabiani: Discussions obviously go on at Cabinet level, too, and it is the Cabinet Secretary for Rural Affairs and the Environment who leads for the Government on fisheries. I will relay your concerns to him, and he will read the *Official Report* of this meeting.

Irene Oldfather (Cunninghame South) (Lab): I have a transcript of what was said by the minister at last week's question time—

Ted Brocklebank: I hope that it was close to what I said.

Irene Oldfather: It was very close.

Minister, you said that you had attended the JMC on Europe on 5 June, in advance of the European Council meeting on 21 and 22 June. You will recall from the committee's earlier work how interested we are in JMCs. Given that this was such an important issue for you and the Government, was it discussed at the JMC on Europe? You have said today that withdrawal from the common fisheries policy is a matter for the UK Government, so I would have thought that that is the forum in which to initiate such discussions. Did you raise the matter at the JMC?

Linda Fabiani: I have two points to make in answer to that question. First, I attended the JMC on Europe and it was quite an experience—we want to work constructively with Westminster—but I was not happy about the format of the meetings and being told that I would have a speaking slot. I felt that, given that it is a joint ministerial committee, equal weight should be given to the contributions from the devolved Administrations

and Westminster. I presume that the format will change in the future, as what I said was well received.

Secondly, I did not specifically address the issue of fishing, as my cabinet secretary colleague Richard Lochhead was involved in bilateral discussions the next day with the UK fisheries minister and we felt that that was the most constructive way forward. The JMC meeting on Europe was very much concerned with the upcoming European Council meeting on what might have been a new constitution for Europe but has probably turned out to be a treaty that has been passed on to the intergovernmental conference. I did not raise the issue of the common fisheries policy specifically at that meeting because the matter was going to be raised in the appropriate bilateral ministerial meeting between Richard Lochhead and Ben Bradshaw.

15:15

Irene Oldfather: It might be helpful for us—including for Mr Brocklebank—to get a note of the discussions that took place at that meeting. As the minister said, it is clear that the agreement on 21 June did not take account of the minister's party's position—although, personally, I do not think that withdrawing from the common fisheries policy is the right thing to do.

It would be interesting to know how the minister intends to pursue Scottish issues at the JMC. I am not sure whether other members wish to follow through on fisheries, but perhaps, when she gets an opportunity, the minister could tell the committee what issues she raised on Scotland's behalf at the JMC. I do not know whether you wish to take that point now, convener.

The Convener: If the minister wishes to deal with that point now, that is fine, but I will then call Iain Smith.

Linda Fabiani: The protocol for JMC meetings is for confidential minutes to be taken. That has been the way since the very start, when the JMC was set up under the memorandum of understanding.

The Convener: I wish to pursue that point before bringing in Iain Smith. I understand that the minutes are confidential, but are you saying that you would therefore be unable to tell us what you raise at those meetings?

Linda Fabiani: No, I would be happy to tell you in broad outline. When I went to the JMC, I said that I expected that we could discuss the Scottish Government's EU priorities at the next meeting of the JMC. As some of you will know, the Scottish Government has, certainly over the past four

years, brought to this committee the Government's priorities in Europe and has talked them through with the committee. I intend to keep that up. At the JMC meeting that I attended, I said that I would like to talk about the Scottish Government's priorities at the next meeting. I asked for that to be put on the agenda. I said that I intended to come before the Scottish Parliament European and External Relations Committee beforehand to talk through those priorities so that, when I attended the next JMC, it would hear a view from both Government and Parliament. I feel that that is extremely important.

Iain Smith (North East Fife) (LD): I would like to hear some indication from you—this afternoon if possible—of the new Government's priorities and how they differ from those of the previous Government, not just on Europe but across your Europe and external affairs remit. Other members may pick up on different areas later, but could you outline what the priorities of the Scottish National Party Government are on European issues and say how they differ from the priorities that were promoted by the previous Administration?

Linda Fabiani: I have come along to the committee this afternoon to talk generally about matters across my portfolio that are relevant to the committee. We have not yet completely formulated our view of what our priorities should be. I am working very hard on that, taking soundings and information from many different people. Our view on our priorities will then be brought to this committee. It is not entirely fair to expect me to come to the committee after such a short time and lay out the Government's priorities for Europe in a very definitive manner.

Irene Oldfather: Why are you here?

Linda Fabiani: I am here because I was asked to come here to give broad outlines across my portfolio.

The Convener: I will try to be helpful.

Linda Fabiani: Thank you.

The Convener: We are trying to get a sense, at a high level, of the Government's priorities. Those will be drawn from a number of sources, including manifestos. We want to get a feel about the direction of travel. We are not expecting a huge level of detail—I would not expect that from the minister at this stage. However, a broad outline of the direction of travel would be enormously useful for the committee, which is going on an away day to establish its programme of work. For part of that, we would wish to reflect on where the Executive is going.

Linda Fabiani: Thank you for that clarification. I thought that Iain Smith was asking for the number of portfolios that we would follow in relation to what comes from the committee.

Iain Smith: I was asking about the priorities. That does not mean telling us about everything.

Linda Fabiani: Okay. Scotland having a stronger voice in Europe would sum it up for us. That is very much in line with some of the things in the legacy paper that the predecessor committee left, which I presume you will be studying at your away day. I know that the convener has already looked at it, and Irene Oldfather probably knows it inside out. Other members will be picking up on it, too.

It is about where the interests of Scotland are paramount, and it is about going directly to the European Commission—which the Commission encourages. It is about having stronger links across parties with MEPs. They feel strongly that they have common cause with us for Scotland in Europe, and they want us to engage with them more. We will do so.

Creating links with the other devolved Administrations is important because there are things that affect us all. That is not to say that Wales, the north of Ireland and Scotland will have the same priorities, but there will be times when things affect us all. I also want to work constructively with the UK Government. For example, the previous committee started to create links with the European committees at the House of Commons and the House of Lords. Michael Connarty has already contacted me about meeting for a discussion, saying, "How can we have input to the work of the Government in Scotland?" All those things go together to push for a stronger voice for Scotland in Europe.

A report that the previous Executive compiled before dissolution shows that there was concern that Scotland was not properly represented through the UK in Europe. That concern seemed to exist across the board and we want to address it.

Irene Oldfather: As far as I am aware, that report was not published but a copy was leaked. Has that report now been published? Can we access it?

Linda Fabiani: I ask Lynne Vallance to answer that. Practically everybody I know has read the report, but I do not know whether it has officially been published. Has it been published?

Lynne Vallance (Scottish Executive): No.

Linda Fabiani: I remember that, back in February and March, it seemed to be the common talk of everyone. I suspect that it would be easy to get hold of the report if anybody wished to read it.

Lynne Vallance: It was not published because it contained restricted advice to ministers in the previous Executive. That Executive decided that it was not prepared to release policy advice to ministers into the public domain.

Irene Oldfather: Is the minister suggesting that that is no longer the case and that it will be made available?

Linda Fabiani: We cannot publish something that came from the previous Government.

Lynne Vallance: It is not possible for the new Government to see advice that was put to the previous Administration.

The Convener: On the basis that everybody has seen it—[*Laughter.*]

Forgive me for stating the obvious, but the point is less about our seeing the report—we have already done that—and more about the Executive's attitude to the recommendations that it contains. Will you formally advise us of that at some point? It would make most interesting reading.

Linda Fabiani: That is a good idea. Those of you who have read the report that Jim Wallace compiled as a reporter to the previous committee will know that a lot of its contents are reflected in the report that we are talking about. The previous committee and the Parliament shared the concerns in that report.

The Convener: But I wonder whether, at some point, you will return to us with your view on the report. That would be helpful.

Linda Fabiani: Yes.

Iain Smith: In your introduction and your comments about priorities you mentioned links with the UK Government and the other devolved Administrations. I am particularly interested in that because I am one of the Parliament's representatives on the British-Irish Inter-Parliamentary Body. Are you thinking about strengthening the role of bodies such as the British-Irish Council? Now that devolution has been fully restored in Northern Ireland, there may be opportunities to develop the role of the British-Irish Council and its parliamentary arm, the BIIPB, which is rather unsatisfactory and could be improved.

Related to that, there are issues to do with the transparency of the British-Irish Council. Is your Administration keen to investigate ways of improving the operation of that body and of ensuring that there is more of a parliamentary role in overseeing its work? There are opportunities for the devolved Administrations in Scotland, Northern Ireland and Wales, and indeed the various islands, to share information and work together. Now that devolution has been restored in Northern Ireland, a new approach might be possible.

Linda Fabiani: We certainly support a strong British-Irish Council. There is a meeting due in July, but it has not been confirmed yet. The

British-Irish Council, of course, operates at ministerial and official level. I take your point about transparency and will feed that back. I understand why you hold that view. You are a member of the British-Irish Inter-Parliamentary Body and I know that every group in the Parliament nominates someone to go to it. Perhaps there could be some crossover between the two bodies in terms of knowledge base. We will consider whether we could suggest that to the other members as a way forward.

Alex Neil: I want to widen the discussion a bit. There are three areas that I would like to—

Linda Fabiani: There are always three areas with you, Alex.

Alex Neil: I know. This weekend, there were discussions about the new so-called EU reform treaty. Do you want to say a word or two about where we go from here in terms of the Scottish Government's involvement? Between now and the intergovernmental conference to finalise the treaty, there will be loads of discussion in Europe and the EU institutions. Given that you have only been in the job for three or four weeks, it would be totally unfair to ask for a definitive position, so I am not asking for that. In effect, the veto has been lifted in certain devolved areas, although it is also too early to ask for a definitive list of those areas and to ask what the impact on them will be. Will the Scottish Government take the general approach of raising a number of issues with the UK Government and of adopting a position on the EU reform treaty?

Linda Fabiani: Interestingly enough, I have with me a briefing on that from Lynne Vallance's office, where they are working through the sheaves of documentation that came out of the negotiations, and looking towards the IGC.

The main things that have been pointed out to me are that the conclusions give very clear instructions on how to proceed and that there will be limited room to manoeuvre. There is also the question of strengthening positions on subsidiarity, which is a big issue for this Government because it includes subsidiarity within the UK framework. Again, the Parliament, through the committee, and the Government, through me, can work together on that.

It looks as if there are also some fairly good new provisions on energy, climate change, and justice and home affairs. Interestingly, the IGC is mandated only to make those changes to the former constitutional treaty that were set out in the presidency conclusions, so the changes are all quite tight and not at all wide ranging.

Once we have the full briefing on the EU reform treaty, and have looked at it very closely, we will focus our efforts on ensuring that the UK Government takes the Scottish voice into account

when it comes to negotiating strategy. I raised that with Margaret Beckett at the JMC.

When the previous committee looked at the old treaty, we came to the conclusion that much of it was useful but we would oppose any move to extend the competence of the EU into areas that are currently particularly relevant to Scotland, such as justice and home affairs and energy, for example. I understand that fishing is now not in it any more.

It is also important to work with the other devolved Administrations. We have not yet met our Welsh equivalents. I am not quite up to date with what has happened there today in relation to ministerial posts and so on.

Alex Neil: It would be useful for our away day if the Executive could say where the treaty might impact on devolved areas and what the issues might be, because this committee might, perhaps in conjunction with the Justice Committee, have to address such issues.

Linda Fabiani: From an initial look, it appears that energy, climate change, justice and home affairs will be the main areas. I understand that we now have the date of the committee's away day, so we will work that out.

15:30

Alex Neil: The second area that I want to ask about is Malawi. As a devolved Parliament, we are restricted in our budget, if nothing else, in respect of how much we can do to help the developing world, although we would all like to do much more. I am looking for the general thrust of Government policy—given that you were appointed only three or four weeks ago, that is all we can fairly ask for at this stage. I take it that the new Government will support the continuation and development of the previous Executive's policies on helping and giving priority to Malawi.

Linda Fabiani: Yes. That is an issue that I have considered closely. In fact, I had an interesting meeting this morning with the Malawi steering group. There are lots of different groups involved in Malawi—I discover a new one every day. The Malawi steering group, which I met this morning, is an important one that includes representation from Parliament. Karen Gillon attends the group—

Alex Neil: Does she attend as the chair of the cross-party group on Malawi?

Linda Fabiani: No. She attends as the representative of the Commonwealth Parliamentary Association, which is good input because the CPA is very much involved in Malawi.

I have written to my opposite number in Malawi, Joyce Banda, to confirm that they should not be

concerned that the new Government will pull out of the Malawi agreement. There is recognition across the board that the special relationship between Malawi and Scotland must be nurtured and sustained.

In my discussions with the Malawi steering group and others, there has been broad agreement that we are now at a stage in our work at which it would be worth our while to sit back and take not a formal audit, but a general view—gauging the opinions of everyone who is involved—on whether we are properly focused. It is a natural point at which to break to consider, as someone put it at the meeting this morning, what we have done that has been extremely worth while and that we should continue doing. We should also consider what has not worked as well as we had hoped. Not everything we do will be perfect, so let us find out what is probably a waste of time. It is a new initiative and we have all been working to do the best. Now is a natural time to review what we are doing in Malawi before we move forward consensually.

Initial discussions have produced the view that we should be a bit more focused. It has also been recognised that Scotland has something particular to give that can be properly measured and that can be sustainable in the much longer term. I think that it was George Reid who said at the start that we are in this for the duration—it is not about quick fixes. Let us consider what we can do to make a difference in the longer term.

Alex Neil: The business group that is involved in helping Malawi has a huge role to play, as getting the economy right must be the number 1 priority.

The third area that I want to address is Scotland's relationships with the outside world on two levels. First, we have a huge diaspora. It is alleged that, in North America, there are up to 40 million second, third or fourth-generation Scots. There is huge potential there. I declare my interest, as a director of the Scotland Funds, in trying to mobilise the diaspora for Scotland. Can you tell us how we can co-ordinate that effort? There is a range of organisations, including the globalscot network, and it seems that a bit of co-ordination and mobilisation is required.

Secondly—and related to that—how does your portfolio interface with those of John Swinney and Jim Mather in finance, enterprise and sustainable growth? They have responsibility for Scottish Development International and VisitScotland, which markets Scotland throughout the world, and for a range of other bits and pieces, if I can put it that way. How do the portfolio responsibilities divide, and how do you see policy developing? Is that primarily their responsibility, or will they in some way operate through your portfolio?

Linda Fabiani: I have written down the other wee bits that you have asked about and I will come to them, but I begin by saying that the First Minister is very keen that we do not put policy development in silos. It is not a case of asking whose responsibility it is to do something; we are working across portfolios on all those issues.

Therefore, when I consider matters such as the diaspora, the globalscot network, global friends of Scotland, Scottish Development International and tartan day, I do so in discussion with the likes of Jim Mather and John Swinney, because so much ties in with those issues. My work ties in directly with John Swinney's work on what has been termed smaller government. We are considering whether we have too many people trying to achieve the same aims by different means and whether we can rationalise the structure to make it better. I believe firmly that we can, and I have concerns that we are not utilising our resources fully. For example, I am trying to get my head round the difference between the globalscot network and global friends of Scotland and I am considering whether Scottish Development International works closely enough with the Government representatives in Washington and Beijing. I am considering many relationships to see whether they produce the best outcomes. John Swinney will also consider all those organisations, including VisitScotland and visitscotland.com.

It is too soon for us to say what changes we envisage. For example, on an initial reading of the work in relation to the diaspora, I do not feel that we are focusing correctly—I return to our focus—on what we want to achieve. We need to consider whether the present approach to tartan week is the best way in which to promote Scotland in America. We have a China strategy, a Germany strategy and links with regions such as Catalonia: we are considering those issues taking into account what is best for Scotland. I am thinking about what has not been that great and what has been a waste of time. We must be firm in our monitoring of the structures.

Alasdair Morgan (South of Scotland) (SNP): I will start at the opposite end from Alex Neil, who went international. You began your remarks by saying that you are responsible for relations with Westminster. It strikes me that the same potential issues arise across lots of portfolios—I accept what you said about that. One of our most important relationships with Westminster is to do with money, because almost the entire Scottish budget will be determined by the residuals that come out of the comprehensive spending review at Westminster. Previously, the minister who was most interested in that was also responsible for external relations, so there was no crossover. To what extent will you get involved in discussions

with Westminster about the comprehensive spending review? I do not know whether we get involved in that at all, but I am interested to hear about that.

Other actions at Westminster may have consequences for us. For example, when proposed legislation goes through Westminster, a little glitch is often discovered in relation to Scotland and a fairly minor legislative consent motion is needed. How does the line of communication work on that? Does the matter come to you or to the particular portfolio minister? Also, as part of your responsibility for external affairs, do you have any input into little matters for which Westminster is responsible, such as the format of ballot papers in Scottish Parliament elections?

Linda Fabiani: I thought that people were saying that John Swinney was the minister for everything.

I am not involved in the finance issues. Those are dealt with by the First Minister and the Cabinet and I am not in the Cabinet—I am in the First Minister's office. The Minister for Parliamentary Business deals initially with legislative consent motions and agrees what to do with them. He is also in the First Minister's office. I have no direct input to that process, unless the issue has direct relevance to my portfolio.

Sorry, but I have forgotten what your final question was—I did not write it down.

Alasdair Morgan: It was whether you have any input on the elections.

Linda Fabiani: I do not think so—and I certainly hope not.

Alasdair Morgan: As a supplementary, other than your relationships with Westminster that involve relationships that it has with bodies outside the UK, such as Ireland, Europe and Malawi, do you have any involvement with Westminster under the heading external relations?

Linda Fabiani: I do not quite understand what you mean.

Alasdair Morgan: Do you get involved with Westminster's responsibility for intra-United Kingdom affairs?

Linda Fabiani: No.

The Convener: Irene Oldfather is next.

Linda Fabiani: Go on—ask me an easy one, Irene.

Irene Oldfather: Okay. I think that there was a slight misunderstanding earlier, to be honest: when the committee met last week and talked about its away day, it decided that it would be

helpful to know what the changes in priorities were. In a sense, I apologise for that.

Linda Fabiani: Och, I am sorry, too.

Irene Oldfather: I will raise two points with you. I know that you have a view on the reduction of the number of Scottish MEPs and I want to find out how you propose to take that forward. I know that you said at question time that you would argue to maintain seven MEPs. When did you first become aware of the proposed reduction and what actions have you taken on it to date?

You may have to come back to us on the second question. What view will the Executive take on representation on outside bodies? The previous Executive was active in, for example, Regleg and the Conference of Peripheral Maritime Regions of Europe. Have you taken any decisions on that yet? What will be the process for deciding whether to join the various outside organisations?

Both questions relate to the fact that you have set great store by giving Scotland a voice. I am giving you the opportunity to tell us what you have all been doing to make sure that we keep seven MEPs.

Linda Fabiani: Oh, gosh! First of all, I have written to the Electoral Commission about retaining seven MEPs, because we feel that it is important. It is interesting that all seven MEPs have jointly signed a letter expressing their concerns about it as well, which you have probably seen. We will back them up on that as far as we possibly can.

We have thought about the outside organisations and talked the issue through. We obviously strongly support subsidiarity at European and UK level and will continue to take part in Regleg activities that deliver progress towards the strengthening of Scotland's voice in Europe. I have been picking up signs that Regleg has not been quite as active as it used to be and I am having that looked into. I sense disappointment about Regleg. Perhaps, given her contacts there, Irene Oldfather will be able to tell me more about that at some point.

We are going to talk to the other political parties about membership of the Committee of the Regions. Once we have taken those soundings, we will put the nominations before Parliament, as the Government has done previously.

For those who do not know, EMILE is—I can never remember what it stands for.

Lynne Vallance: It stands for European elected members information and liaison exchange.

Linda Fabiani: What came first: the name or the acronym? You choose.

EMILE meets quite regularly. The MEPs are represented, as are Scottish Executive ministers,

Parliament, committees the Committee of the Regions and the CPMR. Along with Alyn Smith MEP and David Martin MEP, the committee was active in pushing for the format of EMILE to be changed to make it much more productive. I think the last meeting that we had before the election was such a meeting—certainly, people left it feeling that they had achieved more. I would like EMILE, which the Scottish Government hosts, to achieve the focus and strength that it is capable of, and to become a significant forum for discussing European issues.

15:45

Irene Oldfather: To come back to the reduction in the number of MEPs, I have a copy of the letter dated 4 June. Did you have an opportunity to raise that at the joint ministerial committee on the Europe? It is important.

Linda Fabiani: I considered raising the matter but, as I said earlier, it was a strange meeting and I hope that those meetings will be handled differently in future. I did not feel as if it was a joint meeting and an opportunity for a joint discussion between representatives from Westminster, Scotland and the north of Ireland. The meeting was fairly short, which seems to be the format that has been used in recent years, and I hope that that will change. I thought of raising that particular issue but I did not because I knew that the MEPs would raise it with Westminster and their parliamentary groups.

I hope that through discussion with our counterparts in the north of Ireland and Wales, we might be able to make the JMC on Europe a real joint committee—as was envisioned when it was set up.

The Convener: I suggest that the committee might want to write formally to the Electoral Commission to make representations about the number of seats. I understand that the Electoral Commission will consider just the formula and the process rather than the actual numbers, but perhaps it would be appropriate for the committee to indicate that we favour a formula that would retain the existing numbers. I understand that we have something like 24 hours in which to do that.

Dr Jim Johnston (Clerk): You have until Friday.

The Convener: Great. In that case, does the committee agree to that?

Members indicated agreement.

Gil Paterson (West of Scotland) (SNP): You mentioned the new constitution for Europe—the constitution that will not speak its name. The strategy is not to mention the constitution and upset the natives. However, some elements of the

old new constitution—or the draft constitution—are being implemented. What attention will we be paying to that and what will be its impact on Scotland? Will it have any locus in Scotland? We might have to consider that Scots law is peculiar to Scotland rather than to the UK, and we do not want ministers in another place signing things off without any thought of redress to the general public.

Linda Fabiani: Did you say that some of the constitution has already been implemented?

Gil Paterson: I should not have said “implemented”, but some elements have been agreed to and signed off in Europe that might impact on Scotland.

Linda Fabiani: I can only repeat what I said earlier. We have a quick checklist of what has been happening, but it is still far too early to say. Lynne Vallance’s office is going through the treaty reform very carefully and examining what is being taken forward to the intergovernmental conference. We will consider the matter in full, but Gil Paterson knows how much detail such documents can contain. Professor Neil MacCormick is also examining the situation very closely on behalf of the Government, so I am certain that the information that comes back to us will be entirely robust.

Gil Paterson: Associated with my previous question is the European promise of a referendum for the peoples of Europe. It looks as if there are no fixed parameters for setting that referendum, so things have changed. Does the Scottish Government have a view on what is going to happen at Westminster and what input it will have on the major changes that are going to take place in Europe?

Linda Fabiani: The UK line is that because it is not a constitution but an amending treaty, there will be no need for a referendum. Again, all I can say is that we are looking closely at all the different issues, and we will keep in touch with the UK on that. I have no reason to suspect that we will not have an open discussion and relationship with the UK Government. Of course, it is in flux at the moment and things will change, but I have no reason to suspect that its talks with the devolved Administrations will not be constructive.

The level of detail that ministers in Westminster are going into on the issue was made clear at the JMC meeting. I was concerned that something that could have an effect on Scotland might slip below the radar—the same goes for Ireland and Wales—but there was a real intent to consider the matter carefully and to give constitutional issues their due weight. I have no reason to suspect that we cannot have a working relationship.

Iain Smith: I welcome your comments on Malawi and I acknowledge the importance of

reviewing what has been done in order to ascertain what works. Have you any further thoughts on how you will progress the Executive’s international development policy? Are you considering other countries that might come under the ambit of the policy, and will you announce increased funding for the international development budget?

Linda Fabiani: I am sure that you are aware that we are working towards doubling the aid budget—you would not have asked that question if you were not. That is important to us. We have made a commitment to Malawi, but other places need international aid to assist them in securing a sustainable future, and Scotland has historically made input to other countries. We are considering the issue.

The group that I met this morning focuses on Malawi, but there was much knowledge in the room that I want to tap into, so I took advice on how we can move forward. We will have strategic discussions with people who have vast knowledge about how we can expand our international development role.

Iain Smith: What is your timescale for doubling the aid budget? When do you expect to make an announcement?

Linda Fabiani: I will be completely up front, as I have been in discussion with key players in the field. I will not throw money at international development just so that I can say I have spent it. We must be strategic and ensure that everything we do in international development is sustainable—the word seems to be overused—as we try to do in our approach to Malawi. We want people eventually to be able to take responsibility for their future because they have the resources—monetary or otherwise—to do so. I am taking advice on that.

Emergency funding is an element of the system that the previous Executive set up, so we can consider that, too. I will make an announcement when we have the right level of focus and strategy and we know where we are going.

Iain Smith: Will that happen in the first 100 days of the Administration?

Linda Fabiani: I hope that I will be able to make an announcement fairly quickly, but I repeat that international development is too important to be done for the sake of it.

The Convener: What is the current aid budget? I ask so that the committee can gain a global understanding of the amount of money that we are talking about.

Linda Fabiani: The budget line was £3 million, but last year the previous Executive raised it to £4.5 million.

The Convener: Does that mean that you hope to increase it to £9 million?

Linda Fabiani: I would spend more than that, if it was down to me. During the comprehensive spending review and future budget processes I will fight for every penny I can get for the international aid budget.

The Convener: I am not clear whether an increase to £6 million or to £9 million would fulfil your manifesto commitment.

Linda Fabiani: I am considering all the options. I hope that we can raise the international aid budget to £9 million.

The Convener: Thank you.

Ted Brocklebank: Practical difficulties might emerge in the weeks ahead, particularly when you are wearing your external affairs hat. Members of committees—not just this one—and ministers will be required to travel to other places on parliamentary business from time to time. Given the tight voting situation in the Parliament, how would such arrangements be organised?

Alex Neil: With Tory support.

Linda Fabiani: Where do you want to go, Ted?

Ted Brocklebank: Let me give members an example of what I mean. At this afternoon's Parliamentary Bureau meeting, the Commonwealth Parliamentary Association will make an approach to the bureau regarding two members going off to India in September or October of this year. That may or may not be resolved this afternoon, but it occurs to me that members might be away on other occasions and that, unless a policy is evolved, such situations will be wide open to all kinds of political ambush.

The Convener: The minister might want to express a view on that, but it would be a matter for the parliamentary whips and the Minister for Parliamentary Business rather than for the minister. However, I invite the minister to offer a view, if she wishes.

Linda Fabiani: That is the job of my colleague the Minister for Parliamentary Business and his equivalents across the parties.

Ted Brocklebank: I thought I could tempt the convener into giving her view.

The Convener: It was a nice try, Ted.

John Park (Mid Scotland and Fife) (Lab): I am sorry for my late arrival and I apologise if this issue was touched on earlier. This Administration said clearly that it is not in favour of gold plating regulations. Given that many of the matters that we are talking about will come from Europe and go through not only this committee but the minister's

department, is the minister looking to introduce new measures to ensure that there is no gold plating? Can the minister share information on that with us just now?

Linda Fabiani: I refer Mr Park to the previous European and External Relations Committee's excellent report, which Jim Wallace compiled, on the transposition of new regulations. We will use that as our starting point for moving forward and we will keep the committee informed.

John Park: Will you have a direct role in implementing new measures, or will you share that task with other ministers?

Linda Fabiani: My role would be to head up the process, but other ministers will be involved across the board. For example, John Swinney, as the Cabinet Secretary for Finance and Sustainable Growth, will have a role to play. EU directives also often impact on rural affairs in Scotland. In fact, Jim Wallace used examples of such impacts in his report.

It may have been Jim Wallace's report—although it may have been another committee inquiry, but I will be kept right by the wonderful committee clerks—

The Convener: They are mine now.

Linda Fabiani: Oh, are they? Darn!

The Convener: You can try hard to be charming, but they are mine.

Alex Neil: They are ours.

The Convener: Yes, they are ours.

John Park: I agree that they are wonderful—

Linda Fabiani: What was I going to say, now? Oh, aye, another report that we did—I cannot remember what I was going to say. However, when the then Minister for Finance and Public Service Reform came to talk to this committee's predecessor committee about European directives, we put him on the spot, if I remember correctly, about ensuring that systems were put in place in the Government's Brussels office to enable European issues to be dealt with more easily. I presume that poor Lynne Vallance is working on that as we speak.

A predecessor committee report noted that it could be difficult to mainstream work coming from Europe across Executive portfolios and parliamentary committees. Our view was that it was not the sole responsibility of the European and External Relations Committee to deal with matters from Europe because they would impact on the work of various parliamentary committees. I cannot remember whether that was brought out by Jim Wallace's inquiry, but I believe that it was.

I presume that parliamentary committees are considering how to do cross-cutting work on European issues; the Government is doing exactly the same.

The Convener: I understand from the clerks that the transposition notes are what you wanted to refer to earlier, minister. You are right—the clerks are exceptionally good.

Linda Fabiani: I bet it was Jim Johnston who remembered that.

The Convener: I have some questions for you, minister. First, though, I do not believe that we have had a formal response from the Executive yet on the Jim Wallace report to which you referred. Can you indicate when one will be forthcoming? I understand that you may not be able to do that just now. It would be most helpful for our discussions if we could have a response before the committee's away day.

Linda Fabiani: I will ensure that you have that.

The Convener: Like others, I am delighted to hear about your continuing commitment to focusing on Malawi. I understood that the agreement was being monitored and reviewed on a six-monthly basis and that a review was due this month. Are you planning a visit? How do you intend to conduct the review? Is it different from the work that you described whereby people will consider what does and does not work, which I imagine would form part of a review in any case?

16:00

Linda Fabiani: The two things are slightly different. The review that you are talking about is carried out on a six-monthly basis. From what I have picked up, one meeting is held at official level and the next is held at ministerial level. There will be a review in mid-July. One of the relevant officers is going out to meet their counterpart in Malawi.

The Malawi agreement and action plan comprises lots of things that have to be monitored. Some parts have been implemented already, but other parts have not. The work that Lisa Bird is going out to do with her counterpart will involve considering the detail of the action plan to see where we are with things, what has been successful and what is worth proceeding with. What she comes back and tells me will inform the more strategic review that we have—it is a natural time to be doing that.

I am trying to guard against talking about reviews in case we create a false worry in Malawi that we are not perhaps as committed as the previous Government was. I have written to the Government there to assure it that that is not the case. I am trying hard to send positive messages

through the non-governmental organisations that go out there fairly often, the Commonwealth Parliamentary Association and the cross-party group, which I understand will be reconstituted and is meeting for the first time next week.

Another six-monthly review at ministerial level is due fairly soon. The July meeting is late; it should have been held in May, but for obvious reasons it did not happen. There is supposed to be a ministerial meeting in November, but for the reasons that Mr Brocklebank laid out carefully, I will not be able to go out then—unless he wants to come with me.

Ted Brocklebank: Who is paying?

Linda Fabiani: I hope that it will suit our partners in Malawi to have the meeting during the October recess, so that I can visit. That will enable me to provide reassurance, which is important, and to get agreement on how we proceed. It is not about my going out there and saying, "I think we should be doing this, this and this" but rather, "These are my thoughts. What are yours and how do they tie in?" It is important that the work is spearheaded by the people in Malawi, who know what the problems are and how they have to be addressed.

I think that a parliamentary delegation from Malawi is coming over soon. I do not know why I think that—perhaps I just think that there should be such a visit. I seem to remember having a discussion with someone and suggesting that that visit would be an opportunity to provide reassurance, which is paramount. I will look into that.

The Convener: So, you are not going to take the opportunity to visit during the summer recess. An early visit would do exactly what you are describing by sending the right message of reassurance to people in Malawi.

Linda Fabiani: I am not going to do that. Of course I considered going, but there are big issues in Malawi at the moment. You will know that the President's wife died and that a period of mourning comes to an end next week. That means that certain work has not been done. There is also a bit of a constitutional wrangle going on at parliamentary and Government level, which is going through the courts. There might end up being an election in Malawi later this year, which would be out of time. I hope that that does not happen, because it might be unsettling. I would rather that things were settled politically before I went. I have my fingers crossed that by the time I go in October, people in Malawi will have got over this blip. I would rather not go out while there is turmoil; there will be many other things on people's minds.

I am assured that the relationship between officials is such that they can be open and honest with each other and that they have a good working relationship.

The Convener: That is excellent to know, minister. Thank you. Let us move on to Europe.

Linda Fabiani: Back to Europe.

The Convener: Back to Europe, indeed. You spoke about your first visit to the JMC on Europe and your intention to involve this committee in establishing Scotland's priorities for Europe. What will be the process for that? When will a paper come from the Executive to the committee? When will the next JMC take place and how do you expect us to establish the priorities that you will take forward?

Linda Fabiani: The next JMC will take place in October. Over the summer recess, we will consider the 24 priorities that were set by the previous Government. I do not think that the previous committee had any great issues about any of those priorities. I hope to be able to give you a flavour of what we are looking at when the committee has its away day. Following that, I hope to make a fairly quick appearance at the committee to talk specifically about the Executive's EU priorities so that, when I meet my devolved counterparts prior to the JMC, I will be able to tell Westminster—prior to the meeting, in the appropriate papers—that we have considered our priorities and say how the Parliament feels about them. We feel strongly that that is the best way forward, if that suits you, convener.

The Convener: Yes, that is a welcome opportunity. We will leave it to the clerks to liaise with your officials about the practicalities of giving that effect. The committee would welcome that.

I ask for clarification as a simple soul who wants to avoid confusion. I know that many ministers have portfolio activities that touch on every aspect of Europe. Is it your role to co-ordinate them all? Do they take the lead role on portfolio issues? I am keen to understand the institutional clutter.

Linda Fabiani: "Co-ordinate" is perhaps too strong a word. Things in relation to Europe—the things that John Park talked about, for example—will come through my office: I will see them all. However, the actual practice will be more portfolio based. For example, if something came through about farming, it would go to the Cabinet Secretary for Rural Affairs and the Environment. "Overarching" is a better word, which Lynne Vallance has just suggested. I am overarching.

The Convener: Okay. I will check my dictionary to ensure that I understand exactly what that means.

You referred earlier to joint working—which is a key part of your portfolio—and strengthening ties

with Westminster and the other devolved Administrations. Have you thought about how you will strengthen those ties?

Linda Fabiani: There are some basic issues. We will have to wait and see who the appropriate new ministers are when the new Prime Minister has picked his Cabinet. Early on, I wrote to my counterparts, telling them that I would appreciate the chance to meet them. I also met quite a lot of people when I attended my first JMC. That was very useful, although some of those people might not be there the next time.

A lot of it comes down to knowing whom we are dealing with, especially as the Government of the devolved legislature is a different political party from the Government at Westminster. There will not be the same natural knowledge of people and relationships that exists when ministers come from the same background. It is, therefore, important to create networks that will allow us to co-ordinate properly, be constructive and move forward. I have absolutely no reason to suspect that that will be a big issue. I am sure that everyone wants to work constructively on it. As I told you, the chair of the European Scrutiny Committee of the House of Commons phoned me to say that he would not mind getting together for a chat. I guess that he feels a bit like this committee in wanting to know what our priorities will be and how we want to move forward.

Scotland's seven MEPs have spats now and then but, generally, they work together well on issues that relate to Scotland. We can use those networks to ensure that we have constructive relationships.

The Convener: I detect from your comments that you found value in the joint ministerial committee arrangements and that you want them to continue.

Linda Fabiani: The arrangements have huge potential value. I am willing to say that, because the talks on the European constitution and so on were close, the meeting to which I went was perhaps not entirely typical. However, it is vital to have informal links with counterparts in Westminster, Europe, Ireland and Wales and to have the formal mechanisms that are set out in the memorandum of understanding, which allow us to have joint discussion and to talk properly about and iron out any disagreements—"disputes" is perhaps too strong a word—so that everyone knows where everyone else is coming from.

It is a shame that the joint ministerial committee on Europe is the only committee to have been maintained. Resurrecting the plenary meetings and the other subject JMCs that Mr Dewar established way back in 1999 would have value.

The Convener: I have one final question before I see whether other members are interested in pursuing matters. I will ask about the constitution. The debate for me is about clarity more than anything else. I understand that in the Administration's first 100 days it will produce an independence white paper, in which the committee may well have an interest. Are you the ministerial lead for that? I say out of mischievousness that I understand that Alex Neil wrote the paper's first draft way back in January. Will you build on that first draft or do you have a different approach?

Linda Fabiani: The First Minister's office will lead on that.

The Convener: I am looking for absolute clarity. Which minister is in charge of the white paper? You are part of the First Minister's office.

Linda Fabiani: The First Minister's office will be responsible. When appropriate, we will let you know who is leading.

The Convener: Okay—thank you.

Irene Oldfather: I have two quick points. The minister might have to write to us about them, but I thought it important to raise them. The committee has been interested in how the co-operation agreements with Tuscany, Catalonia and so on are working and what they are delivering for us. The committee may well consider that, so I am interested in whether the Executive has had the opportunity—it might not have—to examine those agreements.

You and the committee have always been interested in how we can ensure that Scotland's voice is heard in bids for the European institute of technology. Given that the issue is so important, have any early discussions been held on that? How will you develop that?

Linda Fabiani: I can answer to an extent. If you want further information, Lynne Vallance will take a note and provide it to you.

On co-operation agreements, you hit the nail on the head: how useful are they? I am considering that in relation to the whole portfolio on Scotland's relationship with the world. I am examining the agreements carefully—as you say, quite a few exist. We could count them up. Outwith Europe, Scotland has agreements with the state of Victoria in Australia and with Shandong in China, for example. I am considering where we have most value from agreements and I am happy to report on that when appropriate.

On Thursday, Fiona Hyslop and I will meet Commissioner Figel', who is responsible for education, and I hope to raise the European institute of technology then. Have you heard anything through your networks? It all went quiet after the last report that the committee had.

Irene Oldfather: I have not heard anything. Because of the election, we have left the matter in the hands of civil servants to take up on our behalf, but it is good to know that people will actively pursue the issue.

The Convener: I thank the minister for coming to a committee meeting early in the session. Her comments will help us to shape the agenda for our away day. We look forward to the dialogue continuing and the clerks will pick up several action points in conjunction with the minister's officials. If we do not see you before the away day at the end of August, minister, we look forward to seeing you then.

Linda Fabiani: I look forward to seeing the committee.

The Convener: We might ask some slightly more detailed questions, but there you go—you would expect that of us. I close the meeting but ask members to stay for a moment.

Meeting closed at 16:15.

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