



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Tuesday 22 April 2014

Session 4

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Scottish Parliament

Tuesday 22 April 2014

[The Presiding Officer *opened the meeting at 14:00*]

Time for Reflection

The Presiding Officer (Tricia Marwick): Good afternoon. The first item of business is time for reflection, and our leader today is Larry Blance from the Tibetan Buddhist Meditation Centre for World Peace and Health.

Larry Blance (Kagyu Samye Dzong Glasgow, Tibetan Buddhist Meditation Centre for World Peace and Health): Good afternoon. I would like to talk today about what seems from a Buddhist perspective to be a crazy way of life.

There are many human beings in the world who apparently have everything—a job, money, a partner, material comfort—but who are mentally very poor. They cannot share their wealth with others and are unable to appreciate what they have. A person who completely forgets what they already have and who always focuses on what they still need to get in order to be happy is not only an unfortunate human being, but is actually mentally very poor.

The way the capitalist system is built is very clever, because people get the feeling that the harder they work and the more commitments they make, the greater will be the rewards that they get—be it money, a bigger car or a better house. However, in my opinion that is precisely the moment when they have sold themselves out. It is the moment when they have lost their dignity; they can no longer be themselves and are enslaved by what they want.

The unrestrained greed that drives so many people shows their lack of wisdom and their inability to appreciate what they have. Many people already have more than they could ever need, but although they have everything materially, they have no inner peace—they have no happiness. Some wealthy people do not even have time to eat a proper meal or to be with their children and husband or wife to share some kindness, warmth and happiness with them. They have big beautiful homes, but find only loneliness when they return home. The warmth that they really want cannot come from electricity or central heating; it can come only from love and compassion.

The world nowadays is very challenging for every one of us. We feel that we need to do well for ourselves, and when we try to do that our needs and wants seem to take over our lives to

such an extreme that we feel stressed and sometimes even physically sick because of the never-ending expectation and challenge.

According to the Buddha's teachings, the most effective way of achieving anything, or of having meaning in our lives, is to develop a very stable and positive mind. It is considered selfish to think only about our own needs and wants, which just causes us suffering and stress. As Buddhists, we are asked to respect other people, other beliefs and other races, and to be self-reliant and never to be judgmental of others who seem to be different from ourselves. We learn to be responsible for our own happiness rather than to depend on other people or things.

The more positive and engaging our way of thinking, and the more we think about everyone else's wants and needs, the happier we will all be.

Business Motion

14:03

The Presiding Officer (Tricia Marwick): The next item of business is consideration of motion S4M-09771, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, which sets out revisions to the business programme for this week.

Motion moved,

That the Parliament agrees to the following revisions to the programme of business—

(a) Tuesday 22 April 2014

delete

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Debate: Scotland's Voice in the EU

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

and insert

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Motion of Condolence: Margo MacDonald

followed by Topical Questions (if selected)

followed by Appointment of Scottish Ministers

followed by Scottish Government Debate: Scotland's Voice in the EU

followed by Housing (Scotland) Bill: Standing Orders Rule 9.6.3A

followed by Business Motions

followed by Parliamentary Bureau Motions

5.30 pm Decision Time

followed by Members' Business

(b) Thursday 24 April 2014

after

2.30 pm Stage 1 Debate: Housing (Scotland) Bill

insert

followed by Financial Resolution: Housing (Scotland) Bill

Motion agreed to.

Motion of Condolence

14:03

The Presiding Officer (Tricia Marwick): Our next item of business is one that we would all prefer not to be holding: a motion of condolence, in the name of the First Minister, following the death of Margo MacDonald MSP.

Friends, it is hard to believe that we are gathering again to pay tribute to another one of our own who has passed too soon: the incomparable, the irreplaceable and the independent Margo MacDonald. Our condolences go to Jim, Zoe, Petra, Craig, and to her grandchildren and wider family. Jim, Petra and Roseanne have joined us in the gallery. I thank them for being with us today.

On the day of her death, I likened Margo to a sparkling jewel for her contribution to this Parliament. She took up the difficult causes, such as prostitution and end-of-life legislation—issues that most politicians shy away from. However, Margo was never just a politician: she transcended politics and political parties. She made the complex simple and spoke a language that everybody understood.

The way in which she coped with her long and painful illness inspired many people, including me, and showed what bravery really is. People loved and admired Margo. That is why she was able to go before the electorate in Lothian and be elected three times as an independent member.

There is another reason why I called Margo our “sparkling jewel”; we know how much she loved her jewellery and her bright clothes. If QVC did not exist, Margo would have had to invent it. I was, as Presiding Officer, a disappointment to her—she often told me that I just do not wear enough jewellery. She was determined that I should wear more, and I was just as determined not to. She cajoled and nagged me, and when all that failed, she gave me a small bag of necklaces. I was still reluctant to wear them—after all, how could anybody out-bling Margo? However, today, just for Margo, I am wearing my bright clothes and her necklace.

I said that Margo is irreplaceable. She is, and it feels somehow appropriate that our electoral system means that she will not be replaced on the Lothian list.

Margo MacDonald—we will never see your like again.

14:06

The First Minister (Alex Salmond): There are very few politicians who are known just by their

first name, but Margo—it always was just “Margo”—was one of them. That provides us with one indication of how she achieved that very rare combination in politics: she managed to be influential and was widely loved by politicians and people, but particularly by the people.

When Margo won the Glasgow Govan by-election in 1973, she played a crucial role in popularising the cause of Scottish independence. She held the seat for a mere three months, although it is arguable that she had more influence on real politics than people who sat in Westminster for 30 years.

It is hard to overstate what a force of political nature Margo was in the 1970s. I first met her some 37 years ago, when she spoke at a meeting in St Andrews. We gave her a lift back home, and I relished the opportunity to give her the benefit of my student analysis of Scottish independence. No sooner had we left St Andrews than Margo fell asleep, and slept the whole way. That was the only time in almost 40 years that I ever got a word in edgeways when talking to her.

Margo put her years outside politics to good use. She was director of Shelter Scotland for three years, and was a widely respected journalist and broadcaster through the 1980s and 1990s. However, it was the reconvening of the Scottish Parliament that gave her the chance to re-enter the political arena, and over the past 15 years she has been, quite simply, the finest parliamentarian that this chamber has seen.

It is hard to imagine that anyone else in Scotland would have had the profile, talent and sheer presence to be elected three times to the Parliament as an independent candidate, but Margo did. As an MSP, she pursued a wide range of causes, regardless of whether they were popular. She was one of the first to call for an inquiry into the cost of the Parliament building, and she spoke up for the health and wellbeing of Edinburgh’s sex workers. In recent years, she was a staunch advocate of the right of terminally ill people to choose the manner of their death.

Even more important than the causes that she fought for was how she fought for them. She combined unyielding integrity with immense personal warmth. She always put people before party or ideology, she was prepared to work with anyone who agreed with her, and she was able to understand and empathise with those who opposed her views. It is typical that, when she spoke with undiminished vigour and clarity at last September’s rally for Scottish independence on Calton Hill, she emphasised the crucial importance of everyone in Scotland pulling together, regardless of the referendum outcome.

In the past year, we have lost four of the MSPs who were elected in 1999: Brian Adam from the Scottish National Party, Helen Eadie from Labour, David McLetchie from the Conservatives, and now Margo, who was an independent. They varied widely in their political views, but were united in their capacity for honest disagreement. The ability to respect one’s opponents and to be respected by them are qualities that have deep roots in Scottish political discourse. We should treasure them now, more than ever.

I sometimes had honest disagreements with Margo—after all, she was a passionate Hibernian supporter—but I have admired her all my adult life. I saw her just three weeks ago when, despite great physical infirmity, she dispensed wise advice, and her enthusiasm and commitment to the independence cause was bright and undimmed.

When an MSP dies, it is usual for them to be replaced, either through a by-election or the elevation of someone else in the party list. There is something fitting about the fact that Margo’s seat will remain vacant until 2016; she is, quite literally, irreplaceable.

Our loss at Holyrood is great, but it is as nothing compared with the loss that is being borne by those who were closest to her. Our heartfelt condolences go to Jim, Zoe, Petra, Roseanne and all of her immediate family. On Margo’s death, Jim Sillars said:

“the brightest light in the Scottish political firmament has gone out.”

He was right. It is difficult to imagine this Parliament—indeed, it is difficult to imagine this Scotland—without Margo MacDonald.

It is with great sadness, but also with great pride in, and admiration for, her extraordinary contribution to Scottish political life that I move the motion of condolence to the friends and relatives of Margo MacDonald, on behalf of the entire Parliament.

I move,

That the Parliament expresses its deep regret and sadness at the death of Margo MacDonald MSP; offers its sympathy and sincere condolences to her family and friends; recognises the high regard in which she was held by so many people from all parties and none; pays tribute to her significant contribution to public life as a teacher, a journalist, a campaigner and a parliamentarian, and acknowledges her distinguished record of dedicated service to her constituents in the Lothians and to the people of Scotland.

[Applause.]

14:11

Johann Lamont (Glasgow Pollok) (Lab): This is another sad day for the Scottish Parliament, as

we gather to reflect on the loss of Margo MacDonald—yet another of the class of 1999 who has been taken from her family, and from us, all too soon. I extend the sympathies of Scottish Labour to Margo's family at this saddest of times. Our thoughts are also with her loyal staff, who have been with Margo since the beginning. I can only imagine what it must have been like trying to keep Margo to any notion of what a diary is and how it should operate. They, too, will be bereft at this time.

Margo's passing sees the bright light of one of the biggest personalities and characters of Scottish politics go out. She was a formidable politician. The fact that she was elected and returned as an independent by the people of the Lothians—a rare feat in national politics—shows how she reached beyond party politics. She became almost a political institution in her own right—albeit one with the widest array of dazzling jackets ever seen in Scottish politics.

Like others here, I had many a disagreement with Margo. That is the stuff of politics; they were debates and arguments that were conducted without acrimony. She was a woman of strong convictions that were robustly expressed. She was a serious politician, and she did not gain such immense popularity by softening her views or by dimming the passions that drove her politically. She had strong views, but it was clear that those views did not define her; rather, they were an expression of the deeply held values that had shaped her life.

Margo was prepared to explore contentious issues—she did not balk at them. It was a joy that such a serious politician could take politics seriously without talking herself entirely seriously. She delighted in the ordinary—the quick quip, the amusing line and the silliness of life. She offered advice about which jackets and make-up to wear and which bling to acquire. That made her all the more endearing.

I reflect too on the fact that, as a young woman, in her short time as an MP, she made a massive impact. I am sure that she found herself not for the first time, and certainly not for the last time, to be a trailblazer in that role. She was so often a woman in a man's world, whether in politics, journalism and broadcasting. She made a mark for herself, but she also represented progress for all women.

Across the chamber and far beyond, people will have the fondest memories of Margo. I remember her as a woman who was courageous in her battle with ill health, but who offered comfort and understanding to others who faced the loneliness of debilitating illness. She was a woman who focused on huge issues, such as what type of society Scotland could be and what its future should be. She was also a woman for whom family

mattered hugely; indeed, she never seemed to be more relaxed than she was when talking about her family holiday plans.

She was always kind, warm and compassionate. She shared generously with me her observations on my effectiveness in contributions to particular debates; she was equally generous in her observations on my wardrobe and its failings.

Our thoughts now are with Jim, her children and her grandchildren, who must feel their loss most grievously. They will, I hope, take comfort from all the voices that have been raised across Scotland and beyond in celebration of Margo's life and legacy.

Parliament has lost one of its biggest personalities. Today we mourn that loss and offer our condolences to her family, but we should also celebrate a life that was lived well, in the service of others. [*Applause.*]

14:00

Ruth Davidson (Glasgow) (Con): The First Minister was right that few politicians make it to single-name fame. Yes, pop stars, actors and sometimes even artists do, but not many people in this job do. However, such was Margo's star power that every Hibs fan, every taxi driver, every Govan dweller, every Edinburgher and every politics watcher and newspaper reader—pretty much all Scotland—knew immediately and without need for context exactly who we were talking about when we said the name “Margo”.

Much has been written about Margo's remarkable political career, which spanned decades and Parliaments and included moving from being a party member to being an independent. It was so unique that there is no process to fill her vacant seat, which seems to be appropriate, because there is no replacing the truly irreplaceable.

She was always a committed nationalist, but it is appropriate—to this outsider, at least—that Margo spent the majority of her time in Holyrood on the independent benches, because independent she was. She was independent of thought, independent of mind and independent of spirit. She championed unpopular and overlooked causes, including prostitution and assisted suicide, which are difficult and morally complex areas. They are issues of grown-up politics that required all of us to examine our consciences. She championed such causes in part because they were unpopular and overlooked, and because difficult decisions should be taken by Parliament and every issue deserves to be examined.

Gutsy and gallus, forthright and determined, Margo also had a real warmth and humour. She was happy to take her colleagues to task when she disagreed with us—and, by God, you knew when you'd been Margoed—but she was also happy to throw an arm round a colleague and give them a piece of advice that she felt they needed. A couple of weeks after I was elected, I brought my family to the Parliament to show them round. As we crossed the garden lobby, Margo pulled my family over and, pointing at me rather sternly, said, "She's got a lot to learn, that girl." Then she twinkled and said, "But don't you worry, I'll look after her." She was right on both counts.

Presiding Officer, if you think that you disappointed Margo in the bling stakes, you should have heard the grief she gave me for wearing dark suits and no rings, and for having unadorned ears.

I think that the reason why Margo could be so demanding of her colleagues and opponents, and so demanding on procedure—we remember the number of points of order that she made—was that she was passionate about Scotland and about building a better country. That requires a Parliament that measures up, so she wanted individuals to do better so that the nation would do better.

For her, that also meant an independent Scotland. In this year, when the constitution is the main faultline in Scottish politics, I am avowedly on the side of our remaining part of the United Kingdom and will fight for that between now and September but, truly, Margo's is one yes vote that I wish I could have seen being cast.

We have lost too many of our number, from all sides of the chamber: Brian Adam, David McLetchie, Helen Eadie and Margo MacDonald. I do not know what happens in the afterlife, but I would like to think that somewhere they are having a terrifically disputatious argument, possibly involving a glass or two of wine. Although I would always back David's forensic legal brain, I do not doubt for a second that it would be Margo who would get the last word.

Margo's passing leaves the Parliament and the political life of this nation more dull and monochrome, because she lit this place up. My thoughts and prayers and those of my party are with Jim, Zoe, Petra and the wider family at this time. I support the motion in the First Minister's name. *[Applause.]*

14:19

Willie Rennie (Mid Scotland and Fife) (LD): In recent years, we have lost several people from the political world who I would describe as engaging rebels—people who can deliver a message that, if it were to be delivered by many others, would be

unpalatable and would be dismissed without any consideration; people who ooze trust and authenticity in a political environment in which the public considers those values to be rare; and people who can immediately put the man in the street at ease so that they can have an engaging and often humorous discussion about the matters of the day.

Many such people have left us in recent years; Tony Benn was one of them. If Margo was here now, sitting in her usual place, she would castigate me for such a comparison, as she often did about so many other issues, but she shared characteristics with such great leaders. She had the common touch, she was engaging, she could deliver unpalatable messages in an appealing way, and she was trusted and authentic.

Margo was able to tread the line between rebellion and credibility—she was both a rebel and credible. Despite parting company with her party, she still had a positive impact on it. Despite raising challenging issues, she was still listened to. Despite having no party machine to help her to win, she had the appeal to win several times over in the one election. If she was afraid, she did a very good job of hiding it. Many people would fear to raise issues such as assisted suicide and protection of sex workers, or to launch out beyond the support of the party machine, but she showed no fear throughout her political life.

Margo was certainly not afraid to pass comment on anything or anybody, from media regulation to independence, and from our relationship with China to our membership of the European Union. She even remarked on my latest suit that she guessed it was being worn for an especially big speech that day. I am sure that she had a view on everything. Rarely did she miss the mark. She could change the course of a debate and had impact with her penetrating insight and apposite commentary.

In Alex Neil's wonderful tribute to Margo, he said:

"She was the most human of politicians. She spoke with the head but always informed by the heart."

Margo had passion for politics right to the end. She proudly took her seat in the chamber when she was clearly in pain, and she struggled to her feet when her physical strength was diminished, but she battled on to make her impact on the country she loved. *[Applause.]*

14:23

Patrick Harvie (Glasgow) (Green): I will add some thoughts from the Green and independent members. I express our deepest condolences to Margo's family and friends for their loss.

I wish that I could add some recollection or memory from Margo's historic 1973 by-election win, but sadly I was only eight months old at the time, so to do that would have required a degree of precociousness that I do not think anyone would expect. However, when I was growing up, even when Margo was no longer in Parliament, she was a recognisable political figure and one of the people who taught me that there is such a thing as a distinctively Scottish politics.

Later, as I became politically active and during the early days of this Parliament, she offered her support during the section 28 campaign—albeit that that support was couched in her always independent and not always totally politically correct terms. Following the 2003 election, I was one of seven MSPs who were green in more ways than one, and she was always a source of advice and challenge in equal measure. She brought dedication, wit, insight and—as you said, Presiding Officer—a flash of colour to our proceedings. I never got make-up advice from her, but she often challenged me because I wore too many dark ties. I do not think that she would have forgiven me for wearing one of them today.

Over the past year and a half, I had the privilege of working more closely with Margo through the formation of the Green and independent group. I think that the name “Grindies” was her idea, in fact. This corner of the chamber will be a lot poorer for the loss of her warmth and wit; that is also true of the Parliament as a whole. The formation of the group was never a surrender of Margo's independence; it was more about a natural fit among the five of us on most issues. However, it was always Margo who was the source of guidance, the voice of experience and the source of juicy background gossip on lots of members. I hope that she wrote a lot of it down, because in her head there were secrets that do not deserve to be lost.

Members have already remarked on the many causes that Margo was fearless in adopting—issues that many politicians would shy away from. She thought that we should all be paid less, for starters. Not many of us would say that. Other issues include her work in representing the interests of sex workers—as she saw them, although not all would agree—and her criticisms of the Parliament building, which not all would agree with.

Independence was an issue that she campaigned on all through her life, but not always with the same approach to that mission as her former party took. There was also the issue of assisted suicide and the presentation of her new bill to Parliament just five months ago. All members would recognise Margo's commitment and determination through some incredibly

challenging times. It causes me great sadness to say that she will not be here to see the culmination of her work on those last two issues. Whether members agreed or disagreed with Margo on those issues, very few could fault her determination, her integrity or the flair with which she put forward her views. In progressing Margo's bill in this session of Parliament, I thank the many MSPs and members of the public who have taken the time to get in touch and to offer their good wishes. It is important that Margo's intentions for that bill be put before Parliament, scrutinised and debated.

I hope to have opportunities, in the future, to celebrate successes on some of the issues that Margo championed when she was with us. However, when celebrating, on entering the bar it will not be quite the same if I do not see Margo's chair waiting outside, suggesting that she is inside with a glass of something fizzy and a few apposite quips. All of us will miss Margo. [*Applause.*]

The Presiding Officer: I call a short suspension before we move to the rest of this afternoon's business. We will reconvene at 2.50.

14:27

Meeting suspended.

14:50

On resuming—

Topical Question Time

Electricity Power Cut (Cause)

1. Rob Gibson (Caithness, Sutherland and Ross) (SNP): To ask the Scottish Government what information it has on the cause of the electricity power cut which affected people in the north of Scotland on 17 April 2014. (S4T-00667)

The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney): Scottish and Southern Energy Power Distribution discovered a faulty electronic relay at its Knocknagael substation, which is near Inverness. It is believed that the relay malfunctioned just before the outage last Wednesday. Circuit breakers identified a potential fault on the main network and opened to protect the systems that supply the north and the west of the country from more protracted and significant damage. SSEPD has reviewed the events and modified systems and it is confident that that will prevent a recurrence of the same problem affecting its wider network. I will place in the Scottish Parliament information centre a more detailed account of the actions that the Scottish Government and supporting authorities took during the loss of power on 16 April.

Rob Gibson: I thank the cabinet secretary for that explanation, which is the first that we have had in any detail. I look forward to reading the document that will be placed in SPICe. Will he arrange for SSE to brief MSPs who represent affected areas on the grid control system for the north of Scotland, so that we can reassure our constituents that the system is resilient and ready to serve today's essential electronic systems?

John Swinney: I am happy to convey that point to SSE. In my dealings with the company in my constituency, I have always found it willing and able to provide substantial information about such issues and to provide such reassurance.

As for the wider question of the grid system's capability and effectiveness, it is clear that the grid's capability is undergoing a major enhancement—for example, the new Beaully to Denny power line, which is under development, is a substantial investment in ensuring that we have grid capability and capacity that will prove resilient for many years. The existing grid network is carrying heavy loads, given the increased generating capacity in the north and the west. The installation of new grids, such as Beaully to Denny, will be a significant factor in ensuring resilience in the years to come.

Rob Gibson: I thank the cabinet secretary for that detailed answer. The grid system is important to us in the north, as it is everywhere.

After a widespread power outage, what steps does SSE take to ensure that customers such as mobile phone service providers can reboot quickly? As the cabinet secretary is well aware from his visit to Ullapool on 18 April, no mobile phone signals were available in that area until well into the afternoon following the outage. Many other systems were also affected. Can we find ways of clarifying the position for MSPs in the affected areas?

John Swinney: Mr Gibson makes an important point. Re-establishing power networks after an outage is a high priority for Scottish and Southern Energy Power Distribution. The incident took place at 20:36 and all connections were back up and running by 1 o'clock the following morning. Most were reconnected by 23:30, but there were further problems in the Orkney area, which had a prolonged outage until about 1 o'clock in the morning.

There were further implications for other networks, such as mobile phone networks—as Mr Gibson said, they were affected. Close working between grid operators and individual suppliers is a priority. The First Minister convened a number of telephone conversations with resilience officials in the Scottish Government on the Wednesday evening and on the Thursday to ensure that all connectivity activity was taking place. Swift action was taken on the Wednesday evening to re-establish connections, but there were implications for other users, which must have just as prompt attention, to ensure that other services that have been disrupted by power outages are put back in place.

David Stewart (Highlands and Islands) (Lab): The mass power outage that affected 200,000 homes throughout the Highlands and Islands last week was unusual and troubling. I am concerned about the possible effects on business and on elderly and vulnerable individuals in my region. Has the cabinet secretary or any of his colleagues received comprehensive statistics from the police, the Scottish Fire and Rescue Service and health boards to determine whether there was an increase in the number of domestic and workplace accidents during the period in which the power was off?

John Swinney: I have no information of that type, but I assure Mr Stewart that all relevant emergency agencies were involved in the calls that the First Minister convened. The priority of such discussions is twofold: to press to ensure that services and supplies are restored at the earliest possible opportunity; and to identify any areas of vulnerability that members of the public

may experience. Health boards, the police and local authorities are all involved in those calls to ensure that any possible vulnerability is identified. The authorities are, obviously, aware of where such circumstances are more likely to occur. In some affected parts of the Highlands and Islands, standby generating capacity was operated swiftly to ensure that services were re-established as quickly as possible in the circumstances.

Alex Johnstone (North East Scotland) (Con):

The cabinet secretary will be aware that some individuals with engineering experience have suggested that overreliance on wind turbines may have contributed to grid instability. I ask that he not deny that straight away but take the opportunity to inquire whether it could have been a contributing factor.

John Swinney: I am absolutely certain that it was not a contributing factor. Mr Johnstone is free to ask whatever questions he wishes, but I would think that what I said to the Parliament in my original answer—that Scottish and Southern Energy Power Distribution discovered a faulty electronic relay at its Knocknagael substation, which is near Inverness—would have been enough reassurance for him. That is an explanation of what originated the problem and what had to be addressed. I can say emphatically to Mr Johnstone that, engineering experience or no engineering experience, the comments that we have heard about the involvement of wind turbines are utterly misplaced in the analysis of the incident.

Liam McArthur (Orkney Islands) (LD): I thank the cabinet secretary for outlining the detail of what lay behind the problems and for his response to Alex Johnstone. The cabinet secretary is right to say that there were more protracted delays in restoring power in my constituency. He provided the Parliament with reassurance that there should be no recurrence of the incident, but have steps been taken specifically in relation to Orkney to ensure that there is not?

John Swinney: I am sure that Mr McArthur will appreciate that the issue that affected the reconnection in Orkney was subsequent to the original fault in the switching system. It prolonged the problem by about 90 minutes, which added to the inconvenience for members of the public in the Orkney community.

Over the Easter weekend, SSE looked carefully at the circumstances that led to the incident. It is alert to the necessity to tackle any power outages and minimise any inconvenience to members of the public. That will remain its priority in moving forward.

The points that Mr McArthur raises are important for his constituents and I assure him that

those factors will be examined closely in identifying what steps can be taken to strengthen the existing arrangements to minimise such difficulties.

When I visited the SSE grid control centre in Perth just after the Christmas break, I saw at first hand the depth of the information and the sophistication of the systems that are available to identify where outages are taking place throughout the country. Tackling outages is clearly a priority for SSE.

Rhoda Grant (Highlands and Islands) (Lab):

I know that SSE and social work departments have lists of vulnerable people who might be affected by power outages. Is that information shared, and are checks carried out on those people during occurrences such as the one that we are discussing?

John Swinney: That is really the point that I was making to Mr Stewart in my earlier answer. The First Minister instructed the resilience operation to take place on that Wednesday evening. Local authorities and other agencies were already undertaking activity in advance of the activation of the resilience arrangements, as a matter of routine practice, to deal with exactly the circumstances that Rhoda Grant has highlighted in relation to vulnerable individuals. For example, we had information about a member of the public who required access to oxygen services in their home, which is made difficult if there is a power outage. The emergency services were able to provide the support that is required by that individual in those circumstances.

The information about vulnerable individuals is held by local authorities and emergency services. Whenever such a circumstance arises, those plans, which are regularly exercised, all kick into action. The type of resilience monitoring arrangements that the Government puts in place are to provide reassurance that all necessary steps are being taken to ensure that any vulnerable individuals are being supported, as I explained to Mr Stewart, and that all steps are being taken to reactivate services, where that requires to be undertaken.

Ministers

The Presiding Officer (Tricia Marwick): The next item of business is a debate on motion S4M-09773, in the name of the First Minister, on the appointment of Scottish ministers. I remind members that the question on this motion will be put immediately after the debate, not at decision time.

15:02

The First Minister (Alex Salmond): I am pleased to seek the Parliament's approval of the appointment of Angela Constance and Shona Robison as cabinet ministers, through this motion in my name.

I stress to Parliament that these proposed appointments are based on merit and responsibilities. The appointment of a new cabinet secretary for training, youth and female employment underlines the priority that we attach to increasing the number of women participating in the labour market, and to creating opportunities for our young people. The appointment of a cabinet secretary for the Commonwealth games, sport, equalities and pensioners' rights will guarantee a specific Cabinet voice for Scotland's pensioners for the first time, and it underlines this Government's absolute and unwavering commitment to equality, by ensuring that the minister with responsibility for that issue has a place in the Cabinet.

Angela Constance and Shona Robison are being proposed for appointment because of their record in Government. Shona Robison has been hugely successful as Minister for Commonwealth Games and Sport. The games are well on course to be the greatest sporting and cultural celebration that Scotland has ever seen. Angela Constance, as Europe's only Minister for Youth Employment, has overseen progress on tackling youth employment. This Government is delivering 25,000 modern apprenticeships each year and will increase that number progressively to 30,000 by 2020. Our opportunities for all initiative guarantees work or training for every 16 to 19-year-old. Our youth unemployment figures are the eighth lowest in the European Union. However, there is much more still to be done.

On women's employment, we have had some extremely encouraging figures. This month has seen the highest employment figures in Scotland on record—the highest in history. Significantly, within those figures, the rising aspect over the past year has been the growth in women's employment—the majority of it in full-time positions. However, further aspects and initiatives need to be addressed in that area, too. It is 44

years since the passage of the Equal Pay Act 1970, yet there is still much to be done in that area.

There is a further significant consequence of the appointments. The Scottish Government has made it clear that, in an independent Scotland, we will consult on a target for women to make up at least 40 per cent of the membership of all boards, public and private. Within the next few weeks, we will begin a consultation to determine whether there is support for ensuring that 40 per cent of the make-up of devolved public boards is female. We believe that a merit-based approach is the route by which boards can achieve that. The appointments that I am proposing today will mean that Scotland's board—the Cabinet—has 40 per cent female representation for the first time. For public appointments overall, the level of female appointments is 39 per cent and rising. The Government is, therefore, practising what we propose that others implement.

The appointments place two outstanding ministers in the Scottish Parliament in the Scottish Cabinet. They underline our commitment to equality, to pensioners and to helping the young people of Scotland into the workplace. They demonstrate that equality and inclusion will be at the heart of everything that the Government does.

I commend to the Parliament the appointment of these two excellent ministers.

I move,

That the Parliament agrees that Angela Constance and Shona Robison be appointed as Scottish Ministers.

15:05

Jackie Baillie (Dumbarton) (Lab): I congratulate Angela Constance and Shona Robison on their appointments to the Scottish Cabinet, and I indicate that we will support the Government's motion. I have always rated both of them as politicians and, indeed, as people. My regard for them has clearly not been the kiss of death for their political careers, as some people might otherwise have thought, although I have always been careful to hide my praise for them in front of the First Minister.

They are, of course, intelligent and capable women, and they have always been intelligent and capable women, so one cannot help but wonder why they have not been promoted before now. However, this is perhaps not about recognising talent; it is simply about the referendum. Apparently, the First Minister has a problem with women—or is it that women have a problem with Alex Salmond? I am sure that it comes as a surprise to him, but it appears that women do not altogether trust the First Minister and his promises. I have always believed that women are the more

thoughtful and discerning sex. If nothing else, the proposed appointments probably prove it.

The appointments, great though they are, will themselves make little difference to the experience of women. That demonstrates that the Scottish National Party is motivated by politics and the referendum, not by belief. Scottish Labour has always been motivated by a deep and abiding belief in gender equality. We have delivered on that. We have delivered the twinning of parliamentary constituencies to ensure equal numbers of men and women standing as candidates. We have delivered 50:50 representation for men and women as Labour MSPs in almost all of the Scottish Parliament elections. We introduced the Equal Pay Act 1970, the Sex Discrimination Act 1975, the Equality Act 2010 and much more besides. We are motivated by our beliefs, but it would appear that the First Minister is motivated by short-term political advantage for the referendum.

Let me offer the First Minister some positive suggestions, if he wants to make a real difference to gender equality. These are things that he can do now, before the referendum. First, how about delivering 50:50 representation on public boards? That is something over which he has control now. The Scottish Government set a target of 40 per cent for the number of applications from women, not even the number of board members, but it has failed even to meet that target. Fewer than a third of board members are women. All those appointments are the Scottish Government's to make now. What about equal representation? The First Minister has the power to do something about it now, and he has the opportunity to do so, but will he?

Secondly, what about using the opportunity of the Procurement Reform (Scotland) Bill to deliver the living wage as part of the £10 billion that is spent each year on public sector contracts? Of those who would benefit, 64 per cent are women. Today, the First Minister has increased the salary of two women by £30,000 to £40,000 a year. That is welcome. However, doing that has a marginal impact on the equal pay gap. How about increasing the wages of 256,000 working women and paying them the living wage, which is £7.65 an hour? The First Minister has the power to do that. He has the opportunity to do so with proposed legislation that is now going through the Parliament, but does he have the political will to improve the lives of women across Scotland? That is the key question. Women will judge him on his actions, not his rhetoric. How about increasing the wages of 256,000 women across Scotland, not just the salaries of two?

15:09

Jackson Carlaw (West Scotland) (Con): We have met on several occasions during the current session of Parliament to welcome the announcement of new ministers. This is a slightly unusual occasion in a number of ways—I will return to that later—but it is a happy occasion because, for once, there is no departing minister to whom we have to express either our thanks or, in some cases, our sympathies.

On a personal basis, I congratulate Angela Constance and Shona Robison unreservedly on their appointments. First, may I say of Angela Constance that she is a confident and capable performer and minister. I hope that she will forgive me if I say that she might also be described as striking. She was one of three to captivate the attention of MSPs when Her Majesty last addressed the Holyrood Parliament.

I have commented before on the exceptional sparkle of Mr Yousaf on that occasion, as he sought to get noticed—out-blinging both the late Margo MacDonald and Christine Grahame. It worked—he is now sitting there as a minister. On that occasion, Ms Constance, too, sported an outfit that could not be ignored. Members might recall the hat with the feather of such elongated length that it allowed her to tickle the fancy of the front bench from the rear of the chamber. There she now sits as a cabinet secretary.

Is there a moral in this? The third member of that striking triumvirate must hope so. Step forward Kevin Stewart, whose cape and train was of such length that the security guards had to act as bearers. Indeed the only thing louder than Mr Stewart's cape that day was Mr Stewart himself. He must hope, with greater ardour than I think most members might feel able to bear, that his turn may yet come. I fear, Mr Stewart, that it is only because you are a man that you were overlooked today.

I also congratulate Shona Robison, whom I have had the pleasure of shadowing in her former health brief. She has always been thorough and considered and, though capable of it, she is not typically partisan. She is engaging, with a dry line in wit. She is now, of course, the senior half of a political partnership. Her husband is sitting in another place and she is now inside the Scottish Government. To paraphrase Judy Garland and James Mason in a film that was released in the year in which I was born, he must hereafter be known as Mr Shona Robison.

On a personal basis, I congratulate both Angela Constance and Shona Robison. How I wish I could simply leave it there, but it is impossible not to reflect on the circumstances of the appointments. To my knowledge, no Scottish or Westminster

minister has ever been appointed as the subject of a party conference speech or, in fact, been reduced to being the subject of a peroration in their leader's conference address. There is nothing actually wrong with that, except that it does no justice to the Parliament or to the appointment of the two ministers themselves. Nor do I think that the impression given by the First Minister, as I read it in the papers—although it has been corrected somewhat today—that the appointments were simply to fulfil a quota did those ministers any justice. There is nothing wrong with that, if one believes in a quota, but the appointments, without supporting ministers or additional duties, are being funded at taxpayers' expense, which I think comes across as unseemly.

How much better the appointments would have been had the ministers been given the chance to perform better than failing ministers in the Scottish Government, such as the Cabinet Secretary for Justice or the Cabinet Secretary for Education and Lifelong Learning—or at least to have swapped responsibilities to have stood proudly in the first rank—but they were not.

I end where I began, with personal congratulations, but the manner of the appointments adds to the conundrum that is our First Minister. Blessed with manifest political talent, he appears also to be encumbered by less helpful characteristics. The appointments seem focus-group led—an all-too-obvious appeal to women to show that the Government and the First Minister identify with the women of Scotland. Fortunately, we believe, the women of Scotland understand this Government and this First Minister only too well.

15:13

The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon): I thank Jackson Carlaw for his contribution—his contributions to these ministerial appointment debates are becoming infamous—which was characteristically funny and, equally characteristically, completely lacking in any substance. Perhaps it was the best advert he could have made for more women in politics.

I also thank Jackie Baillie for a speech that certainly started out as gracious but quickly went downhill after that. I was quite intrigued by one aspect of her contribution. She said that the First Minister had—I think that I am quoting directly—a “women problem”, which brought to mind a recent opinion poll that I read about in none other than the *Daily Record*. It looked at current party preferences and found that support among women for Labour in Scottish Parliament elections was 34 per cent and support among women for the Scottish National Party was 42 per cent. So if the

First Minister has a problem with women, goodness knows what those figures say about Labour's problem with women. Incidentally, support among women for the Tories was 13 per cent, so maybe it is time that they listened a bit more to some focus groups, to see what they can do to improve that standing.

Perhaps the SNP's standing among women has something to do with the fact that we are seeing an increase in the number of women appointed to public bodies and perhaps it has something to do with the fact that, as a result of these ministerial appointments, which I hope will shortly be approved by Parliament, 40 per cent of our Cabinet will be made up of women. Incidentally, that is compared to 14 per cent of the United Kingdom Cabinet when Gordon Brown left office as Prime Minister.

I am pleased to support the appointments, which, as the First Minister said, are being made absolutely on merit. Angela Constance and Shona Robison are Government ministers with strong records of achievement. They are being appointed today because they deserve to be appointed and they will both make outstanding contributions to the Cabinet.

The appointments unashamedly send a message. Women are underrepresented in senior positions, not just in politics but in many other walks of life, and we intend to rectify that. Today's appointments say that we are prepared to do more than indulge in rhetoric; we are prepared to take action and lead by example. That is what the appointments will do.

The appointments mean that 40 per cent of Cabinet members will be women, which is a significant milestone that we should be proud of. It is the highest percentage of any Administration in the lifetime of this Parliament. However, I should perhaps say that, given that we make up 52 per cent of the population, perhaps we should not stop where we are now.

The real significance of the appointments is not that they contribute to greater equality for women—although they do—but that the jobs that Angela Constance and Shona Robison have been given to do are about promoting greater equality for others in our society. For Angela Constance, it is women in employment and, for Shona Robison, it is women generally and, of course, the rights of pensioners. The appointments illustrate an important truth: that the commitment to equality runs deep and strong in this Government. I hope that it does so right across the Parliament.

I hope that all members will support the appointment of two outstanding ministers to the Scottish Cabinet and that, in doing so, we will all

celebrate yet another important crack in the glass ceiling.

The Presiding Officer: That concludes the debate.

The question is, that motion S4M-09773, in the name of the First Minister, on the appointment of Scottish ministers, be agreed to.

Motion agreed to,

That the Parliament agrees that Angela Constance and Shona Robison be appointed as Scottish Ministers.

Scotland's Voice in the European Union

The Presiding Officer (Tricia Marwick): The next item of business is a debate on motion S4M-09748, in the name of Fiona Hyslop, on Scotland's voice in the European Union.

15:19

The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop): I am reflecting on how strange it will be not to hear Margo MacDonald's voice and distinctive position in this debate on Europe.

In the next few weeks, citizens of Europe, including those in Scotland, will vote for new members of the European Parliament. I thank all the current six members of the European Parliament from all parties in Scotland for their service to Scotland over the past five years. A new European Parliament will be formed with a new Parliament President, and later this year a new European Commission President and college of commissioners will be appointed. The EU budget from 2014 to 2020 has been agreed, agendas for the next session are being formed, and many are already established. It is therefore an appropriate time to think about where the EU stands, the challenges that it faces, the opportunities that it affords, and the role of Scotland, our institutions, including Parliament and Government, and our 5 million citizens of the EU.

I hope that whatever our interparty disagreements, as evidenced in the amendments, we can articulate a Scottish European voice that recognises and does not reject the role of Europe; that articulates a positive and productive reform agenda to improve the EU, but from within it; and which sets out a progressive and reasonable voice on the EU that rejects the shrill, prejudiced, fearful and aggressive voice on the EU that frequently emanates from politicians in other parts of the United Kingdom. The Scottish Government thinks that the progressive voice and the reasoned argument for reform can best be delivered with Scotland as an independent country. That is what I will articulate today, although I suspect that other parties will disagree with that.

Let us remind ourselves why Europe matters. We need to remind ourselves of the importance of bringing together European nations that had previously been in conflict, and that the agenda for peace and security still has an underpinning role. Europe's work on common concern about the environment, the challenges of the developing world, co-operation on international security and tackling terrorism, and expanding trade affects people's wellbeing, safety and jobs. Europe has

opened up borders for trade and commerce with the single market approach, and has expanded international trade. It has also set regulatory frameworks that much of the world has copied.

I note the amendment that was lodged by the Green Party and will listen to the argument, but we are supportive of the transatlantic trade and investment partnership, although we agree that it needs more scrutiny. That is more difficult for a devolved, rather than independent, Parliament.

Patrick Harvie (Glasgow) (Green): I am interested in the cabinet secretary's comments and regret that there will not be a vote on the Green amendment. Has she discussed with Mike Weir, Eilidh Whiteford and Angus Robertson their reasons for adding their names in support of a motion from my colleague Caroline Lucas at Westminster that expresses the very same criticisms and concerns about TTIP and its potential to transfer democratically accountable power to unaccountable corporate interests?

Fiona Hyslop: That is why I want to give the opportunity to discuss scrutiny; people can challenge the transatlantic trade and investment partnership without disagreeing with it. We have, in the European Union, lent our support to its development. However, there are opportunities for greater scrutiny and for ensuring greater democratic accountability for some decisions.

Scotland is a European nation and has been an integral part of the European Union for 40 years. The EU is the main destination for Scottish exports; it accounted for 45 per cent of international exports in 2012, with an estimated value of around £11.7 billion. Our exporters continue to sell successfully into the markets of mainland Europe, but we could do better; that is one of the economic cases for independence. We still underperform and could do better, which is one of the cases for export improvement in the EU.

Scotland is also a growing part of the European economy. Since 2006, the value of Scottish exports has increased by 35.1 per cent, and we imported more than £5 billion-worth of goods from other member states in 2013 alone.

We operate as a force for good in the EU in sharing knowledge and ideas through our important work on climate change and energy. We must work internationally on the environment and climate change. The EU's role and, indeed, Scotland's role in influencing, exemplifying and providing practical researched proposals and plans to deal with those challenges cannot be underestimated. The EU agendas on energy, climate change, the marine environment, research and creativity, and freedom, security and justice are important to the Scottish people. With our EU

action plan, we are working on those as core policy areas for the Government.

On healthcare, Scotland NHS 24 is heavily involved in the European innovation partnership on active and healthy ageing, and it is leading the group on information and communication technology enabled care.

Strong bilateral relations with our EU counterparts are important for Scotland, too. In the past year alone, I have travelled to Denmark, France, Italy, Germany, Ireland, Finland and to Brussels to deepen economic and cultural ties with EU member states. Our recently published "Nordic Baltic Policy Statement" sets out where we co-operate with neighbours on key areas and where we are keen to do more.

Workers' terms and conditions have been greatly supported by the EU, so when anti-EU politicians talk about strangling bureaucracy, just make sure that it is not the 48-hour maximum working week that they are looking to do away with. The EU is not perfect by any means; it needs to be reformed. However, the issue is what needs to be reformed and how it could and would be reformed.

The Scottish Government has produced a blueprint for reform, "Scotland's Priorities for EU reform." It sets out, chapter by chapter, practical areas for change. The big difference between us and the UK is that we do not think that there needs to be a threat of an in/out referendum and treaty reform to secure such change. I do not know what the Labour Party would want to reform or how, but I look forward to hearing about that.

The biggest risk to Scotland's membership of the EU lies with the obsession of Westminster politicians and the threat of a party that did not hold its deposit in recent by-elections and which spouts offensive, narrow-minded arguments and interests that have no place in a tolerant, internationalist and outward-looking country.

The challenge to Scotland is either to vote yes to independence or to risk being silenced or sidelined in Europe for all time. Independence would give Scotland a seat and a voice at the top table in Europe for the first time, which would ensure that our case is heard when our vital national interests are discussed. The Opposition wants to project fear of Scotland's continuing membership as a reason to vote no, but that does not seem to be working, as the narrowing of the gap in recent opinion polls has shown.

The Labour Party amendment references outgoing Commission President Barroso's television interview comments. Those comments were clearly a political opinion that was stated for political reasons, and without reference to or analysis of Scotland's position in the EU. How do

we know that to be the case? I can reveal that, when approached to explain what research and analysis had been conducted to support the statement by President Barroso, the General Secretariat of the Council of the European Union confirmed in writing that it does not hold documents of any such analysis. I will place copies of the correspondence in the Scottish Parliament information centre this afternoon.

Willie Rennie (Mid Scotland and Fife) (LD):

The cabinet secretary appears to be in the mood for revealing information. For the past year, I have been asking for the First Minister's speech to EU ambassadors, which might have shone some light on the discussions between Scotland and the 28 EU member states. The minister will know that it is required that Scottish membership of the EU be agreed by all member states. Will she reveal a copy of that speech today?

Fiona Hyslop: If Willie Rennie speaks to ministers in the UK Government, he will be told that it is not acceptable, nor is it the norm, to reveal discussions that take place with other Governments on diplomatic matters. I meet countries' ambassadors and ministers all the time; they would not take kindly to my revealing the content of our discussions. However, we discuss such matters amicably and we build trust. Trust is very important in our relationships with other countries.

Given that the Council of Ministers would make the decision on the agreed process for membership, that we know that the UK has not even asked the Commission to analyse the proposals in "Scotland's Future", and that no work has been produced by it, the opinion that is mentioned in Labour's amendment is just that—a political opinion by a politician who has a close alliance with the UK Government. Members will recall that the same Mr Barroso hosted the Bush-Blair summit in the Azores before the Iraq war.

The reality is that it is in everyone's interests, throughout the whole EU, for Scotland and its citizens to remain part of the EU. An independent Scotland would continue her membership and become the 29th member, and would negotiate the specific terms of our membership from within the EU. Surely it is time even for the better together Labour-Tory alliance to move on and to recognise that, as the evidence to the European and External Relations Committee shows, the issue is not whether we would be a continuing member, but the method by which we would continue membership and how the transition would work. There is a strong and increasingly supportable case that the method and timescale that are set out in the white paper are reasonable and achievable.

The legal responsibility, under the EU, to serve the interests of Scottish citizens from 18 September, should there be a yes vote, is one that lies not just with the UK Government for the remaining 18 months before independence, but with all EU members. I do not think that sitting on their hands for 18 months would be either responsible or credible; neither do many of the committee witnesses. As James Crawford, the UK's legal adviser, said, 18 months seems "realistic".

Of course, we will be seen as an asset as an independent country; we have two thirds of the EU's oil reserves, 20 per cent of natural gas production and a huge share of the continent's renewable energy, at a time when energy security is becoming increasingly important. A short and smooth transition to membership of the EU would be beneficial to other member states. The cohesion of the European single market requires that.

Continued uninterrupted access to Scotland's fishing grounds for European fishermen and, which is important, the onshore processing jobs that rely on fishing—not to forget that access to Norwegian fishing waters relies on bilateral arrangements about Scotland's waters—also makes continuity of membership common sense.

Our focus is therefore not on whether we will be a continuing member, but on what type of member we will be, what reforms we will pursue and what policy agenda will be our focus. Just as other countries including the Netherlands, Germany and Finland are engaging constructively on EU reform, so could we engage, as an independent nation. Like us, those countries argue that reform can be delivered without treaty change. The Conservative idea that we will win friends and influence people by threatening the EU with our withdrawal is plain wrong, and explains why the UK is increasingly being treated as an outsider.

There are practical examples for reform that would not require treaty change in the realms of common fisheries policy and the common agricultural policy, in relation to which we advocate more regionalisation and greater flexibility, with further delegation of power to national and regional levels, as opposed to a one-size-fits-all approach, which does not take account of regional diversity and priorities.

Drew Smith (Glasgow) (Lab): The Deputy First Minister has said that membership of the euro is her red line. Which of the reforms that the cabinet secretary proposes would be a red line in negotiations between the Scottish Government and the European Union?

Fiona Hyslop: I refer Drew Smith to the white paper, "Scotland's Future", in which we talk about

“continuity of effect”, which means that there will be no detriment to other members in areas such as operation of the budget. Surely by now the member understands that to become a member of the eurozone a country must have voluntarily been a member of the exchange rate mechanism for several years, which we do not intend, and would not be expected, to do.

In relation to the proposals in our paper on EU reform, we make a distinction between the legislative and policy competences that are assigned to the EU by the treaties, on one hand, and the manner in which the EU institutions discharge their legislative prerogative, on the other. In some areas of policy, focus on use of directives rather than regulations would allow more flexibility for Parliaments such as this to scrutinise them and to reflect on local circumstances.

Independence will give Scotland its own voice in Europe, ensuring that Scotland participates at every level in the EU policy process, and that the Scottish Government is able to promote Scotland's national interests in EU affairs. In an independent country, our farmers would have benefited from the EU pillar 1 minimum rate of €196 per hectare, which would have meant an extra €1 billion in support over the convergence period. Under the existing CAP agreement, Scotland is set to go to the bottom of the EU league table on the average pillar 1 payment rate.

Direct representation in the EU will protect Scotland's economic and social interests against the uncertainties and adverse consequences of the Prime Minister's proposed in/out referendum on Europe, which raises the risk of the UK exiting the EU, with potentially significant adverse consequences for jobs, investment and prosperity. If Scotland remains under the rule of a Westminster system that withdraws from the EU, our influence in the world will be severely diminished.

What will the EU look like in 2020 and beyond? It will certainly be different from the EU of today. I foresee a more accountable and democratic Europe. I foresee a Europe that is back on the path to prosperity, with continued security in terms of social justice, energy and high youth employment—a Europe for future generations.

I look forward to working alongside members of this Parliament to ensure that Scotland's voice continues to be heard in discussions about the future of the EU. I welcome this opportunity to debate the important role that we can play within Europe.

I move,

That the Parliament recognises the importance of Scotland having a strong voice in the EU; believes that

Scotland has built a positive foundation for engaging on EU matters and continues to play a progressive role internationally; recognises Scotland's strong commitment to learning and sharing experience and expertise with other European countries, as highlighted in the *Scotland in the European Union* paper and the *Nordic Baltic Policy Statement*; further recognises that, as an independent member state in the EU, Scotland would be able to join the other 28 member states in participating directly in all EU legislation and policy negotiations, ensuring that it is well placed to foster coalitions of support across other member states that will further Scotland's national interests; believes that Scotland will contribute constructively to the common European interest, drawing on the priorities for improvement and for reform set out in the paper, *Scotland's Priorities for EU Reform*, and recognises that direct representation in the EU will protect Scotland's economic and social interests against the uncertainties and adverse consequences of a UK in/out referendum raising the risk that the UK may exit the EU.

15:34

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): This is, of course, the first debate in the Parliament since the sad death of Margo MacDonald, and as such it is the first of many debates in which we will not have the benefit of Margo's distinctive and always interesting contributions. Her take on Europe and all things European was unique and made for an interesting evidence session at the European and External Relations Committee a number of months ago when I was a member of the committee, which helped to put some of our other discussions into perspective. We will miss Margo—not just today, but for a very long time.

With elections to the European Parliament only a month away, it is opportune that we debate Scotland's voice in Europe and consider the benefits and responsibilities that membership of the European Union brings for member states. We do so in the context of two referenda—one that, if it takes place, will decide whether the UK stays in Europe, and another that will decide whether Scotland stays in the UK.

Should the UK stay in Europe? In my view, the answer is a resounding “Yes.” Should Scotland remain part of the UK? My answer is again “Yes.” Membership of the EU has been largely positive for the UK. It has pushed forward important issues such as workers rights, human rights and environmental matters, and it has played an important role in respect of financial regulation. Looking at those areas of work, it is interesting to note that SNP MEPs refused to support a minimum extension of maternity and paternity rights and voted against making trademark protection in the EU cheaper, easier and more efficient but—strangely—they supported fiscal harmonisation within an EU-wide framework. I am not sure how that squares with their policy on corporation tax, but I will say that I do not know

how any of that is compatible with standing up for Scotland. If we pool our resources in Europe and act co-operatively, we can encourage growth and development across Europe and beyond.

In recent years, the EU has also had some marked success in international diplomacy and has made a difference where other more obvious players could not. The work that Baroness Ashton has done in securing an agreement with Iran over nuclear weapons, and her diplomatic efforts in the Serbia and Kosovo dispute have earned high praise and chime well with the founding principles of the EU.

Of course, the EU could do things better, and here I agree with the cabinet secretary. It could operate a simpler structure and be less bureaucratic, and it must become more transparent and open to scrutiny. However, on the whole, it is a force for good and we would be poorer for not being a member.

That brings me to the referendum that will happen this year and the one that this debate, like every other Scottish Government debate, is actually about. I am pleased that the Scottish Government has recognised that Europe is important to Scotland and I am delighted that it now accepts that Scotland will not automatically become a member of the EU and that there will have to be a period of negotiation.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Will Patricia Ferguson take an intervention?

Patricia Ferguson: I am happy to take an intervention from Mr Stevenson.

Stewart Stevenson: Patricia Ferguson will of course be wholly familiar with the *acquis communautaire* that is the constitution of the EU. Is she familiar with section 50, which is the only section that touches on the question of leaving the EU, for which two years' notice must be given by a member state? How would Scotland become outside the EU? Is the UK Government going to give notice to the EU that Scotland is to leave, in the event of a yes vote?

Patricia Ferguson: I gently point out to Mr Stevenson that, in actual fact, the UK is the only state in these islands that has signed the treaties of the EU. If we divorce ourselves from the rest of the UK, we divorce ourselves from the signatory to those treaties.

Stewart Stevenson: No.

Patricia Ferguson: I have to say to Mr Stevenson that I think that we will both have to wait and find out what the actual situation is, because the one thing that is absolutely clear is that there is no cast-iron decision on that point. *[Interruption.]*

The Deputy Presiding Officer (John Scott): Order.

Patricia Ferguson: Having noted that the Scottish Government now accepts that there will have to be a period of negotiation—I do not know whether Mr Stevenson was trying to suggest that that is not the case—I add that I am sorry that it wasted £20,000 of taxpayers' money trying to avoid answering the simple question whether the Scottish Government had taken legal advice on EU membership, especially as we now know that, at the point when Catherine Stihler MEP asked the question, the answer was that it had not commissioned legal advice. Frankly, that was a ludicrous position for any Government to adopt.

How will Scotland, in the unlikely event that it gambles on separation, become a member of the European Union?

Talking of independence, I have always found it slightly odd that the SNP does not want to pool sovereignty with the UK, where we have about 9.5 per cent of the MPs, but is happy to do so with the other member states of the EU, where—by my admittedly generous calculation—we would have less than 2 per cent of the MEPs and only seven votes in the Council of Europe compared to the UK's 29 votes.

Fiona Hyslop: Will Patricia Ferguson give way?

Patricia Ferguson: If the cabinet secretary can clarify that point, I will be happy to do so.

Fiona Hyslop: It is about basic democracy and sovereignty. We can choose to pool our sovereignty in the EU, but currently there is no choice.

Patricia Ferguson: I am sorry that that is the kind of logic that has come to bear on the SNP's position. It seems bizarre that the SNP would want to pool sovereignty in a situation in which we would lose influence. At the end of the day, influence is power. The biggest country in the EU that we would have to work with would be the UK, so let us just cut to the chase. If we do not negotiate with our near neighbours, I do not know who we will negotiate with. I leave it to the SNP to square that constitutional circle.

Let us return to how our membership of the EU is to be won. It seems to me that the EU has a fairly straightforward mechanism that applies to states that want to negotiate membership. As we know, article 49 of the Treaty on European Union lays down the mechanism by which a country that seeks membership would join. However, the Scottish Government says that we do not need to do that.

Kevin Stewart (Aberdeen Central) (SNP): Will Patricia Ferguson give way?

Patricia Ferguson: No.

The Scottish Government will tell the European Union that, in our case, it should use article 48 and that it should simply allow us to join by way of a treaty amendment to be agreed by common accord by the representatives of the Governments of the 28 member states. The SNP's argument is that the Scottish people have been members of the European Union for 40 years or so and should be allowed to continue as such, despite the fact that, as I said, as a nation we are not signatories to any EU treaty.

Kevin Stewart: Will the member give way?

Patricia Ferguson: No, thank you, Mr Stewart.

The fact of the matter is that article 49 of the treaty is the only existing mechanism by which membership can be negotiated. Just saying that its provisions should not apply in our case does not make it so. *[Interruption.]*

The Deputy Presiding Officer: Can we have a bit of courtesy, please?

Patricia Ferguson: The SNP also presumes that all 28 member states would be happy to allow Scotland to join the EU on its own terms, but that seems unlikely to me.

Christian Allard (North East Scotland) (SNP): Will Patricia Ferguson take an intervention?

Patricia Ferguson: I have already taken a number of interventions, thank you.

Let me speak more specifically of the terms of Scotland's membership. The SNP wants—no: it demands—that Scotland automatically retain all the opt-outs that the UK enjoys, including the budget rebate, the euro opt-out and the Schengen agreement. We want high CAP payments to our farmers and high CFP quotas, as well as to keep the rebate. In effect, the SNP wants to tell the other 28 members of the EU what mechanism should be employed to facilitate our membership, and to dictate the terms on which we join—which would be more favourable than those that many of the countries that we expect to agree to that enjoy—and that all that should be concluded in 16 months because that is what would suit Mr Salmond best. To me, that is hardly a good starting point for negotiation and it is certainly not the constructive contribution that the Scottish Government's motion suggests.

I am conscious that the Presiding Officer is asking me to wind up. There are many other points that I wish to make; I will do so in my closing speech.

I move amendment S4M-09748.1, to leave out from first "Scotland" to end and insert:

"a strong Scotland being part of a strong United Kingdom

with continuing membership of the European Union; believes that the EU has demonstrated that nations must work together if they are to advance progressive policies in relation to workers' rights and social policy that now apply in all member states as a result of decisions made by the EU; considers that the UK must continue to play its part in the decision making processes of the institution; believes that Scotland's interests are best advanced through UK membership of the EU; notes concerns expressed by the European Commission President, José Manuel Barroso, who said that it would be "extremely difficult, if not impossible" for an independent Scotland to join the EU, and recognises that an independent Scotland would be unable to negotiate EU membership until March 2016 and that the subsequent transitional arrangements would not be in Scotland's interests."

15:43

Annabel Goldie (West Scotland) (Con): I thank the Scottish Government for enabling Parliament to debate the European Union. With an imminent election in May and the referendum in September, it is important that we do so.

Like some other members—although we are very much in the minority in this Parliament—I remember voting in another referendum on 5 June 1975. I think that the cabinet secretary is too young to have shared that experience. That referendum nearly 40 years ago was to gauge support for the country's continued membership of the European Economic Community or, as it was much better known, the Common Market. The question was simple: "Do you think that the UK should stay in the European Community (Common Market)?" Overwhelmingly, people said yes, and I was one of them. I felt very strongly that there were clear advantages in having a Common Market. I also felt that, if peoples in different countries could work in economic harmony to their mutual benefit, they were far less likely to harbour hostile intentions towards each other.

At that time, there were nine EEC countries. Today, the European Union comprises 28 member states that are bound together by a miscellany of treaties, conventions and protocols. In character, it is far removed from being a common market. One area of concern has been the inexorable ceding of sovereignty from individual member states to a centralised EU core state. I gather from what the cabinet secretary says that she values individual sovereignty.

It is no surprise that the gulf between the common market concept that was endorsed in a UK referendum nearly 40 years ago and the current reality of the EU creates a tension. Indeed, in a poll last year, more than half of Scots said that they thought that there should be an in/out referendum. Interestingly, in that poll, 63 per cent of SNP voters said that they thought that there should be an in/out referendum.

In my view, the EU patently requires reform; again, the cabinet secretary agrees. I think that the reformed version should be put to a referendum. I want the UK to remain in the EU. I think that it would be difficult for many UK companies to trade with EU countries if we were outside the coop. Important protections have already been secured: the UK rebate, the exemption from the requirement to join the euro and the exemption from the Schengen provisions. Regardless of whether the cabinet secretary agrees, the independence agenda places those protections at risk. Losing them could cost Scotland nearly £1.5 billion in lost output and could threaten thousands of jobs across the Scottish economy.

What do we know? We know that if Scotland becomes independent we will be required to negotiate new membership. The article could not be clearer about that. We know that that will require the unanimous agreement of the other member states.

Fiona Hyslop: Which article is Annabel Goldie referring to?

Annabel Goldie: I am referring to article 49, which is explicit. The cabinet secretary may want to read it when she has a moment.

We do not know what conditions might be imposed. The Deputy First Minister indicated in the chamber that joining the euro would be a red-line issue, yet membership of the eurozone is an obligation under the Lisbon treaty and no new member state has been granted an exemption from such membership. Croatia was granted deferred euro membership but will still have to join the currency.

It is worth noting that the three biggest member states in the EU are Germany, France and the UK. Regardless of the cabinet secretary's passion on the issue—I do not for a moment dispute that she is passionate—an independent Scotland would rank in size between Slovakia, which is the 19th biggest member state, and Ireland, which is at number 20. Does that matter? I think that, in the real world, it does. The UK's size perhaps explains why it has been a very effective negotiator in protecting UK jobs and interests. Inevitably, that begs the question how an independent Scotland would fare in negotiating membership and, if it were accepted as a member, what influence it would exercise once it was in the EU.

The Prime Minister's proposal that the UK be given a say in 2017 on whether to be in or out of a reformed EU seems to be sensible and desirable to me, but if Scotland becomes independent, we will be given no say at all on the terms and conditions that Alex Salmond has signed us up to. That seems to me to be completely inconsistent, paradoxical and unacceptable. That is not just my

opinion. Just today, it is reported that a former leader of the SNP, Gordon Wilson, is to say:

"Scots should be given a referendum on membership of the European Union if the country votes Yes".

I can see the logic of that; I am surprised that his logic does not extend to the current leadership of the SNP.

I believe today, as I did nearly 40 years ago, that the intrinsic principles of European union are sound, but that what those principles have morphed into requires adjustment and reform and a new democratic endorsement, as Gordon Wilson quite rightly—and bravely—recognises.

The Prime Minister has already delivered significant reform and protections for the UK, which include measures in respect of fishing and the financial sector in the UK and—significantly—Scotland, and he promises more of that, together with an opportunity for democratic endorsement. By contrast, the Scottish Government's independence agenda threatens those protections and denies the people of Scotland that democratic say. How illogical and unfair is that?

Christian Allard: Will Annabel Goldie take an intervention?

Annabel Goldie: I am in my final 30 seconds.

The issue that we are debating is an important one. It is right that we are debating it and I am glad that we have the opportunity to do so, but it is not an easy one to resolve. Constitutional change will not be a panacea. Improving Scotland's best interests in the EU will take influence and clout.

I move amendment S4M-09748.2, to leave out from "Scotland's strong commitment" to end and insert:

"that the most positive foundation for Scotland influencing the EU has been the role of the United Kingdom as a lead presence in the EU; notes that the UK Government has protected the UK's exemption from joining the euro, secured the UK rebate and exclusion from the Schengen border obligations, achieved a historic cut to the EU budget, protected thousands of UK jobs by opting out of a revised Lisbon Treaty, passed the European Union Act 2011 to ensure that there can be no further ceding of powers from the UK to Brussels without a referendum, and believes that Scotland has benefited significantly from these successes and achievements; further notes the universal acceptance of the need for reform of the EU to enable it to work more effectively and enhance the opportunities available to the UK and other EU member states; believes that this is an important and exciting opportunity for the EU; notes that the UK is leading the reform agenda and that the Prime Minister has pledged a UK referendum in 2017 on membership of the reformed EU if his party is returned to government; notes the desire of the Scottish Government for independence and, in such an event, believes that the uncertainty surrounding Scotland's admission as a new member state of the EU, including timescale and as yet unknown conditions that other member states may attach to admission together with the removal of Scotland from the proven influence of the UK as

an EU member, can only weaken Scotland's position within the EU, both in general terms and at a critical time for securing necessary reform, and considers it paradoxical and unacceptable that, while the Scottish Government argues that it is right to give Scottish voters a referendum on independence from the UK, it will, in the event of independence, then deny Scottish voters a referendum on whatever terms and conditions are negotiated."

The Deputy Presiding Officer: We now move to the open debate. I call Christina McKelvie, to be followed by Michael McMahon—six minutes, please.

15:50

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): Can I suggest one wee mechanism of democracy to Annabel Goldie? If she wants an in/out referendum on Europe in 2016, she should maybe put that in a Tory manifesto for an independent Scotland in the election of 2016. That is maybe a way to go.

The people of Scotland are finally being heard right across the globe. There is real interest in just what will happen on 18 September. With the dawn of a new independent country will come a host of exciting opportunities: our place at the top table in Europe is just one. Scotland will never be the same; it will be much, much better.

We will cease to be a nation divided and, instead, will become one that is united in its determination to serve the people of Scotland from within their own communities and on the international stage. We are weary of being hijacked by Governments in Westminster that we did not elect. We have had enough of being told that we must follow policies that deprive the most needy, that bring additional suffering to the elderly and disabled and that will put 10,000 more children into poverty. We have had enough of having Trident missiles in our backyard because Westminster does not want them in theirs. I do not want them in anyone's backyard. We are tired of being pulled into illegal wars and being told to run dawn raids on asylum seekers.

Annabel Goldie: On a point of order, Presiding Officer. What Christina McKelvie is saying may be predictable rhetoric, but what has it to do with the subject matter of this debate?

The Deputy Presiding Officer: That is a matter for the speaker and is not a point of order.

Christina McKelvie: Indeed. I am getting to the subject matter of the debate, Miss Goldie—have a wee bit of patience.

As I said, we are tired of being pulled into illegal wars and being told to run dawn raids on asylum seekers and send migrants back to their homelands, whatever the dangers for them there. Will the UK still be the fourth most unequal country

in the developed world in 2020, or will it have moved closer to the top spot, with an even wider gap between the richest and poorest? Will the UK still, Miss Goldie, be a member of the European Union in 2020? We do not know, but we do know that Scotland does not want to depart from the EU.

Patrick Harvie: I share the member's concerns about Scotland having a political agenda imposed on us that we have not voted for. Does she share my concern that the whole European Union is in danger at the moment of handing over to pals of corporate lawyers political power that should be democratically accountable? Is the nature of European democracy not at least as important as the question of democracy here in Scotland?

Christina McKelvie: I am sure that my friend and colleague Patrick Harvie will be happy to know that the European and External Affairs Committee has been discussing that very topic and that it may be on our agenda for future meetings, post-referendum.

Now, we are stretching forwards, looking to a future that is in our own control; one in which we elect our own Governments and make the choices that the people of Scotland actually vote for, including the choices in Europe.

Speaking of hijackings, I should say that if we stay in the UK we will have a referendum that we did not want that could see us dumped out into the cold winds of the north Atlantic with no lifeboat in sight. In other words, we could find ourselves out of the EU, with our markets threatened, trade tariffs introduced, no freedom of movement to live and work in other European countries, and separated from the very basics of human rights that currently protect us.

Annabel Goldie: Will the member explain to the chamber why she has no confidence in giving Scotland a referendum on EU membership but has every confidence in giving Scotland a referendum on independence? That is completely inconsistent.

Christina McKelvie: As I said, we have manifestos coming up for 2016. If Miss Goldie wants a referendum on the EU and if the people of Scotland want it, we can go for it then. I do not think that they do want that, however, and Miss Goldie knows that.

If we were out of the EU, our farmers would lose their single farm payments and ordinary workers would lose the right not to have to work exploitative hours. There would be costly visas for people's two-week holiday in Spain and a loss of access to health and education services in other European countries on the same basis as that of the citizens resident in those countries.

That is a bleak picture, but there is a much more positive and optimistic one sitting tantalisingly close on the horizon of 18 September. We have a choice of two futures: one is alienating, isolationist, limiting, restrictive and depressing; the other is positive, inspiring, encouraging, optimistic and liberating. It is not a difficult choice to make: we just have to put our X in the yes box.

One of the best things about being convener of the European and External Relations Committee is that I have the opportunity to listen to people who have real knowledge of and passion for the European Union. The prospect of Scotland being an independent country within the European family is one that I find immensely exciting and interesting. Scotland's relationship with the EU will leap into a new dimension with independence. We will go from being a tiny voice, with two—soon to be three, I think—members among the UK's 78 MEPs, to being in a position comparable with that of Ireland, with its 11 MEPs: a small, independent nation that can have the presidency of the EU and be highly effective and influential.

We will have a voice for our own interests. We will no longer be beholden to other member countries. Instead, we will promote what is right for Scotland and we will be heard. Indeed, at some stage, we will take the six-month presidency of the Council of the European Union, which rotates among the member states. What pride that will give us. We have been members of the EU, via the UK of course, for 40 years and we are not about to be ejected. All the evidence that I have heard so far suggests that.

The benefits of membership cannot be overestimated. Even though our current position has denied us important funding advantages, especially in respect of CAP payments, we have gained through structural funding and we have been pioneers in the process of Europeanisation. It is pleasing, if not surprising, that Scotland is so much more European.

We benefit from human rights legislation, the working time directive, the European arrest warrant, employment rights and legislation on human trafficking. We now have a Scottish Parliament, a Minister for External Affairs and International Development and a real relationship.

Patricia Ferguson: Will the member give way?

The Deputy Presiding Officer: Ms McKelvie is just about to close.

Christina McKelvie: Scotland has been a friend of Europe for centuries. Let us rebuild that relationship and rekindle it by being a fully independent member of Europe.

15:56

Michael McMahon (Uddingston and Bellshill) (Lab): I welcome the fact that the Scottish Government is holding this debate just 30 days before 375 million people across Europe go to the polls to elect a new European Parliament. It is one of the biggest exercises in democracy in the world and it could be even bigger if we could convince more people of its importance, and encourage them to come out and vote on 2 May to elect six MEPs to speak for Scotland in the European Parliament, not just two.

When the motion that is before Parliament today talks of

"the importance of Scotland having a strong voice in the EU"

I could not agree more. Unfortunately that phrase from the Scottish Government's motion is the only one that I can agree with as the rest of it is wishful thinking, supposition and assertion that wilfully ignores the facts and misgivings that have been raised by many experts about the Scottish Government's position on the EU.

We know that the SNP was caught out before on the issue of legal advice on membership of the EU, and it still has not published any legal advice that it might or might not have. From its November 2013 paper, "Scotland in the European Union", we know that the Scottish Government now recognises that membership of the EU will require negotiation with other member states and the EU institutions to agree the terms under which an independent Scotland will become a full member of the EU. There is no doubt that an independent Scotland would be a part of the EU in future, as expansion of its membership is what the EU desires. However, recognising that we will have EU membership at some point in the future and knowing when we will arrive at that juncture and under what terms is a huge and important difference, and the SNP cannot dismiss it with a wave of its hand.

Whether the SNP likes it or not, reapplying for membership of the EU is likely to be a protracted process, and separation puts at risk many opt-outs and benefits that the UK has secured over the years. Even the SNP's allies in Europe are saying as much.

Kevin Stewart: Perhaps Mr McMahon could tell us how long it took East Germany to get into the European Union, or how long it took Greenland to get out? We are in and we are staying in.

Michael McMahon: Again, that is just an assertion of Mr Stewart's. The reality is that East Germany and West Germany coming together after the Soviet era is not comparable to Scotland voting in a referendum to break away. Comparing apples and oranges does not serve any purpose

whatever in the debate. What does serve it is to listen to people who know a bit about it.

Recently, the Flemish nationalist MEP Mark Demesmaeker, who is part of the European Free Alliance with which the SNP is affiliated, said that membership negotiations will be more difficult if Scotland insists on EU opt-outs. Another Flemish MEP, Jean-Luc Dehaene—a former Prime Minister of Belgium—has pointed out that there is already opposition to the UK's budget rebate and that there is no opt-out of the euro or the Schengen free travel area for any new member of the EU, which is what Scotland would be.

Yet, undeterred by that reality, the Scottish Government blithely continues to assert that Scotland's existing relationship with the EU as part of the UK, including its opt-outs, will be the basis for Scotland's post-independence membership.

Christina McKelvie: Will the member give way?

Michael McMahon: When the Schengen area was introduced, opt-outs were given to Great Britain and Ireland, but when a new member country joins the EU it has to accept the treaty as it is—unless Christina McKelvie is going to tell us otherwise.

Christina McKelvie: Can Michael McMahon tell us what currency the newest member state of Europe uses? It is not the euro.

Michael McMahon: Not when it joined, but that is not a clever debating point: Christina McKelvie should know, as convener of the European and External Relations Committee, that all new member states have to sign up to work towards becoming members of the euro. Joining the euro might not happen on the day that those countries join the EU, but they have to become members of the euro. Membership of the EU is not an à la carte menu for new states, and there is no opt-out of the EU's monetary union.

In addition, EU officials have declared that there will be no change in the rules that govern cross-border pension schemes. The National Association of Pension Funds, which represents 1,300 pension schemes and assets of £900 billion, knows a bit about such things. It has said that the EU's announcement means that cross-border schemes will require to be fully funded, which is a significantly more demanding level of funding than is expected of the single-country scheme that we currently have as a member of the United Kingdom.

Schemes with members north and south of the border would become much more expensive to run, which would have

“major implications for pension schemes as part of the debate on independence for Scotland.”

Those implications cannot be ignored, although SNP members might wish that they could. Contrary to the SNP's assertion, they are a fact. The pension system that operates across a UK that is part of the EU works well by pooling resources, thereby protecting the pensions of Scots who have worked all their lives to enjoy their retirement.

More than 4 million jobs in Britain depend directly or indirectly on trade with the rest of the European Union, not taking into account the public sector jobs that are supported by the taxes that are generated by that economic activity. Two thirds of all manufacturing jobs in the UK are sustained by trade with the rest of the EU, and as the European Union continues to expand we need to position ourselves to take advantage of that so that we can sell more goods and services and create more quality jobs with decent rates of pay.

Separation calls all that into question, and no amount of deluded assertion in Scottish Government motions can change that fact.

16:03

Aileen McLeod (South Scotland) (SNP): I am delighted to speak in this afternoon's debate about the importance for our economy and society of Scotland taking its place in the EU as an independent member state. First, I want to clarify that it took Sweden, Austria and Finland a mere 13 months to negotiate the terms of their membership, and that was from a position of being outside the EU. Scotland can therefore expect to take less time, as is highlighted on page 85 of the Scottish Government's "Scotland in the European Union" paper.

The very positive contribution that EU membership makes to Scotland and that Scotland makes to the EU has been set out in considerable detail both in "Scotland's Future" and in "Scotland in the European Union". In my view, Scotland stands to gain more as an independent member of the EU than it is possible for it to gain as a member state as part of the UK, and far more than it would gain as part of a country that might well vote to leave the EU in a little more than three years from now.

As an independent EU member state, the Scottish Government will have a full voice in crucial EU legislative and policy negotiations at every level in the EU decision-making process. Scotland's First Minister will participate in meetings of the European Council, along with the other 28 heads of Government; those are the meetings at which key decisions about Europe's future are taken.

Scotland currently has no voice in those discussions, although many smaller countries are

represented at the table. Following independence, Scotland will have its own seat on the Council of the European Union, which will ensure that the Scottish Government can represent the interests of our people and the Parliament when new EU rules and regulations that will affect large parts of our economy and society are being agreed. An independent Scotland can expect to double its number of members of the European Parliament. How can it be fair that Luxembourg, which has 500,000 citizens, elects four MEPs, while Scotland, whose population is 10 times Luxembourg's, has only six MEPs? Independence will correct such glaring anomalies.

As the amendments to the motion demonstrate, opponents of Scotland's independence assert that all that is nonsense and that Scotland is too small to be effective as an independent EU member and is better served by remaining part of the UK, where it is safe and secure in the knowledge that the UK Government protects our interests in Brussels. Opponents assert that independence will see Scotland banished from the EU and that a country in which many millions of EU citizens reside and with which all EU members enjoy mutually advantageous economic relations will be cut adrift from an organisation of which we have been an integral member for more than 40 years. For what crime will such draconian punishment be meted out? Simply exercising what is arguably the most fundamental of all democratic rights, of which the EU is a self-proclaimed champion—namely, the right to democratic self-determination.

Both assertions lack any credibility whatsoever, as the expert evidence that has been presented so far to the European and External Relations Committee has demonstrated. The notion that size alone matters in EU negotiations is patently absurd. At every stage, the EU decision-making procedure is based on compromise and consensus among sovereign countries. Coalitions are formed when common ground exists. Independence would ensure that Scotland could contribute directly to EU policy-making and align itself on every EU vote with like-minded countries, including the remainder of the UK, if that was in the best interests of the people of Scotland. However, if the best result required a different stance to be taken, the Scottish Government would be able to take that different stance and cast her vote accordingly. That is what independence in the EU means and it is what Scotland needs.

It is to stretch credibility to breaking point to suggest that Scotland is better off in Europe as part of the UK. Since the days of Margaret Thatcher in the 1980s, and under successive UK Governments, the UK has been moving to the outer margins of EU influence. I fully expect that to culminate in the UK exiting the EU in the next few

years—a decision that will wreak havoc with Scotland's economy. Only independence will ensure that Scotland remains part of the EU. Rather than jeopardising Scotland's EU interests, independence is the only way of protecting them.

In the publications that I mentioned and in later papers, the Scottish Government has shown that it has a positive vision for Scotland as an independent member of the EU. That positive case rests on the many contributions that an independent Scotland will make to the collective benefit of the entire EU.

Patricia Ferguson: Will the member take an intervention?

The Deputy Presiding Officer: Aileen McLeod is in her last minute.

Aileen McLeod: Benefits derive from the excellence of our theoretical and applied research; the contribution of our highly skilled workforce; our deep-seated commitment to tackling the challenges of energy security, climate change, active and healthy ageing and demographic change that face all European societies; and developing the wider economic and social opportunities that exist for an independent Scotland in the EU.

I am as aware as anyone that the EU needs reform—reforms that will close what has become an unacceptable divide between the EU level of governance and the citizen; reforms that will ensure that the EU takes action only when there is a clear need for it to do so and even then in the least intrusive and least burdensome manner possible; and reforms that will ensure that the Governments and Parliaments that are closest to citizens engage in shaping the EU integration agenda in a constructive and mutually beneficial manner.

The Deputy Presiding Officer: You must close, please.

Aileen McLeod: Those are the reforms that I want to take place at the EU level. It is essential that an independent Scotland has a place at the EU top table to drive forward that reform process.

16:09

Claire Baker (Mid Scotland and Fife) (Lab): I am pleased to speak in the debate. As we head towards September, many questions have been asked about Scotland's place in the EU. For example, only last week and again this morning, concerns were raised about the fishing sector. As we move towards the referendum, it is important that such questions are taken into consideration and that facts and measured answers outweigh political lines and spin.

As the Scottish Government wishes to change our constitutional arrangements, the burden of proof falls on it to address the concerns that have been raised about EU membership. We owe it to everyone who has a vote in September—including those in leading industries and sectors—to be honest, open and transparent.

Scotland's role in Europe has not been diminished due to being part of the UK. We have been able to work in partnership and there have been many positive and important outcomes. Currently, as part of the UK, we have 29 votes—a voting bloc that no other country can better. On balance, it is more positive for our sectors to keep that strong voice at the top table. The alternative would mean dropping to seven votes—the same as Croatia, Ireland and Lithuania.

Fiona Hyslop: How can the member justify that position bearing in mind the fact that, cross party, the Parliament wrote with concern about the CAP payments that have sent Scotland's farmers to the bottom of the EU table?

Claire Baker: I will come on to the CAP payments. The issue is that the Scottish Government can give no guarantees to Scottish farmers about what the situation will be once we have had to renegotiate our way into the EU. It is unfair of the Government to make big promises of increased payments that it cannot justify.

The benefits of remaining within the UK, with its voting power, are clear. Even if an independent Scotland were to join with Ireland, Croatia and Lithuania, it still would not have the voting bloc or the strength of voice that it currently has.

That strength allows us opportunities within the EU. For example, recently, we were able to play a much stronger hand in the dispute about mackerel, in which UK representation and influence backed up the argument. Also as part of the UK, we were able to deliver a conservation credit scheme, which was of great benefit to Scottish fishermen when it came to the debate on days at sea.

Our quotas need to remain at a level that will ensure the future of our fishermen. By being part of the UK, we are able to benefit from flexibility that might not be available post-independence. Currently, quotas are negotiated as part of the UK and then divided among the home nations. The recent concordat provides stability in that situation. Our sector in Scotland benefits from having a bigger UK quota and a relative stability that can be vital in a sector in which the catches and values can fluctuate, as was highlighted only last week by the news that the value of Scottish landings had dropped by 8 per cent.

As part of the UK, we also have the opportunity to lease quota among our partners throughout the

UK. That is a unique arrangement. The other option that is available to member states is to trade quota, but that obviously means giving up some quota. Under the leasing arrangement, Scotland is able to catch more quota from throughout the UK and more than its original allocation. That leasing arrangement is a valuable commodity for our sector, as it gives it access to higher quota, but it would disappear under independence. The opportunity to lease among partners would be turned into having to trade with competitors.

At the heart of the matter is the fact that we do not know what the outcome of negotiations for EU membership will be. At least we now have an acceptance that there will be negotiations, but we are asking businesses and sectors to take a leap in the dark. We know that the membership process will be protracted, difficult and political. It is not realistic to suggest otherwise.

The SNP asserts that the negotiations will be finalised by March 2016, but that seems pretty unrealistic to someone who has followed the recent CAP negotiations. Negotiations in Europe are never that simple. What will happen to sectors that are dependent on the EU if the negotiation is longer than the promised 18 months? What will happen to the quotas and the continuing CAP negotiations?

The EU member states may all agree that an independent Scotland could join—I say “may”, as many of the national states have their own separatist movements on which they have an eye—but there are no guarantees about what the conditions would be. Nations that want more money for farmers or more quotas for their fishermen will regard it as an opportunity to better their lot at Scotland's expense. The rebate, which is worth £135 to every Scottish household, will be up for grabs.

Scotland cannot go into negotiations without recognising the need to compromise. To think otherwise is politically naive and potentially damaging to some of our biggest sectors. Will we compromise on the rebate, our fishermen or our farmers? When Nicola Sturgeon went to the European Council, she argued about retaining the rebate; she did not argue for more support for fishing or farming.

SNP members will no doubt highlight, as the cabinet secretary did, the UK Government's recent decision on the convergence uplift. I do not defend that decision; it was wrong and there was cross-party support for questioning it. However, although we agree on the problem, we do not agree on the solution. I think that a solution can be found within the UK that will deliver a level playing field for our farmers. Separation from the UK would make our farmers leave their biggest export market—one

that, at the moment, has no trade or currency restrictions—and would erect barriers where, at the moment, we have partnership. The lack of a plan B on the currency is extremely damaging for business, and SNP claims of how much better off every farmer would be are nothing more than assertions when we do not know what the terms of a negotiated EU membership would be.

The Scottish Government cannot have it both ways. The Cabinet Secretary for Rural Affairs and the Environment often talks of the concessions that he has achieved in Europe, most recently on greening, yet at the same time he talks about our interests not being served. He cannot make both claims. Surely it is easier for a Scottish minister to influence the small UK team that goes to the Council of Ministers than it is for Scotland, with seven votes, to try to influence the other 28 member states, which have no national interest in Scotland.

Scotland has a great role in Europe, and influence. We can and should be proud of our achievements.

16:15

Roderick Campbell (North East Fife) (SNP):

This debate occurs against the backdrop of European elections to a Parliament that is likely to see an increase of representation of a Eurosceptical nature across Europe. It is appropriate, therefore, to stress the Scottish Government's desire to play its part as a constructive member of the European Union and, we hope, as an independent member state.

The document "Scotland's Priorities for EU Reform" ably illustrates that Scotland's priorities are those of reform, not of treaty change; of a greater use of subsidiarity and proportionality; of cutting back regulations; and of using directives where comprehensive harmonisation of the laws of the member states is not absolutely necessary.

Implicit in the competence review that has been embarked on by the coalition Government at Westminster is the possibility of treaty change, if not the likelihood of such change. Despite the language of David Cameron's Bloomberg speech in January 2013, it is unclear what has been achieved so far. We know, of course, that he referred to the single market as being at the core of the EU, a view that is fully supported by the Scottish Government, which knows the importance of being part of that market with regard to attracting investors. Indeed, were any part of these islands to be outside of that market, there can be no doubt of the damaging consequences. It is no surprise, therefore, that Vince Cable and Nick Clegg voiced concerns about that.

We know, however, that Cameron wants there to be a shift in the balance of competences, particularly with regard to the environment, social affairs and crime. What that will mean in practice remains to be seen, but what we know is that the Conservatives want to give an impression of being tough on Europe to prevent slippage of votes to UKIP. As Nick Clegg has said, the Conservatives are "flirting with exit".

Scotland, of course, is not at that top table. We have had recent experience of the difficulties that are caused by our not being at the top table, in the form of the UK's decision not to allocate the full pillar 1 convergence uplift to Scotland, even though this Parliament took a different view and the UK received that money only because of Scotland's low per hectare payment rate.

We know that, rather than fully embracing renewables, the coalition at Westminster prefers to support the nuclear industry unfairly. It is clear that, as an independent member state, Scotland would have different priorities and would seek to learn from other small states, such as Denmark, which intends to make Copenhagen the world's first carbon neutral capital and is promoting the use of closed-circuit television on fishing vessels to prevent discards. We could learn a lot from Denmark, Ireland and others with regard to how to approach EU negotiations as a small country.

I refer those who think that separate Scottish membership might damage relations with the rest of the UK to what Dara Murphy TD, of Fine Gael, said to the European and External Relations Committee. He noted that Ireland's best relationship in the EU is with the UK, and that, on most issues, the two countries share a common position. He said:

"We all know the history, but now when we go into Europe, we go in as equal partners and member states."—*[Official Report, European and External Relations Committee, 27 February 2014; c 1860.]*

Indeed, that is the way that it should be. We should recognise their common interests but should not be afraid to disagree when those interests diverge, whether that be on fishing, farming or even arrest warrants and student visas.

There is no time to go into detailed arguments about article 48 versus article 49, continuity of effect or opt-outs, but we should perhaps remember that it is quite clear that the European Union treaties make no specific provision for the consequences for EU membership when, by a consensual and lawful constitutional process, the democratically determined majority view in part of the territory of an existing member state is that it should become an independent state. Therefore, I have to say that I am disappointed with the Labour amendment, particularly in relation to its reference to the remarks of President Barroso on "The

Andrew Marr Show”, which, of course, are not referred to in full. We all know that, in support of his remarks, Barroso made reference to Kosovo and to Spain's refusal to recognise Kosovo internationally.

Kosovo, formerly part of Serbia, is not an EU country and is not seeking EU membership. Barroso's remarks were disowned almost immediately by many in the Commission, including the justice commissioner, Viviane Reding. They were described by Jim Currie, in evidence to the European and External Relations Committee, as “unwise” and “inaccurate”. I believe that the Labour amendment is unwise and inaccurate.

Just in case the Conservatives are resting on their laurels in not referring to Barroso, I remind them of the comments that Barroso made in October, that David Cameron's plans to claw back UK powers from Brussels are “doomed to failure”, as all 28 member states would fail to back Britain's “unreasonable” demands. I suspect that the Conservatives would not agree on that.

I also gently point out that there are no doubt unionist parties with candidates for the European elections who are seeking election in South West England, which includes Gibraltar, but I doubt that those candidates will be supporting the Spanish Government's approach to issues of self-determination.

It would be helpful if the better together parties—now that David Cameron has helpfully indicated that, in the event of a yes vote, his Government would support Scottish membership of the EU—could tell us what they would do to facilitate entry, rather than playing up perceived obstacles or seeking to avoid the question, as Alistair Carmichael did in evidence to our committee.

Scotland should become an independent member of the EU. To achieve the best for Scotland, it must do so.

16:21

Cameron Buchanan (Lothian) (Con): I am delighted to be speaking in the debate this afternoon. As a businessman who, until recently, travelled constantly through Europe and who speaks a number of European languages, I have experienced at first hand the many benefits that we enjoy as being part of the EU. Once, when I was travelling on business, a Japanese customer phoned up and said, “Hello, can I speak to Cameron Buchanan?” The receptionist replied, “Sorry, he's in Europe.” He said, “But I'm calling Europe.” In Japan, they have absolutely no idea why we would say that. We are in Europe; we are part of Europe.

The SNP constantly bemoans Scotland's lack of a seat at the top table, but that is nonsense. Scottish ministers have participated in the vast majority of EU council meetings. They all sit side by side with UK ministers in the EU, but—and this is critical—as part of the UK.

Furthermore, not only are our interests represented at the top table during international negotiations in Brussels, but altogether we form the largest national representation and carry significant weight. Scotland on its own would be one of the smallest voting states in the EU in terms of population—not just Luxembourg and Malta—with virtually no clout, as opposed to Scotland being part of the UK, which carries a large voting participation. The UK has 29 votes on the EU's Council of Ministers, whereas countries with around Scotland's population have only seven, sometimes even fewer. That makes the UK one of the four largest voting blocs, alongside Germany, France and Italy.

The UK uses its influence on behalf of Scotland on a whole host of issues of particular interest to people and businesses in Scotland, such as budget contributions, agricultural subsidies, structural funds and, in particular, fisheries. We have membership of a country that has a strong international voice and that is able to defend our interests in areas such as financial services, which have an enormous impact on the Scottish economy. More than 150,000 people are directly or indirectly employed in financial services in Scotland.

Twenty years ago, we voted on the single market—not a market for singles; my aunt thought that it meant that I could take a French girl out without telling my mother. The EU gives UK businesses access to the world's largest market. European markets account for half of the UK's trade and foreign investments, providing around 3.5 million jobs. The right of free movement of EU citizens is valuable for employers, as it enables them to recruit from a far wider pool. Recently, mobile phone roaming charges were abolished, which benefits both businesses and individuals in Europe. For 40 years, we have been working alongside our European colleagues with notable success.

That said, I accept that in recent years the feeling that the EU is too powerful and far reaching has permeated British politics, particularly in the EU's concentration on petty regulations. That is why the UK is trying to reform the EU from within, not from without, and I fully support those endeavours. The national interest is for Britain to be in Europe, not run by Europe. That is why the Conservatives want to get powers back from Brussels to Britain, particularly over social and petty employment legislation.

Fiona Hyslop: Will the member give us an example of what he considers to be a petty employment policy?

Cameron Buchanan: Certainly. One example is the fact that we have to have two people to stand by ladders. They are bringing in all these stupid little petty regulations. That is one example; there are probably many others.

The Conservatives do not want such petty regulations. Contrary to what we might hear from the SNP, Labour and Liberal Democrat benches, we are far from alone in seeking a better arrangement. The figures on public support for the EU show it to be what our Prime Minister has repeatedly called “wafer-thin”—and that is not just in the UK. Eurobarometer reports that in the Netherlands 56 per cent of people think that the EU is going in the wrong direction. The Dutch foreign minister, Frans Timmermans, has written:

“Monnet’s Europe needs reform to fit the 21st century”.

The outgoing Commission President Barroso, whom we keep hearing about, has said:

“We will not go back to the ‘old’ normal, we have to shape a ‘new’ normal”.

European Parliament President Martin Schulz says:

“I’m an enthusiastic pro-European, but I think the EU is in a catastrophic situation”.

Italy’s former Prime Minister Letta is clear that

“we need to reshape the Union”.

In Scotland, 58 per cent want a referendum on the EU, which we have already heard. That includes 63 per cent of SNP voters—that is only 2 per cent less than the Tories. They may well vote to stay in, but that shows that they do at least want a say. That is not something cooked up by the Tories to appease Westminster back benchers; the people of this country want their say.

The Conservatives are the only party that will give Scots a real choice on whether they wish to stay in the EU and reform it and the only party that will offer a genuine chance for Scottish people to shape their relationship within Europe.

We believe that the most satisfactory outcome would be the UK remaining in a reformed EU. We have already shown that reform is possible. Gone are the days when the Labour Party simply waved through EU legislation, without proper analysis. *[Interruption.]* Yes, it is true.

The Conservative Party and indeed the coalition have worked hard to make sure that we properly scrutinise legislation from Europe that will impact us here in Britain. David Cameron has already taken tough action to stand up for Britain in Europe by cutting the EU budget to protect British

taxpayers, vetoing a new EU treaty that would have given more powers to Brussels and refusing to spend British taxes on bailing out the euro. It was under this Government that we introduced a “referendum lock” to make sure that no powers can pass from Britain to Brussels without the consent of the British people in a referendum and we ended UK participation in the EU bail-out funds, so we will never have to bail out other EU member states. We also vetoed a new EU treaty because it did not safeguard our interests. We cut the EU budget, protected the British rebate, which, of course, an independent Scotland would lose, and reduced red tape on small businesses.

The Deputy Presiding Officer: You should draw to a close, please.

Cameron Buchanan: We kept the UK out of the euro and launched a review of what the EU does and how it affects us in the UK. Even with the UK rebate, membership of the EU costs us around £14 billion annually.

16:27

Clare Adamson (Central Scotland) (SNP): In 2012, the main hall of this Parliament held an exhibition of two of the remaining letters of William Wallace which of course included the Lübeck letter, which was issued by Wallace and Sir Andrew Murray after the battle of Stirling Bridge. In that letter, they ask the Hanseatic trading port of Lübeck to resume trade with Scotland. A similar letter is known to have been sent to Hamburg, but it was regrettably destroyed in the second world war. The Lübeck letter, which dates from 1297, reminds us how long Scotland has been reaching out to our European neighbours in friendship and trade.

Scotland has a proud history of engagement in Europe that has been centuries in the making. All research in this area points to a modern Scotland that is pro-European and remains committed to the European Union.

According to an Ipsos-MORI poll published on 14 February 2013, just over half of Scots—53 per cent—said that they would stay in the EU. A similar poll from November 2012 on attitudes in England found that 43 per cent would vote to stay in the EU. I do not think that that 10 per cent statistical difference comes in any way close to revealing the gulf between the attitudes in Scotland and the attitudes in the rest of the UK regarding our future within Europe. One has only to look at the widespread condemnation of and revulsion at the UKIP European election posters to know that Scotland is nowhere near the level of Euroscepticism expressed south of the border. We should be very concerned about the message that such images, recent decisions of the UK

Government—such as the use of the veto without consultation with the Scottish Government ministers—and Conservative plans to opt out of EU police and justice co-operation send to our EU partners.

Last year, EU justice commissioner Viviane Reding warned that the decision to opt out of justice co-operation was nonsensical and risked leaving the UK sidelined on security issues. The UK's influence in Europe is diminishing. In a strongly worded criticism of Tory proposals, the commissioner said that Britain's response to the international horsemeat scandal would have been imperilled if ministers had succeeded in withdrawing from EU law and policing co-operation.

Lewis Macdonald (North East Scotland) (Lab): What is the member's view of the position laid out in the paper "Scotland in the European Union", which was published by the Scottish Government, which says that the Scottish Government would wish an independent Scotland to retain the opt-out in the justice and home affairs areas?

Clare Adamson: The problem is where the UK is going with this. No transition has been planned for what will happen if we choose to opt out at this stage.

Last autumn, the Home Secretary, Theresa May, told the Commons that the Government intended to exercise Britain's opt out from more than 100 police and criminal justice measures under the banner of repatriating British powers from Brussels. Viviane Reding said:

"It's going to damage Britain ... All these elements of collaboration between security forces and police co-operation have been built up in order to combat crime and catch criminals ... everyone has said this will result in the UK being sidelined."

In 2010, the UK sent out European arrest warrants for 256 people, which resulted in 116 people being extradited to face justice in the UK, including one of the men who attempted to bomb the London transport network in July 2005. Opting out would not be automatic, could cost the UK a large sum in compensation and might leave an interim period when there was no co-operation at all. That situation is simply untenable.

Viviane Reding went on to criticise Chris Grayling for his suggestion that the UK could leave the European Court of Human Rights rather than submit itself to judicial expansion on human rights. Judge Dean Spielmann, president of the European Court of Human Rights, said of that threat:

"We have a unique system of protecting human rights ... Britain should be very careful not to lose its credibility by taking such a move."

We are in a position in which UK influence in Europe is being diminished by the UK Government's stance.

That has been raised in this Parliament, too. In March the Scottish Parliament's Justice Committee heard evidence of the Scottish Government's deep concerns that Westminster's actions would cause significant difficulty in bringing to justice criminals who flee to other EU jurisdictions. At the time, committee member Sandra White said:

"Sufficient safeguards don't appear to have been put in place and we need to hear first-hand what impact Westminster's actions will have on Scotland. That is why I hope that my colleagues on the Justice Committee will agree to invite the Home Office Minister behind this to appear before us when she visits Scotland."

Roderick Campbell: Will the member take an intervention?

Clare Adamson: I am in my last minute. Sorry.

We took much evidence on the European and External Relations Committee and I would like to finish with a quote from Laura Cram, who is professor of European Politics at the University of Edinburgh. She published a paper called "When Push Comes to Shove: Context and Continuity in Scotland-EU Relations", in which she said:

"Clear consensus emerged in evidence to the Scottish Parliament's European and External Relations Committee, that transition and interim relationships would play a key role in any post-independence negotiation with the European Union. It is true that an independent Scotland may not receive all that it asks for in any new negotiations. However, any change will bring not only risk but also opportunities."

The Deputy Presiding Officer (Elaine Smith): I am afraid that you must close.

16:34

Alex Rowley (Cowdenbeath) (Lab): As a member of the European and External Relations Committee and an MSP whose constituents benefit greatly from the advantages of being part of the European Union, I am delighted to have the opportunity to highlight the benefits that Scotland enjoys as part of a strong United Kingdom in Europe. I have spoken in the past of the importance of being part of a large and dynamic jobs market in the EU and I believe that the pooling and sharing of resources and the advantages that we gain from being part of a culturally rich and diverse union will help us secure a competitive advantage against the growing markets in Asia and elsewhere.

I believe in a positive case for Scotland in Europe. I also believe that we must continue to argue the positive benefits of the EU as well as negotiate the changes that we would like to see to

benefit our nation. I want the best possible deal for Scotland, and all the evidence that is available to me demonstrates that, as far as EU membership is concerned, the best deal for Scotland is to remain part of the United Kingdom within a European Union.

Successive United Kingdom Governments have argued for the best possible deals for Scotland within the EU since 1973. To this day, we maintain opt-outs in certain treaties and rebates that are not available to newer members, which bring a distinct political and economic advantage for the United Kingdom and therefore Scotland.

I understand that there are areas in which we must work harder in the UK to ensure that Scotland receives all the available benefits from the settlement, but those benefits far outstrip the disadvantages. That argument was highlighted in evidence that was given to the European and External Relations Committee by Dara Murphy TD, from the Irish Parliament, who was quoted earlier. He stated:

"There are two types of alliance within the EU. Alliances of small member states come together either geographically or through a shared interest ... Then there is our alliance with the UK, which is based on the fact that it is one of the three or four big powerhouses in Europe. We all know that the powerful countries often carry a significant degree of influence within the EU—and rightly so".—[*Official Report, European and External Relations Committee*, 27 February 2014; c 1860.]

Mr Murphy highlighted what many of us already know—that Scotland has a stronger and more powerful voice in Europe as part of the United Kingdom.

Christian Allard: To take the Irish example, how can the member explain why farmers in Ireland get two and a half times more funding than Scottish farmers? Does that not explain that a smaller country inside the EU can defend its farmers and fishing communities better than the Westminster Government is doing now?

Alex Rowley: There are two points. In the evidence that the members of the Irish Parliament gave, they talked about the common agricultural policy. I think that Claire Baker also touched on that. The reality for my constituents is that there is £11 billion of trade with Scotland across Europe, which is really important. However, it is equally important to remember, as we move forward, that there is £47 billion of trade between Scotland and England.

The debate has recently been centred on arguments about whether Scotland would achieve a smooth, automatic transition to EU membership through article 48 of the Treaty on European Union or would face a more rigorous application process through article 49. The experts have agreed to disagree over the correct route of entry,

but the one thing that most agree on is that any negotiations would be tough. It seems to me that we should acknowledge the facts to the people of Scotland and not simply pretend that everything will be the same, because it will not be. If we choose to separate from the rest of the UK, the negotiated settlements that Scotland would have with the EU post independence would not be the same as they are now. As an active trade unionist and shop steward since my teens, I have always understood that there has to be compromise. In this instance, I believe that there would need to be compromise as we move forward.

When the cabinet secretary visited our committee at its previous meeting, she stated:

"I do not believe that there needs to be compromise, because it will be in everybody's self-interest that we have the same terms."—[*Official Report, European and External Relations Committee*, 3 April 2014; c 1959.]

The people of Scotland know that that is simply not the case. There are many voices in Europe whose best interests would not be served by Scotland having the same fisheries quotas, treaty opt-outs and economic settlements that we now have as part of the United Kingdom, and we would need the other 28 countries to agree whatever we were able to negotiate as our position within the EU.

The Scottish Government refused recently to include a provision in the Procurement Reform (Scotland) Bill to guarantee a living wage. In doing so, it stated that European Union restrictions would block such provisions. If the Scottish Government cannot guarantee that our lowest-paid workers are given a fair wage as a result of European legislation, does it seriously believe that it can convince the people of Scotland that it would be able to negotiate all the opt-outs and the other benefits that we have as a country that forms part of the United Kingdom?

The Deputy Presiding Officer: I am afraid that you must close.

Alex Rowley: It is in Scotland's best interests to remain part of the United Kingdom and, through the UK, to be part of the European Union. That is best way to have a positive agenda for Scotland.

The Deputy Presiding Officer: Thank you. I ask that members deliver speeches of six minutes for the rest of the debate, please.

16:40

Stewart Maxwell (West Scotland) (SNP): Before I begin my speech, I will comment on Alex Rowley's speech. He quoted a member from Ireland saying that one of the great things that the Irish can do is make alliances with, for example, the UK, to form a powerful block in the European

Union. Of course they can do that, but do the Irish then go on to say that, because they can form such alliances, they want to be represented in the European Union by London? Of course they do not say that. They form alliances when it is appropriate for them to do so, but when they want to vote differently from the UK, they can choose to do so. We cannot do that; that is the big difference.

I am very pleased to have the opportunity to take part in the debate because, as a member of the Committee of the Regions in the EU, I visit Brussels regularly and I see for myself how much stronger Scotland's voice in the EU would be in an independent Scotland.

The European Union has 28 member states, ranging from large states such as Germany, with a population in excess of 80 million, to states such as Cyprus, which has a population of just over three quarters of a million people. Therefore, Scotland would certainly not be the smallest state in the EU. Furthermore, increasing evidence highlights that the smaller EU member states, such as Finland, Sweden and Denmark, are relatively more successful in European Union negotiations than are the large member states.

The EU aims to promote the free movement of people, goods, services and capital. Over the past 60 years, it has grown to become the world's largest single market with more than 500 million consumers. If Scotland were independent, the Scottish Government would be involved fully as an equal partner in the decisions taken by the European Union. We are represented in negotiations by the Westminster Government, but when it is faced with competing priorities between, for example, what is best for Scotland and what is best for the City of London, Scotland loses out. That would never happen with an independent Scottish Government, whatever its political persuasion.

Successive Westminster Governments have failed to protect the interests of Scotland and the current Government is still failing to deal fairly with Scotland when it comes to the EU. In the newly negotiated agricultural subsidies for 2014 to 2020—the pillar 1 of the common agricultural policy that other members have mentioned—the UK Government received pillar 1 convergence uplift only because of Scotland's low per hectare payment rate. We must remember that about 85 per cent of Scotland's land has less favoured area status as compared with about 15 per cent of land in England. Despite that, the Westminster Government has decided to allocate that convergence uplift money pro rata across the UK, so that Scotland's farmers and crofters will not receive the full payments that the EU intended them to have. In effect, farmers in East Anglia are

receiving payments designed for crofters in the Western Isles. If Scotland had been independent when the latest CAP budget was being decided, we would have benefited from a principle that, by 2020, no member state would receive less than an average of €196 per hectare. That would have brought Scotland an extra €1 billion between 2014 and 2020.

Fishing is another industry that is vital to Scotland's economy but here again Scotland's interests are not properly represented. Despite the fact that two thirds of the UK fishing industry is based in Scotland, the Scottish ministers have not been allowed to speak on behalf of the UK in Europe, even when the interest to be discussed is almost exclusively Scottish. None of that is surprising when we learn, as we did when papers from Ted Heath's Government were released under the 30-year rule, that a Scottish Office memo from the time stated that the Scottish fishing industry

"must be regarded as expendable".

Scotland, its interests and its people have not been Westminster's priority for a very long time.

The Scottish Government's aims for Scotland fit very well with the EU's growth strategies. In 2010, the European Union set a 10-year growth strategy for the EU entitled Europe 2020. The strategy set seven flagship initiatives to maximise the potential of the EU's member states and the initiatives closely match our own targets for Scotland's growth.

For example, initiative 3 is the "digital agenda for Europe" and aims to speed up the roll-out of high-speed internet and to reap the benefits of a digital single market. Scotland, with its remote and scattered population, would benefit enormously from the realisation of such an initiative, and the areas of Scotland that would benefit the most are those that are most in need of investment and development.

The food and drink sector contributes 18 per cent of Scotland's overseas exports but a bit less than 1.5 per cent of the overseas exports of the UK as a whole. It is therefore vital to Scotland's business interests that Scotland retains the access to the common market that membership of the EU brings. In 2010, the EU 27 accounted for more than 25 per cent of total world output.

We cannot afford to be shut out from that market. However, if Scotland remains in the UK and there is, as seems likely, a referendum on Europe in the next Westminster Parliament, there is a real possibility that Scotland could vote to stay in the EU but end up outside the EU. Our access to a market of around 500 million people would be threatened, as a result of our being outvoted by the rest of the UK.

If we were independent, we would have our own voice in Europe to protect our interests and argue our case. At the moment, Scotland's interests are never a priority. Scotland benefits from being part of the European Union, but an independent Scotland would benefit much more. No longer would we stand on the sidelines while others weighed our interests against their priorities. No longer would we have to hope that the UK Government would put Scotland first; we would know that a Scottish Government would always do so. Who among us would let their business interests or personal financial matters and relationships with others be dealt with by an intermediary? That is Scotland's position with regard to the EU, as long as we stay in the UK.

Europe day is celebrated on 9 May each year. It is a celebration of peace and unity in Europe. I hope that in 2016 we will be able to take our place as a fully independent member of the EU and happily join in the celebrations with all our European neighbours, including the rest of the UK.

16:47

Elaine Murray (Dumfriesshire) (Lab): Presiding Officer, I take it that you still want six-minute speeches.

The Deputy Presiding Officer: Yes.

Elaine Murray: Thank you.

Like Annabel Goldie, I voted yes in 1975. There are many areas of agreement in this debate. Many members think that continued membership of the EU is desirable and that we benefit from the shared desire to solve common problems and tackle issues that concern all member states. Many of us recognise that the EU has achieved improvements in human rights and workers' rights—not petty restrictions but workers' rights—throughout Europe, as a result of working together. I think that many of us also believe that the democratic accountability of the EU's institutions is important and that the EU is not merely a single market but a social and political union, in whose governance citizens of member states have a voice, through the election of representatives to the European Parliament.

I am sure that many of us are disappointed that European issues are not given sufficient importance in our national media, which focuses on nonsensical stories about straight bananas and the like. It is sad that in Scotland there seems to be an almost complete lack of interest in the European parliamentary elections next month. Several constituents to whom I spoke last weekend thought that they had received their referendum polling cards several months early; they did not realise that their cards were for European Parliament elections.

The democratic and financial accountability of the EU and its institutions could be improved. However, even if the system is not perfect or even nearly perfect, it is extremely desirable that nations should work together, address issues across borders, enshrine the rights of their citizens and ensure that those rights are not undercut by neighbouring states. Where there is a social union as well as a common trading area, decisions should be taken democratically.

What puzzles me is why SNP members who believe that to be desirable at European level reject the concept of political union within the United Kingdom. If it is good to send a dozen or so Scottish MEPs to a European Parliament of 766 members, why is it such a bad thing to send 59 Scottish MPs to a UK Parliament of 650? If a small number of Scottish MEPs can have influence in Europe, why surrender the influence of 59 MPs in the United Kingdom, particularly when the Scottish Government seems to wish to retain a part of so many of the UK's institutions and unions?

The Government's motion contains assumptions and assertions and, I am afraid, the usual view that what the Government would like to happen will happen. Anyone who questions the assertions and asks for detail on how they were arrived at is subject to a torrent of alliteration and accused of scaremongering. However, it is not just members of the better together campaign who are asking questions. Significant voices are raising issues about the Scottish Government's assertions about Scotland's membership of the EU and how long it would take to negotiate.

At a recent debate organised by the Royal Society of Edinburgh, Professor Neil Walker of the University of Edinburgh pointed out that there is no legal precedent for the situation where an EU member state splits and both states wish to remain part of the EU. For example, Greenland did not seek membership of the EU when it left Denmark. He also argued that, if normal international rules of state continuity apply, the rest of the UK would be likely to remain the member state as it would have the larger share of the population, and therefore Scotland would have to reapply for membership.

It could also be argued that, because the UK is a current member state and it was Scotland's decision to leave that member state rather than a decision of the rest of the UK, it is Scotland that would leave the EU. Maybe the Scottish Government now accepts that, because it seems to accept that it would need to negotiate membership.

Fiona Hyslop: Does the member recognise the evidence that was given to the European and External Relations Committee by Graham Avery, honorary director general of the European

Commission, who wrote Commission opinions on the membership applications of 14 countries and 19 negotiation frameworks for accession? He said:

"It is obvious that the commonsense solution would be for Scotland's membership of the EU to be effective on the same day as its independence, and it is obvious that 5 million Scottish citizens, who have been European citizens for 40 years, should not be treated in the same way as people of non-member countries".—[*Official Report, European and External Relations Committee*, 30 January 2014; c 1731.]

Elaine Murray: All that the cabinet secretary demonstrates there is that there are differences of opinion. I quoted one academic opinion and she quoted another. That is why we cannot be certain what will happen. To assert that we want something to be a certain way does not mean that it will happen that way.

We do not know how long splitting up the assets and liabilities and institutions of the United Kingdom might take. The Scottish Government asserts that it will take 16 months to negotiate, but it takes two to agree the terms of separation and the UK Government has to play a part and have some say in that. We do not know how long an application for membership of the EU would take. The Government might like negotiation to start on 19 September and be completed by March 2016, but that does not mean that that will happen.

The process would also depend on the attitudes of the other member states. They may well be friendly and favourable towards Scotland, but it might be more important to them to send a message to independence movements in their countries. Spain will not even allow Catalonia to hold a referendum. Does anyone really believe that Spain would send out the message that an independent Catalonia could easily join the EU?

If the application process was not completed within the timeframe that the Scottish Government asserts it will happen within, what would happen to my constituents? What would happen to the payment of agricultural subsidies and rural development funds? Would the EU continue to pay out if Scotland was not yet a member state?

I will quote somebody else who knows a thing or two. Bertie Armstrong, chief executive of the Scottish Fishermen's Federation, has described the application process as potentially "protracted and tortuous" and he said that, when complete, it would leave Scotland as a "small voice" that required to attract support from many and disparate allies.

I say to SNP members that to raise these important issues is not to scaremonger but to be realistic. We need answers, because the issues are so important to the decision that we will take in September.

16:53

Christian Allard (North East Scotland) (SNP):

I thank the Scottish Government for bringing the subject of Scotland's voice in the EU to the chamber for debate today. I like to think that I am the French voice in the Parliament, and I am also a voice of the fishing industry. I spent 30 years working in the fishing industry in this country, but I do not recognise what some members in other parts of the chamber said when they talked about the benefits to the fishing industry of Scotland being part of the UK, and about the UK negotiating Scottish fishing rights with the EU for the past 40 years. Many people on the quaysides in Fraserburgh and Peterhead and in the fish processors in Aberdeen will ask how some members of the Scottish Parliament can tell us that the fishing industry is better off being part of the UK and having UK ministers negotiating in Europe. I can tell members that that is not the case. One reason why I am here in the Scottish Parliament is that Westminster is not working for the Scottish fishing industry.

Claire Baker: Can the member explain why it would be better for Scotland to have seven votes on fishing at the Council of Ministers than to be part of 29 votes? How would that give us more influence?

Christian Allard: The member mentioned seven votes. The votes are not working for the Scottish fishing industry. That is what it has been telling us from the start. After independence, we will have a lot more than seven votes. If the UK is on our side, we will have the voices of the UK and the voices of the MEPs representing an independent Scotland. An independent Scotland will have more MEPs to represent the Scottish fishing industry and the farming industry, ensuring that our farmers get what their neighbours in Ireland get. That is very important.

Jamie McGrigor (Highlands and Islands) (Con): Did the member listen to the chief executive of the Scottish Fishermen's Federation when he said that what mattered was not who was in the chair, but what was said and how effective it was?

Christian Allard: I listened to Bertie Armstrong—I always listen to Bertie Armstrong and I know exactly what he said. It does not matter who is in the chair, yet we all recognise that Richard Lochhead has been the best cabinet secretary for rural affairs, representing the interests of the farming and fishing industries. Unfortunately, he has had to represent the interests of our farmers and fishermen not in Brussels but at Westminster, as he must negotiate with the Westminster politicians to get help from the EU, and the Westminster politicians do not share his views. In an independent Scotland, our

cabinet secretary Richard Lochhead will really be the voice of the fishermen and the farming industry.

Jamie McGrigor: Will the member take another intervention?

Christian Allard: I must go on.

It is common sense that an independent Scotland will become a member of the EU after independence. That was very much highlighted when two French politicians came to Scotland. One of them was Joëlle Garriaud-Maylam, a senior French senator from the Union for a Popular Movement Party, who came to see us at the beginning of the year and who made the position of the French Senate very clear.

During a debate among the French senators, which members can read online if they get a translation via Google or if they ask me, one of the senators, André Gattolin said:

"The comments of the President of the European Commission, Mr Barroso, are too far fetched; the European Union does not provide rules for the departure of a member state. I do not see how we could impose on Scotland an accession process as if Scotland was a new member."

Madame la Senatrice Garriaud-Maylam concluded the debate by saying that the threats that were made by Mr Barroso were inappropriate and resulted from pressure from London. She added that they were not credible and that

"If Scotland votes for independence, it will remain in the European Union."

The senatrice thought that that would be in the rest of the UK's interest, too.

Another French politician, Madame Axelle Lemaire from the French Socialist Party in the Assemblée Nationale, appeared on the BBC's "Politics Scotland" programme in March and denounced the actions of President Barroso. She said:

"It's up to the Scottish people and to the people who live in Scotland, in general, to express their views. There is a very heated but democratic debate going on, and I don't think it was up to President Barroso to say what he thinks about it."

The French MP added that Barroso was after David Cameron's support to head NATO. Unfortunately for the former Prime Minister of Portugal, he did not get the job—the former Prime Minister of another non-nuclear small country, Jens Stoltenberg of Norway, did. Madame Axelle Lemaire's political judgment has been recognised this month, and the French MP who came to see us a few months ago is now the minister for the digital economy in President Hollande's Government.

The views that have been expressed by French politicians on both sides of the political spectrum

demonstrate that France is united in accepting the idea of an independent Scotland staying in the EU. There also seems to be agreement that it is for the people of Scotland to decide without outside interference.

16:59

Patrick Harvie (Glasgow) (Green): The title of today's debate is "Scotland's Voice in the European Union", but there have been several different debates going on. Some members have debated whether we should have an independent voice in the EU and have tried to compare and contrast wee, tiny Scotland with big, powerful Britain, as though that is the choice that we have to make. I only suggest that, after independence, when the interests of Scotland and those of the rest of the UK converge on priorities or policies, our combined voting clout in the European Parliament, the Council of Ministers and the Commission will, at the very least, not be diminished. When our interests diverge, it makes no sense at all for Scotland's position to be represented by a larger block that has a different priority or policy to pursue. Therefore, for me, that question is settled—Scotland should represent itself at EU level.

Other members have debated whether we can represent ourselves and have suggested that it would be an extremely complex, difficult and time-consuming process. Michael McMahon was keen to criticise Christina McKelvie for making a comparison with what happened at the time of the reunification of Germany. There are, of course, vast differences between that situation and the Scottish situation, but there are a couple of points of comparison. First, there is no specific treaty provision for either situation. The solution to the German situation had to be found on the hoof, as it were, and on a pragmatic level, as will be the case with Scotland.

Another point of comparison is the fact that, at the time of the reunification of Germany, politicians from other EU countries said that the process would be terribly complicated and time consuming. We even had a British Prime Minister hosting conferences to ask the question, "How dangerous are the Germans?" The French President was asked for support to combat the German threat. What nasty rhetoric that was. It was said that a timescale of at least five years should be put on the process and that it would be a long and complex one. However, when it came to the crunch and the East Germans voted for a unification Government, a pragmatic solution was found. The EU is a democratic and an expansionist body, so in my view a pragmatic solution will be found.

Beyond the questions about whether Scotland can or should gain an independent voice in the EU and how it could do so, there is another question about how we would exercise that voice in the EU, what positions we would take and how we would engage in the debate about Europe's future. That debate, much like our independence debate, is about power—not just where power is exercised, but how and in whose interests.

That brings me to the point that I had hoped to make in an amendment about the transatlantic trade and investment partnership. It surprised me a wee bit that the Government's paper, "Scotland's Priorities for EU Reform", had only nine lines on trade and investment and that it made no reference to that crucial document that is being negotiated between the EU and the US, which, through a mechanism called investor-state dispute settlement, has the potential to hand over what should be democratically accountable power from the Parliament in Brussels and Strasbourg, and even from the Council of Ministers and the Commission, to tribunals of corporate lawyers who will meet in private. In effect, that would open up the possibility of corporations being able to sue national Governments for having the nerve to have any impact on their profits by having social and environmental regulations.

One of the important reasons for my being pro-Europe is that the EU has a track record of demonstrating a high commitment to social and environmental regulation. If we start to undermine that in the TTIP, that is likely to set a precedent for other trade deals, particularly those that will impact on developing countries, whose Governments will not have the ability, the clout or the resources to stand up to the pressure of corporate interests.

I will give just one example. The Scottish Government consistently tells us that it has a strong regulatory approach to fracking for shale gas and that, if fracking for shale gas is pursued in Scotland, there will be buffer zones and high regulatory standards. There is a danger that, if the TTIP goes through in its present form, those self-same fracking companies that have wreaked such havoc in the United States will have the ability to sue Governments in the EU for imposing a higher regulatory standard on their activities.

There is a danger that even if there was the political will in Scotland to oppose that, we would not have the legal mechanism to do so. Can the proposed trade deal be stopped? I would argue that the parliamentary defeat of the anti-counterfeiting trade agreement demonstrated that such mechanisms can be defeated at European level. Voices are starting to come out against the proposed trade deal in the American Congress, too. This is exactly the time to be challenging the content of the proposed transatlantic trade and

investment partnership between the EU and the US, and I believe that the Scottish Government should do so. There are alternatives to that deal. I encourage members to look at alternativetradeandinvestment.org for ideas about a more humane trade arrangement that Europe could champion and which would be more in keeping with human rights, environmental protection and social justice.

The Deputy Presiding Officer: We now come to the closing speeches. I remind all members that they should be in the chamber for closing speeches if they participated in the debate. I call Jamie McGrigor—six minutes, please, Mr McGrigor.

17:05

Jamie McGrigor (Highlands and Islands) (Con): I very much welcome this debate, having spent the past 12 months as a member of the European and External Relations Committee examining how an independent Scotland would or could play a future role in the EU. I am not sure whether the committee's convener or the Scottish Government intended that our inquiry would expose the many myths perpetrated by the SNP, but it has been a very useful exercise for doing just that.

It is clear from the evidence given to the committee by many experienced, influential and key experts that there is no right that would allow an independent Scotland to be automatically admitted to the EU. I am thinking of contributions made by leading academics such as Kenneth Armstrong, professor of law at the University of Cambridge, who said that article 48, the so-called fast-track means by which an amendment to the treaties would be sufficient for Scottish membership, would be legally implausible and "incredibly politically risky." Professor Armstrong went on to say that article 48 is

"a way of renegotiating the treaties between existing member states and not ... with ... some other non-member state."

I am also reminded of what Patrick Layden QC said:

"If we decide seriously to leave the United Kingdom, one of the consequences that is reasonably clear and generally agreed is that Scotland will not be part of the European Union."—[*Official Report, European and External Relations Committee*, 23 January 2014; c 1695 and 1692.]

The Labour amendment rightly makes reference to the European Commission President Jose Manuel Barroso's clear statement on Scottish EU membership, which was supported by his European Council counterpart Herman van Rompuy. Further, earlier this month, Señor

Barroso's deputy, Viviane Reding, wrote to the EERC convener, stating:

"When part of the territory of a Member State ceases to be part of that State, e.g. because that territory becomes an independent state, the treaties will no longer apply to that territory."

I think that that is pretty clear.

Stewart Stevenson: Will the member take an intervention?

Jamie McGrigor: Not at this point.

As far back as 2004, Señor Barroso's predecessor, Romano Prodi, was saying exactly the same on the issue.

Some of the SNP back benchers who spoke earlier would not take interventions. Roderick Campbell mentioned evidence from Ireland, but he may remember that an Irish delegate told the committee how envious the Irish were of the UK block vote of 30 votes and the negotiating power that that gave the UK. On what Bertie Armstrong, the chief executive of the Scottish Fishermen's Federation, said, his remark was made in answer to a suggestion that it should always be the Scottish officer who sat in the chair for the UK during EU fisheries negotiations, so there we are.

Additionally, there is the arrogant view that all other member states would simply acquiesce to Scotland's request to simply carry on with its membership of the EU in the event of independence. We heard at the committee about how other nations, such as Spain, could use their blocking powers to demand more rights and about their sensitivities regarding nationalist ambitions. Jean-Claude Piris, the former legal counsel to the European Council, said that the French could not agree to Scotland's entry without having a referendum in France.

Stewart Stevenson: I wonder how the member can point to a legal basis for depriving me of my European citizenship. There is no such basis in the *acquis communautaire*. Can he point one out to me?

Jamie McGrigor: The last thing that I want to do to the member is to remove his European citizenship.

The Conservative amendment rightly states the benefits that are associated with EU membership by Scotland being part of the UK, including staying out of the euro, securing the UK rebate and remaining outside the Schengen border zone. What guarantees are there that those benefits would not be lost by our pursuing independence?

Specifically on the rebate, the respected think tank New Direction has calculated that if it fails to renegotiate the terms of its membership, Scotland will lose out financially. The UK rebate is worth

£295 million to Scotland every year, which is worth thinking about. On top of that, an independent Scotland might, alongside other member states, have to contribute to the remaining UK's rebate, which would cost a further £46 million every year. Has the SNP thought that through?

Let us dispel at last the myth that Scots do not want a referendum on a reformed EU. Last year's polling suggested that 58 per cent of Scots agree with holding such a referendum, including 43 per cent of Liberal Democrat voters, 52 per cent of Labour voters, and a staggering 63 per cent of SNP voters. So, as Annabel Goldie said, why can we not have a referendum on that question when the SNP is so keen on having a referendum on independence? It does not make sense.

Patricia Ferguson: Will the member give way?

The Deputy Presiding Officer: The member is closing.

Jamie McGrigor: As a committed European, I believe that the British people, including a majority of Scots, will vote in favour of membership of David Cameron's reformed EU. I will be out campaigning for that rather than arguing for the SNP position, which will leave Scotland in the cold should we go down the lonely route of independence and separation.

Richard Lyle (Central Scotland) (SNP): We're all doomed!

Stewart Stevenson: We're all doomed!

Jamie McGrigor: Well, the fact that the SNP's position on an independent Scotland in the EU is based on assumptions, the consequences of which we do not know, is one of the many reasons why I hope that the Scottish people will see sense and reject independence on 18 September. I support the amendment in Annabel Goldie's name.

17:12

Patricia Ferguson: As is often the case with these debates, although it has been interesting, I am not sure that it has shed any light on the arguments that we are debating.

However, a number of points were made during the debate that are worth reflecting upon. I was quite surprised to hear that the convener of the European and External Relations Committee believes that Scotland has only two MEPs; the rest of us happen to think that there are slightly more than that. Perhaps she thinks that only the two SNP MEPs matter. I am not sure which it is, but that was certainly the impression that she gave members this afternoon.

I agree with Christina McKelvie on the issue of workers' rights, as I said in my opening

contribution. One of the issues of most importance to workers in Scotland, as elsewhere, is the living wage. I wonder whether Christina McKelvie has any interest in pursuing the issue of the living wage, and whether the Scottish Government will take it through during stage 3 of the Procurement Reform (Scotland) Bill next week.

John Wilson (Central Scotland) (SNP): Would the member like to comment on Tony Blair's opposition to the working time directive, which extended to his campaigning behind the scenes to ensure that the UK did not have to introduce it and urging the leaders of other European countries to reject the working time directive?

Patricia Ferguson: If I am not mistaken, we have the working time directive. The point that is worth making is that, in the Procurement Reform (Scotland) Bill, which I think will come before Parliament in the next few weeks, the Scottish Government has the opportunity to do something about the living wage if it chooses so to do.

We have heard that somehow Europe prevents that from happening, but it frankly beggars belief that Boris Johnson can introduce the living wage for workers in London and the Scottish Government cannot do the same for workers in Scotland. If we really care about workers' rights, wherever they are legislated on—and I accept that Mr Wilson does care about workers' rights—we must be consistent and think about the actions that we take.

Michael McMahon was absolutely right to draw our attention to the rules on pensions. Pensions are certainly one of the issues that people often raise with me on the doorstep; they are worried about their pensions. They do not understand why anything about their pensions has to change, because they do not understand the arguments that the Scottish Government is trying to make them believe.

Similarly, we need to know what the rules will be on VAT, because the UK has a distinct experience of operating VAT and we have no contribution from the Scottish Government that indicates what would happen if Scotland were foolish enough to separate and then try to be a member of the EU. What would the VAT situation be?

Fiona Hyslop: Will the member give way?

Patricia Ferguson: If the cabinet secretary can illuminate us on that point, I would be grateful.

Fiona Hyslop: Describing a democratic decision by the Scottish people as "foolish" is unforgivable. Will Patricia Ferguson withdraw that remark?

Patricia Ferguson: In my view, it would be a foolish thing to do, because, in my view, the Scottish Government has not laid before the

people of Scotland all the facts that people need to make that democratic judgment. I fully respect the right of the Scottish people to exercise that judgment, and I have argued that point for many years in this Parliament, at a time when the Scottish Government was not willing to offer the people of Scotland a referendum. It is not the referendum that I am criticising, nor is it the Scottish people; it is the fact that we are being asked to make the decision based on so many assertions and so few answers.

I move on to Aileen McLeod's contribution. I always listen to her carefully and with a great deal of interest and respect, because she has experience and knowledge of Europe. However, the whole issue is about how we use the political leverage that we have. What would be different if Scotland were separate from the rest of the UK? What would make SNP MEPs in Europe vote differently on maternity and paternity rights? That would not change. We need to look at how power is exercised and why.

Claire Baker talked about fisheries and was absolutely right to mention the uncertainty of the settlements, but that is one of a number of areas in which we do not have the correct information as yet; we have nothing other than assertions.

Alex Rowley talked about the pooling and sharing that are important in Europe, as in the rest of the UK. If we go into negotiations on Scottish membership with an attitude of no compromise, whether we take my view that article 49 would apply or the Scottish Government's view that it would not, the other 28 countries would still have to agree on the terms on which we would join.

The Minister for External Affairs and International Development (Humza Yousaf): Can the member name one country that has said that it would veto an independent Scotland's membership of the European Union?

Patricia Ferguson: If Mr Yousaf had let me finish before intervening, I would have told him that I am talking not about Scotland being denied membership, but about Scotland negotiating membership and all 28 countries having to agree on the terms of that membership. That strikes me as a difficult negotiation, particularly if the Government says that it wants to hold on to all the opt-outs—out of the euro, out of Schengen and out of all the other things that we have opted out of in the UK. All those issues would have to be negotiated, and nobody else in Europe has similar arrangements, including countries on which we are depending for support, so the idea that they will vote to allow us to have such opt-outs is naive. It will be much more difficult, particularly if we go forward with the idea that we are not going to compromise on anything.

We already know what the Deputy First Minister's red line is, and we have heard a few more in the course of today's debate.

The Deputy Presiding Officer: You must draw to a conclusion.

Patricia Ferguson: Thank you, Presiding Officer.

My colleague Elaine Murray made a point about political arithmetic, as I did in my opening speech, and I think that she was right to do so.

I have to ask Christian Allard, if Richard Lochhead has such a hard job negotiating within the UK delegation, how on earth will the Scottish Government cope when negotiating with 28 individual fisheries ministers, all with their own agendas? That seems absurd.

The Deputy Presiding Officer: I am afraid that you must close.

Patricia Ferguson: I would like to think that the turnout for the European elections in 30 days' time will be higher than normal and I would like to think that our speeches today will have encouraged people to take part in the debate, but I am sorry to say that I doubt very much that that will be the case.

17:20

Fiona Hyslop: I welcome the wide range of speeches in the debate, most of which have shown the strength of commitment to Scotland's role in Europe. The European Union has often been the subject of controversy, but it has brought us many fruits, such as peace, stability, access to half a billion consumers for our many exporters and benefits in culture and education, which Elaine Murray referred to.

The EU has brought the free movement of people across its member states' borders, and immigration is vital to Scotland's economic and cultural success. Our immigration needs differ from those of the rest of the UK, and I reject the frequent and populist anti-immigration sentiment that we have seen in recent months in the UK and elsewhere in Europe. I am concerned that we are hearing it in the weeks before the European elections, too. Scotland has a vibrant and thriving migrant community that continues to make an important contribution to our economy and our diversity as a nation.

The Parliament has a positive and ambitious perspective on the role that Scotland could play in the EU. Our role in the EU is also informed by the recognition that, to truly fulfil our potential as a nation, we need the full powers of independence.

As has been highlighted in the debate, there are policies on which we need our own voice and

members across the chamber have described a number of them. I agree with the Labour Party's concern about workers' rights and I have serious concerns about what the Conservative Government might do to the provision of those rights.

Claire Baker and others raised CAP reform and fishing. Scotland has 60 per cent of the UK's total seas and is responsible for two thirds of the UK's fishing quota. Do we seriously think that we should maintain our membership of a union in which, as Stewart Maxwell said, Conservative Governments have said that fishing must be regarded as "expendable"?

On CAP reform and the recent settlement, is there a clearer demonstration than the CAP convergence criteria of the fact that we need to have reform and our own voice in Europe? Our farming community has lost out on €1 billion because of the UK's negotiating stance. That is unacceptable.

As for having a voice and a seat at the top table, Richard Lochhead is—along with a Swedish minister—the most experienced minister at European Union discussions, yet the UK Government denies him the right to speak. How can that be a strong voice in Europe? It is also important to have our own voice on other areas such as renewables and the digital agenda.

Patrick Harvie made the important point that Europe is pragmatic, democratic and expansionist. He was right to say that the debate is about not just the means by which we have a voice in Europe but what we do and say there when we are an independent member. He referred to the transatlantic trade and investment partnership, which I hope that the Parliament will return to. We support the initiative, but it needs more scrutiny, which is far more difficult for a devolved Parliament than it is for an independent Parliament. He might be interested to know that, on a recent visit to Paris at the French Government's invitation, I discussed with other ministers trade issues under that partnership relating to the digital market and culture.

It is important to acknowledge the recognition that Scotland will be a member of the EU. There will be huge benefits for Scotland and Europe in Scotland taking her place at the top table. The European Commission has not taken a view on Scotland because it has not been presented with a request to do so. Claire Baker said that the burden of proof is on the Scottish Government, but only the UK Government can ask the Commission to take a view, and it has not done so.

Scotland's position is unprecedented. No article in the EU's treaties allows for part of a member state that votes for self-determination to be

unwillingly removed from the EU. The references to article 49 are all about a provision that would not apply in Scotland's situation. Commentators who have expressed those views are simply expressing an opinion.

I reiterate that I have left in SPICe the response from not only the European Commission but the Council of Ministers on the fact that analysis has not been developed on the matter. Their opinion disregards the fact that there will be 18 months between the vote and independence. As the Scottish Government and UK Government have signed the Edinburgh agreement and both committed to respect the result of the referendum and to work co-operatively together in the interests of Scotland and the rest of the UK after a yes vote, there would be an obligation to seek to resolve Scotland's position before the date of independence. It is telling that even David Cameron in a recent television debate made the point that he absolutely supports Scotland's membership of the EU.

I will refer to some other points that were made, particularly about some aspects of the UK's current position.

The UK is in danger of sleepwalking to the exit of the European Union. Cameron Buchanan made some references to Japanese business interests. He may be aware that the UK Government is currently consulting on the balance of competences prior to the negotiations that we have heard about. One of the few countries that has agreed to engage in the balance of competences review is, funnily enough, Japan. What is Japan's view on the UK's proposals? It is seriously concerned that the UK's position would damage its access to the European Union. Perhaps Cameron Buchanan might want to reflect on that.

Patrick Harvie: Given the dire warnings that we have heard from Conservative members about the danger of uncertainty in the debate, what does the cabinet secretary have to say about the terrible uncertainty of Mr Cameron's proposals to renegotiate the European Union? How can he stand up as a political leader and offer a European policy that has no guarantees whatever?

Fiona Hyslop: That is a point very well made. Nobody to whom I have spoken in Europe thinks that treaty negotiation by threat of leaving the EU by referendum is any way to influence people to change.

Youth unemployment, on which we would want support for the European youth guarantee—a position not taken by the UK, climate change targets, renewables, the recent report by the United Nations Intergovernmental Panel on Climate Change, and the need for increased

investment and innovation in digital areas are all matters on which Scotland could speak with its own voice were it to be independent.

As set out in "Scotland's Future" and "Scotland in the European Union", the rest of the UK will remain a close ally. Where our interests coincide with those of the UK, together we will form a more powerful voice for action but, when Scotland has a distinct view, we will have a new ability to build alliances and make our case. The difference is that, either way, Scotland's voice will be heard.

As well as being able to pursue its own interests, Scotland will work with other member states—our partners and our friends—on common issues and common interests. We know that the European Union needs reform, but that can be achieved within the existing treaty structure.

Annabel Goldie: Will the cabinet secretary give way?

Fiona Hyslop: I am about to close.

We can pursue that agenda. Threatening to walk away from the European Union if we do not get our way is no way to bring about the change that is needed. We will act constructively. We will act for the progressive interests in the European Union.

We may have differing views about independence, but I hope that there will be much on which we can agree in the future. Would it not be better if, the next time that we had a debate on the European Union, we were preparing and planning what our collective, united voice will be as independent members of the European Union?

Housing (Scotland) Bill

17:29

The Presiding Officer (Tricia Marwick): The next item of business is consideration of motion S4M-09750, in the name of Joe FitzPatrick, on the Housing (Scotland) Bill—standing orders rule 9.6.3A.

Motion moved,

That the Parliament agrees, for the purposes of its consideration of the Housing (Scotland) Bill, under Rule 9.6.3A of the Standing Orders, that the Parliament shall consider the general principles of the Bill on the fourth sitting day after publication of the lead committee report.—
[Joe FitzPatrick.]

The Presiding Officer: The question on the motion will be put at decision time.

Parliamentary Bureau Motion

17:29

The Presiding Officer (Tricia Marwick): The next item of business is consideration of a Parliamentary Bureau motion. I ask Joe FitzPatrick to move motion S4M-09761, on substitution on committees.

Motion moved,

That the Parliament agrees that David Torrance be appointed to replace Christina McKelvie as the Scottish National Party substitute on the Public Audit Committee.—
[Joe FitzPatrick.]

The Presiding Officer: The question on the motion will be put at decision time.

Decision Time

17:30

The Presiding Officer (Tricia Marwick): There are six questions to be put as a result of today's business. The first question is, that motion S4M-09773, in the name of Alex Salmond, on a motion of condolence for Margo MacDonald, be agreed to.

Motion agreed to,

That the Parliament expresses its deep regret and sadness at the death of Margo MacDonald MSP; offers its sympathy and sincere condolences to her family and friends; recognises the high regard in which she was held by so many people from all parties and none; pays tribute to her significant contribution to public life as a teacher, a journalist, a campaigner and a parliamentarian, and acknowledges her distinguished record of dedicated service to her constituents in the Lothians and to the people of Scotland.

The Presiding Officer: I remind members that, in relation to the debate on Scotland's voice in the European Union, if the amendment in the name of Patricia Ferguson is agreed, the amendment in the name of Annabel Goldie falls.

The next question is, that motion S4M-09748.1, in the name of Patricia Ferguson, which seeks to amend motion S4M-09748, in the name of Fiona Hyslop, on Scotland's voice in the EU, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Kelly, James (Rutherglen) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)

Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baker, Richard (North East Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)

Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Abstentions

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Presiding Officer: The result of the division is: For 36, Against 66, Abstentions 13.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S4M-09748.2, in the name of Annabel Goldie, which seeks to amend motion S4M-09748, in the name of Fiona Hyslop, on Scotland's voice in the EU, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)

Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)

Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 13, Against 102, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S4M-09748, in the name of Fiona Hyslop, on Scotland's voice in the EU, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)

Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Against

Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)

Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

The Presiding Officer: The result of the division is: For 65, Against 50, Abstentions 0.

Motion agreed to,

That the Parliament recognises the importance of Scotland having a strong voice in the EU; believes that Scotland has built a positive foundation for engaging on EU matters and continues to play a progressive role internationally; recognises Scotland's strong commitment to learning and sharing experience and expertise with other European countries, as highlighted in the Scotland in the European Union paper and the Nordic Baltic Policy Statement; further recognises that, as an independent member state in the EU, Scotland would be able to join the other 28 member states in participating directly in all EU legislation and policy negotiations, ensuring that it is well placed to foster coalitions of support across other member states that will further Scotland's national interests; believes that Scotland will contribute constructively to the common European interest, drawing on the priorities for improvement and for reform set out in the paper, Scotland's Priorities for EU Reform, and recognises that direct representation in the EU will protect Scotland's economic and social interests against the uncertainties and adverse consequences of a UK in/out referendum raising the risk that the UK may exit the EU.

The Presiding Officer: The next question is, that motion S4M-09750, in the name of Joe FitzPatrick, on the Housing (Scotland) Bill, under standing orders rule 9.6.3A, be agreed to.

Motion agreed to,

That the Parliament agrees, for the purposes of its consideration of the Housing (Scotland) Bill, under Rule 9.6.3A of the Standing Orders, that the Parliament shall consider the general principles of the Bill on the fourth sitting day after publication of the lead committee report.

The Presiding Officer: The next question is, that motion S4M-09761, in the name of Joe FitzPatrick, on substitution on committees, be agreed to.

Motion agreed to.

That the Parliament agrees that David Torrance be appointed to replace Christina McKelvie as the Scottish National Party substitute on the Public Audit Committee.

Football Clubs (Fan Ownership)

The Deputy Presiding Officer (John Scott):

The final item of business today is a members' business debate on motion S4M-09518, in the name of Alison Johnstone, on fan ownership of football clubs.

Motion debated,

That the Parliament believes that football clubs are at the core of their communities across Scotland; supports ownership of football clubs by fans' trusts, which, it believes, can deliver more responsible and representative long-term stewardship for their clubs; welcomes the efforts of individual supporters' trusts, Scottish Fans and Supporters Direct Scotland to give fans a stronger say in how football clubs across Scotland are run; notes that four clubs playing in the SPFL are already owned by their fans and wishes the Edinburgh-based Foundation of Hearts well with its work to add its club to that list, and believes that widespread fan ownership of football clubs could be a sustainable and stable basis for the future of Scottish football.

17:35

Alison Johnstone (Lothian) (Green): I offer many thanks to the MSPs who have supported my motion and to those who will speak in the debate tonight, including the new Cabinet Secretary for the Commonwealth Games, Sport, Equalities and Pensioners' Rights. I congratulate her on her promotion.

This opportunity for members' business was meant to be Margo MacDonald's. I do not know what relevant and incisive topic Margo would have brought for debate today, but I hope and trust that, as an advocate for sport her whole life and a loyal Hibs fan, she is content with my choice.

I imagine that there are football clubs that are important to each and every MSP's region. Some members can claim the biggest and most successful clubs; others will be equally supportive of smaller clubs or amateur teams. Some MSPs I know even dare to support a team from outside their region. The point is that football is important to Scotland, and our clubs are often at the core of our communities. Football clubs provide excitement and drama and a sense of belonging that people care passionately about. However, I have seen too many Scottish football fans go through painful cycles of boom and bust with their clubs, not in terms of sporting success, which is par for the course, but financially. In response to those money woes and instability, the exciting yet—to be honest—not so new idea that the supporters of a football club should own the club is coming back into vogue.

I am delighted to congratulate Heart of Midlothian and all the fans and supporters in my region who have demonstrated the power of that

idea so dramatically. It has literally been fans digging deep into their pockets who have kept the club afloat, along with the hard work of many people to bring the deals with shareholders to a close. Hearts is not yet out of administration, but most of the river has been crossed and we can look forward to building stronger foundations for the future. Chairwoman-elect Ann Budge has ushered in a new era for Hearts, which will become the biggest fan-owned club in the country.

John Mason (Glasgow Shettleston) (SNP): I congratulate Alison Johnstone on securing the debate and commend what she is saying. Would it be a good route for clubs to go down—as Clyde, which is fan owned, has done—to have no debt built into their constitution, so that they cannot borrow?

Alison Johnstone: That sounds like a sustainable and sensible model, and the issue will certainly be considered, not least by the body that the cabinet secretary will no doubt tell us about later in the debate.

Annan Athletic, Ayr United and Motherwell are all progressing in the community-ownership direction, with plans to be community owned by the start of the 2014-15 season. Clyde FC, East Stirlingshire, Stirling Albion and Dunfermline Athletic are already enjoying majority ownership by supporters, and Livingston FC announced only last week its desire to join that club.

It is important that we counter any negativity that suggests that supporter ownership cannot be done; the model is the norm for clubs in Scandinavia and Germany. Last year's UEFA champions league final was between Borussia Dortmund and Bayern Munich, which are both community owned. In Scotland, individual supporters trusts, community interest companies, Scottish fans and Supporters Direct Scotland have all worked hard to demonstrate that supporters can be the most responsible and successful owners of their clubs in the long term. I believe that with ambition and vision from the Scottish Government and the Scottish Professional Football League, supporters have the chance to put more Scottish football clubs on a sound and more stable and successful footing.

The Scottish Greens are proposing support for more community ownership. I recently had what I hope was a productive meeting with the now Cabinet Secretary for the Commonwealth Games, Sport, Equalities and Pensioners' Rights and the Minister for Local Government and Planning, at which we discussed a range of options. The idea fits squarely within the community empowerment agenda. The proposed community empowerment bill would provide an opportunity to support genuine fans' trusts, which are developing serious and sustainable business models for their clubs.

When supporter ownership has come about, it has generally been during financial crises and against a backdrop of debt and failure. There is a need to ensure that there is a route for community ownership that does not involve crises of finance or governance. In many countries sports teams have a dedicated legal form that can allow supporters the right to influence that governance. The power to define corporate vehicles lies with Westminster, so that option is not available to us at present, nor is the power to alter insolvency arrangements. However, we do have the opportunity to build on the community right to buy that is enshrined in the Land Reform (Scotland) Act 2003, which the Government proposed be extended to urban areas. That right to buy is based on the idea that land may be bought from landowners when it is demonstrated that to do so would be clearly in the public interest.

For our football clubs that are owned by transient or absentee masters, many of the same public interest arguments apply. Most clubs have dedicated and committed owners but could still benefit from greater community ownership and involvement to ensure that long-term success is the ultimate goal.

There are plenty of options available, such as a right for fans to buy at the point of sale; fans' right to a say when clubs are being sold or go into administration, which could incentivise potential buyers to offer fans trust shares or seats on the board; a right to buy at an independently assessed price at any time; or a right to buy a proportion of shares when fans cannot or do not want to own the whole club.

Scottish Greens released the results of polling today that demonstrates massive support. Of those who expressed a view, 72 per cent support there being a fans' right to buy their clubs at any time, and an even larger 87 per cent supported there being a fans' right to buy at point of sale. Those rights could be enabled through legislative amendments that would broaden our understanding of community assets from just land and physical assets to other assets that have significant common good.

The most straightforward way for progress to be made on supporting fan ownership would be if the sports' governing bodies were to enshrine it within the terms of their membership codes. I am sure that many would warmly welcome any moves that the SPFL and the Scottish Football Association made to support fans who have solid business models.

Government financial support can also provide the opportunity for successful models to flourish. Our proposals provide something as important as money to fans who are looking to take over clubs: belief and opportunity. These proposals create a

great goal-scoring opportunity to be taken by all the fans who want to do the work. I hope that the cabinet secretary can offer those fans, clubs and communities firm support.

17:42

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): I congratulate Alison Johnstone on securing this debate, which focuses the chamber's attention on a matter of significant importance with regard to the future of Scotland's national game.

I, too, congratulate Shona Robison on her elevation to the cabinet. In my view, it is long overdue; it is a long time since sport was at the cabinet table, so I am particularly pleased that Ms Robison has that position and I am sure that she will use it very wisely indeed.

As a member of the Co-operative Party, I fully endorse the approach that has been adopted by an increasing number of fans and communities, where they back the ownership of football clubs by supporters trusts. Indeed, it is often a point of some pride to those of us in the co-operative movement that one of the most successful football clubs in the world, Barcelona, is in fact a co-operative—that does not seem to have done it any harm.

I welcome very much the most recent manifestation of fans acting collectively to take control of what should be a community asset—the Edinburgh-based Foundation of Hearts. As a Partick Thistle and Glasgow City supporter, I wish the foundation all the best and recognise the hard work and commitment that have got it to this point.

A long time ago now, I was proud to be part of the Labour-led Government that supported the establishment of Supporters Direct Scotland in 2002—an organisation that was set up with the express aim of

“promoting sustainable spectator sports clubs based on supporters’ involvement and community ownership.”

During the 12 years of its existence, Supporters Direct Scotland has worked with fans across the country to establish more than 30 supporters trusts, 18 of which have a director on the board of their club and five of which have majority control or own their club outright. I believe that, given the significant challenges that are faced by many clubs in the present time, the course set by Supporters Direct Scotland will be seen as increasingly attractive.

In the time remaining to me, I would like to draw to the chamber's attention one of the ways in which clubs that have taken a community-orientated approach can co-operate imaginatively with other agencies to support people who live in

their neighbourhoods. Citizens Advice Scotland's campaign on payday, high street and doorstep lending works closely with a number of football clubs. Supporters and their families are encouraged to seek help and advice with debt and other financial issues. The initiative is built on the belief that football clubs, like citizens advice bureaux, are rooted in their local communities. At the moment, both Dumfries and Galloway Citizens Advice Service and Nairn Citizens Advice Bureau have partnered with their local football clubs, Annan Athletic and Nairn County. I believe that several more such partnerships are in the pipeline and will be announced throughout 2014.

Annan Athletic, which is of particular interest to my colleague Elaine Murray, is moving towards community ownership. The club puts the community at the heart of its operation, from exercise and social clubs for senior citizens to free pitch access for young people. The club launched its community project at a recent fixture with Peterhead, at which 500 themed fliers directing supporters to their local CAB for advice were distributed to fans and a pop-up advice hall was set up in the club's bar. Additionally, television, web and newspaper coverage of the day was widespread. The partnership between the club and the CAB will, I am certain, endure, with future link-ups already planned.

Similarly, Nairn County and Nairn CAB have targeted the 25 to 35-year-old male audience, which CABx sometimes struggle to capture and which ironically is the demographic most likely to face issues after taking out a payday loan.

Those imaginative initiatives show clearly that football clubs that are community centres can relate to the needs and aspirations of their locality much more readily than those that are based on a traditional model. I commend such initiatives and I very much look forward to fans having an increasing say in and control over their club's future as they go forward.

17:46

Chic Brodie (South Scotland) (SNP): I, too, welcome the debate brought to the chamber by Alison Johnstone and congratulate the former minister, Shona Robison, who is now our cabinet secretary for sport.

Football belongs to its fans, or at least it should belong to its fans. The erosion of the game is manifest regrettably in reduced general participation of amateur players and fans. I used to play football at school in the morning and I played for Downfield juniors in Dundee on Saturdays, after which I would run home to hear Dundee's results. With apologies to the cabinet secretary, there are two teams in Dundee: Dundee and

Dundee reserves. I was but one of thousands who played and paid.

Regrettably, the game is now riven by dissension and poor management. That dissension is clear today in yet another debilitating conflict between the SPFL and the SFA. In my opinion, there should be one overarching body responsible for Scottish football, and that body should include fan representation. In some clubs, there is poor management despite managers having the club at heart; in the case of more, and larger, clubs it appears to be management through unadulterated power and money.

In the recent past, Dundee—twice—Airdrie, Rangers and Hearts have been in or have faced liquidation. Two and a half years ago I was approached, because of my history, by one of Rangers' trusts, which asked whether I could do anything to help the club. I said that I would not help directly, but I suggested that it might consider that Rangers had 65,000 fans and if they paid an average of £5 a week—pensioners would pay £1; others might pay £9—in two and a half years it would gather £37.5 million, of which £2.5 million would run the operation, which would leave £35 million to help to recover the company. The caveat was that it should equate to a share issue: a truly co-operative venture. The problem was that the several trusts involved could not agree on how that might operate.

It is incumbent on fans to embrace the spirit of a co-operative venture. Even so, clubs in trouble or those that wish to grow might consider other vehicles. Bruce Crawford, who regrettably cannot be here this evening for personal reasons, went through with me today the initiative that Dunfermline Athletic created: Pars United, which is a corporate vehicle that was used to purchase 93.6 per cent of the football club. That community interest company adds an ethical dimension to corporate law. It is subject to normal company law, but it must act for the good of the community. There is an asset lock that prevents asset stripping, limits dividends and restricts directors' salaries. It is a shame that the banks could not be converted to CICs.

There are other vehicles. Stirling Albion, for example, is fan owned. I will not rehearse all the other teams that Alison Johnstone mentioned. My personal preference is community social enterprises that embrace the local football club and other sports. That is happening at Kilwinning Rangers and Stenhousemuir.

One thing is certain: Scottish football at a professional level cannot continue as it is. If, on a larger scale, Barcelona and some of the major successful German clubs that have been mentioned can benefit from fan ownership, so can Scotland's clubs.

17:51

Liz Smith (Mid Scotland and Fife) (Con): I congratulate Alison Johnstone on securing this debate and on her generous words about Margo MacDonald, whose chairmanship of the cross-party group on sport proved that she was passionate about all sports. However, I think that there was something very special in her heart when it came to football.

Across Scotland, few issues provoke the same passion and strength of feeling that football does. Obviously, they also go with the media attention that it attracts. That is not always for good reasons and it is sometimes to the exclusion of other sports. However, it is right that the Parliament takes the opportunity to discuss some of the finer points of what are complex and often controversial issues. Chic Brodie was quite right to say that something has to happen to mend the game in Scotland.

Obviously, this is a year in which we are debating hugely important questions about our constitutional future, but we are also debating our sporting identity. This debate fits with the scrutiny that is required for that, and I hope that it will prompt more scrutiny of other Scottish sports and the direction of travel that we will take in the future.

No one is under any illusions about the severity of the financial problems that threaten Scottish football. In recent years, great institutions such as Rangers, Hearts and Dunfermline have been brought to the very brink, and despite the tremendous efforts of supporters, staff and some administrators, it still remains to be seen whether they will all make it back fully into the black in the way that was possible before.

Financial mismanagement of varying degrees has been at the heart of those troubles and many similar cases in England. In the pursuit of glory on the pitch, some clubs have broken their wage structures and lived far beyond their means. John Mason, who is no longer in the chamber, made an important point about what could be written into constitutions. Other clubs have been subjected to ruinous decision making by owners who, quite frankly, have considered them to be their own fiefdoms or perhaps personal playthings. There is a serious issue there.

It is fair to say that the footballing authorities in both Scotland and England have had too relaxed an attitude to club ownership. We all know the names of those involved, but some people have sought to dominate clubs from top to bottom. They made false promises in doing that, and cut and run when the going got tough.

I welcome the SFA's decision to oblige Scottish clubs to investigate potential new owners, but it should not have taken until 2012, when the full

extent of the problems in some of our biggest clubs had already emerged, before that rule was passed.

To be effective, regulation must not only be enforced; it must be ahead of the curve and anticipate problems before they arise. Two members have talked about how much the fans matter. They do, and football has a much greater chance of success if it responds to that. Fans have been very unimpressed by the lack of integrity and transparency that there has been, and the only way to counter that accusation is through tougher regulation.

As things stand, four of our 42 SPFL clubs are already in community ownership. I think that that figure will soon rise, which is a very refreshing change in many ways. I commend the passion and drive of the various supporters groups that have stepped in and opened their collective wallets during very troubled times. However, we must be careful not to demonise all the individual owners because there are those who are doing their level best to ensure that they make their clubs much more stable, through shrewd ownership, and who are looking at much more prudent financial planning. There is a happy balance to be struck.

Alison Johnstone raised some interesting points about community ownership, which she compared with other interesting debates across Scotland about what community involvement means. We must take a careful look at the claim about whether the common will is perhaps better than that of some individuals, but we also must be very careful not to disrespect the rights of some individuals.

The best way to ensure that our clubs are run soundly is to vet much more stringently those who wish to take charge of them. The process needs to be tougher and the footballing authorities more transparent. Above all, we must pay heed to what the fans want and say, and ensure that there is much greater integrity and transparency in Scottish football.

17:56

George Adam (Paisley) (SNP): I thank Alison Johnstone for securing the debate. I also congratulate Shona Robison on her new Cabinet role.

Presiding Officer, you may or may not be aware that I am a proud Paisley buddie. I may have mentioned that on more than one occasion; I may even have got away with doing so up until now. Years ago, I infuriated a previous employer when he asked me whether there was more to George Adam than someone who was a St Mirren supporter from Paisley and a Scottish National Party member. I said that if he added my wife and

two children to the equation, he would pretty much have exactly what George Adam is. I am proud of that, as I am of our great town and its history and our football team. It not easy being a St Mirren fan. It can be extremely difficult and challenging because we win a trophy only every 25 years but, boy, when we win a trophy the town celebrates—it is one town, one team and one big party.

We won the cup in 1926; in 1959, my dad and grandpa saw the team win against Aberdeen; and, in 1987, I was there with my family, including my father, to see the team win the Scottish cup. I have brought up my children in the belief that St Mirren is the only true local team for those who come from Paisley to support. James, Jessica and my wife and I celebrated with the whole town last year when we won the communities league cup.

St Mirren and Paisley go together. The club was founded in 1877. It was named after the patron saint who founded the town and the abbey. However, the relationship goes even further than that—the club colours, which are black and white, come from the Black Cart Water and the White Cart Water that flow through Paisley town. That sums up a team such as St Mirren—it is a community club whose colours come from the two rivers that flow through the very heart of the town. That makes me proud to support my local team. Indeed, the club is an important part of the community and it is involved in many local projects such as street stuff, which helps people who live in areas that are hotspots for anti-social behaviour problems to play football. Over the years, that project has done very well and it is that community spirit that has led the project to win more awards than the football club.

The St Mirren Independent Supporters Association has been going since the late 1990s, which was a very difficult time for the club. The association took a different route. It decided to participate in the board and to create money to support the board and the club during those difficult times. At one point, it went as far as funding the purchase of a player, Stewart Kean from Ayr United, for £10,000. Of course, some people might say that that was not such a great decision. That is the problem when one talks about such decisions and that is the problem with supporters' trusts: as I recently said to the St Mirren chairman, I do not know how he does that role because, as a supporter, my heart and head get completely mixed up when it comes to my football team and logic goes out the window. We therefore must be extremely careful when we talk about supporters' trusts and how we set them up, but for a club such as St Mirren, that is the way forward.

St Mirren has been up for sale for a couple of years and the board, which saved the club and

has done so well, is saying that it will ensure that St Mirren passes on to an ownership that retains a secure future for the club. However, fans always have a fear factor when they know that their club is for sale. We are always worried that someone might come in. There were attempts to look at a trust for St Mirren and, a year or two ago, a more complicated arrangement was being talked about that was not as democratic as we think a fans' trust should be.

There are many different forms of trust and I do not think that any two clubs in Scotland have the same form of trust that is owned by fans. There needs to be flexibility. When it comes to my club, I think that it would be a good idea if a fans' trust owned the club and we had an elected board; I think that that is the Barcelona model. We could elect people with expertise, and the board might include people who had been involved at that level in the past and who could train people up to look after the club.

Fan ownership would be challenging for clubs like St Mirren, but it is the way forward. We need flexibility, because what is right for one club might not be right for another.

18:00

Neil Findlay (Lothian) (Lab): I am glad that George Adam mentioned St Mirren—I was surprised that he did, of course. My old classmate Danny Lennon is the manager there and he delivered the trophy that George mentioned. I remember never being able to get the ball off him in physical education classes.

I played, watched and supported football throughout my teenage years and my 20s and 30s, and I can occasionally be seen playing for that fine band of athletes, the Parliament's football team, but I admit to having fallen out of love with the game recently. We can all put on our rose-tinted glasses and look back with nostalgia on bygone days, when we stood on terraces, frozen to the bone, and had to use toilets that were knee deep in—well, something. In my view, in those days the game was a bit more honest and a bit more grass roots. There was more enthusiasm for the game.

Today's game is very different. At the highest level, there is a chasm between the fans and the players on the pitch. All-seater stadia have been introduced, absolutely for good reasons after the desperate events at Valley Parade and Hillsborough—I look forward to justice for the 96 being delivered in the next year or so—but such changes have sapped much of the atmosphere from the game. The salaries that are provided to often less-than-average players increase the gulf between players and the often low-paid

supporters, who give up their hard-earned pay to watch their team and players who can earn more in a week than they do in a year.

I accept that that is not the case throughout football, especially in the lower leagues in Scotland. I pay tribute to the smaller clubs, the junior clubs and the amateur clubs and Sunday league. Such clubs' committees and communities—the people who keep the clubs going—are the real heroes of football in Scotland, not the prima donnas whom we see on our televisions.

Proposals on fan ownership often emerge out of adversity, which should not be the case. Most clubs in Scotland that are in or moving towards community ownership are in that position as a result of their having major financial problems. I look forward to the day when one of our big teams or one of the big English teams takes the approach, not out of financial necessity but to build its operation in co-operation with fans, who are central to the game's development and clubs' sustainability. When a club such as Celtic, Rangers, Chelsea or Man City leads by example and welcomes the community approach, there will be a better atmosphere at matches, there will be more community development, players will be closer to the fans who pay their wages, and I think that we will have a better game all round.

Such models exist in Germany, Spain and Greece, and I was surprised to learn that every club in Argentina operates under such a model. I do not think that that has done football in Argentina any harm, given that country's world cup record.

Today's sacking of David Moyes is an example of all that is bad in football and it saddens me greatly. Things must change or we will get into further trouble.

18:04

Graeme Dey (Angus South) (SNP): During my 30 years in sports journalism I saw up close a variety of forms of football club ownership—the good, the bad and the downright disastrous. The experience convinced me that genuine, broad-based fan ownership, where it is practical and deliverable, is desirable.

That said, we should not lose sight of the fact that some of the worst implosions involving Scottish clubs have involved genuine supporters, including individuals who made their fortunes displaying considerable business acumen in other fields, securing control of the teams that they have supported from childhood and making a pig's ear of it. Determined to awaken the sleeping giant or turn their club into challengers to the established order, they leave their business brains at the door

of the boardroom as they enter it. Blinded by genuine affection for the team and in some cases revelling in the ego trip that can be football club chairmanship, they blunder on ignoring the warning signs.

It is said that the only way in which to make a small fortune from owning a football club is to start with a large one. Historically in Scottish football, the money is all too often borrowed and flushed down the drain as players are brought in on unsustainable contracts and managerial teams are brought together and then dismissed in pursuit of the elusive, cherished prize. It is not always an individual who oversees such spectacular collapses. At Dunfermline, a board of successful businesspeople, all of them supporters, led the club to the brink of oblivion, and it is worth noting that Dundee's second flirtation with disaster came with fan representation on the board.

The collapse of football clubs is horrendous for everyone who is caught up in the situation, from the creditors, especially the wee local businesses, to the young players who are cast on the scrap heap, the office staff and the senior pros with mortgages whose contracts are shredded. It is awful. In my opinion, however, no group of people suffers more than the fans. They face the emotional wringer as the administrators, as they invariably do, paint the bleakest possible picture and tell the supporters, "It's up to you supporters to save the club—if you care, dig deep." It is terrible, and the emotional blackmail goes on and on. We have seen it in a variety of places.

Let us indeed look carefully at expanding fan ownership. It tends to offer more sustainability, and I say that with confidence because it has been tried and tested in Scotland over more than 100 years. We seem to talk about supporters' trusts and community ownership as if they are relatively new things, but in essence they are not. Brechin City Football Club in Angus has operated as a members' club since 1906. The Glebe parkers do not have a board. They have a management committee that is elected by the season ticket holders, à la Barcelona. Right now, if we look at the division 1 table, Brechin might not seem a great example of how well this set-up works, but it is a club that, from a town with a population of just 6,000, has done remarkably well on the field down the years, and in David Will it produced one of the finest administrators that European football has ever seen.

In the part of Angus that I represent, the only senior club—Arbroath—is to all intents and purposes still a members' club. Okay, 10 years ago it became a limited company, but the 300 shareholders are all fans of the club. Although seemingly doomed this season to relegation to the bottom tier of Scottish football, the Red Lichties

have in the not-too-distant past plied their trade just one level below the top flight.

The model that is highlighted in the motion works, although I am not entirely sure about the right to buy that is proposed. I also sound a couple of notes of caution. First, running a football club at any level takes an enormous amount of work and requires an appropriate level of experience of the rules of the competitions.

Alison Johnstone: Does the member agree that we can look at clubs that have great experience of community ownership models—Bayern Munich, Borussia Dortmund and so on—to establish what needs to be in place to ensure that there is a sustainable, sound future and avoid the situations that he described?

Graeme Dey: That is true, but we have to look at the practicalities at a low level in Scotland. I was also going to make the point that, as well as an appropriate level of financial restraint, which John Mason rightly touched on, people need a thick skin. It is one thing for people to stand on the terraces or sit in the stands giving those who run their clubs pelters and being convinced that they could do better, but it is another for them to dedicate the hours that are required to take the job on and then to deal with the folk who they used to stand on the terraces with, who will tell them where the club is coming up short and how they could do a better job.

Good on the fans who are prepared to take on the responsibility for the clubs that they love and make sure that they live within their means and are around for many years to come, and in conclusion I say good on Alison Johnstone for securing the opportunity for the Parliament to discuss the topic.

18:09

John Finnie (Highlands and Islands) (Ind): I, too, congratulate Alison Johnstone on bringing the debate to the chamber and the cabinet secretary on her new appointment. I refer members to my entry in the register of members' interests and the various references to Heart of Midlothian Football Club therein.

There are different sorts of communities. There are geographic communities and communities of interest. People talk about local clubs. My local club is the Lochaber Camanachd shinty team. The football team that I support is the team that my father supported—Heart of Midlothian. I come from rural Lochaber and I have a real affinity with the land. That is expressed in ways that would not necessarily be meaningful to anyone who is not from the area. People talk about where the deer go, the big rock that we used to play on and where big Davy lives up the glen.

There are significant issues around land ownership in the Highlands, which have similarities to the topic that we are discussing. In the song “Homeland”, Dougie MacLean sings:

“Now you’ve bought a little piece of something
That you don’t understand and you’ve misunderstood”.

The other community to which I belong is the community of Hearts fans. If I say things like “Fozzie on the fence”, “Tommy Murray sitting on the ball” and “Robbo’s 27 goals”, that paints a vivid and exciting picture for many, although I suspect that those phrases are meaningless to non-Jambos such as Alison Johnstone. There was outrage when a previous owner of our club changed the badge and when an abbreviation was used on the players’ socks that did not reflect the abbreviation that the fans used. Fans have the attitude,

“Yes Sir you may have paid good money for it but no it’ll never belong to you”.

I am a member of the Foundation of Hearts and various other groups that have combined, and I have two lots of shares—my only dip in the waters of capitalism. Both of them are with Heart of Midlothian, which is not a lucrative investment, as members may imagine. I have two lots of shares but only one certificate because the second lot of money was appropriated by someone who is presently a fugitive from justice, shall we say, to pay the tax—and I think that it is important to pay the tax. The shares have zero monetary value but they have a big emotional value.

The Foundation of Hearts is a not-for-profit organisation that was created in 2010 by a group of lifelong Hearts fans. I quote its objective from its website:

“We have a shared and passionate vision for the future which is based on bringing Heart of Midlothian back to the people who are truly passionate about this wonderful club—the fans.”

The foundation has been joined by various other groups and has been supported by Supporters Direct. We are also ably supported by our chair, Ian Murray MP.

Patricia Ferguson mentioned the co-operative movement. Supporters Direct helps fans to set up democratic co-operatives that are known as supporters’ trusts with the express purpose of gaining influence over the running and ownership of their clubs. In the “About” section of its website, under the heading “Why we exist”, Supporters Direct states:

“We exist because we are needed: The game can be better run and should be more responsive to the needs of its fans and local communities.”

A number of genuine football clubs have been mentioned. Dundee Football Club and Dunfermline Athletic Football Club have been in

difficulty, and fans from my club have helped them out. Ross County fans travelled free of charge to the game in Edinburgh on Saturday courtesy of the generosity of their club, although there was a whip-round on every bus and an extremely generous donation was made to the club. There is a warmth across fans. The motion talks about being responsible, and I think that fans would abide by the state’s rules—taxes would be paid on time; local suppliers and staff would be paid on time; and staff and customers would be respected—and they would certainly abide by football’s rules. For all the trauma that is associated with the fans, the fans have never cheated, although individuals may have done.

There has been a lot of talk about the various models, and I hear Graeme Dey’s wise words of caution. Those are words that every group considers when it considers fan ownership, but they are the same words that would have been said to the Assynt crofters: “Ye cannae dae it.” They are the words that would have been said to people on the isles of Eigg and Gigha, but those are positive examples of what can be done.

The Foundation of Hearts states its objective as being

“to ensure a stable financial future where all funds generated by the club,”

the Foundation of Hearts

“and the fans are reinvested in the football club.”

That is responsible, sustainable and stable.

I am grateful that we have had the opportunity to discuss the motion.

18:13

The Minister for Commonwealth Games and Sport (Shona Robison): I thank Alison Johnstone for securing this important debate. I am sure that Margo MacDonald would have approved. I also thank members from across the chamber for their kind comments and their positive contributions to the debate.

As others have said, everyone agrees that football clubs at all levels play an important role in communities throughout Scotland. They are often an important local employer, they contribute to employment in the local economy through local suppliers and they are, therefore, a key local economic driver. Beyond that, they are often recognised as a central community asset that helps to bring people together to celebrate and, at times, commiserate performances on the pitch. George Adam’s description of St Mirren captured very well what the club means to the town of Paisley.

Successful and sustainable football clubs—the same is, of course, true of other sports clubs—bring people from all walks of life together with a common purpose and help to create and maintain strong communities. Football is more important than the sport itself, so we must do everything to protect that while ensuring that the voice of the everyday fan is heard.

The Scottish Government recognises the importance of that, which is why we actively support the principle of developing fan-based ownership through our funding of Supporters Direct Scotland. SDS has been instrumental in supporting and advising football clubs on fan-based ownership models. Neil Findlay made the important point that such developments should not take place just at times of crisis. SDS provides advice not just at times of crisis but to all clubs that are looking to develop and grow, which is important.

Members will be aware that four clubs in Scotland—Dunfermline Athletic, Stirling Albion, Clyde and East Stirlingshire—are already in community ownership and that several other clubs, including Motherwell, Ayr United, Annan Athletic and Heart of Midlothian, are well down the road of introducing some form of fan-based ownership or community-interest company.

As other members have done, I very much welcome the recent move on Hearts and the fact that the offer from Ann Budge and the Foundation of Hearts has been accepted. That is very good news, which will allow the club to move a step closer to coming out of administration.

Football today is no longer just about generations of families following their team and the ups and downs that go with a lifetime of devotion and support. There is a strong commercial dimension that demands the involvement of strong individuals and influential decision makers who are capable of leading clubs to success on the pitch and delivering long-term sustainability. Graeme Dey made the point that, in today's environment, expertise is important. That is not incompatible with fan ownership, but it is an issue that needs to be borne in mind.

The landscape is changing and it is becoming clearer that, in order to survive and thrive, clubs need to be more transparent in how they operate, how they are governed and how they engage with and listen to their fans. It is not necessarily true that all fans want to be involved in the running of their club—some will want to be and some will not—but they want an assurance that their club is being well run, well managed, properly governed and adequately financed so that the team can perform at the highest level on the pitch. Therefore, a strong financial baseline is essential, but as we have seen from some recent high-profile

cases, a lot of work is still needed in that area in Scottish football.

That is why I am pleased to announce the establishment of an independent working group that will look at how we can increase and improve fans' involvement in football clubs. The group will be chaired by Stephen Morrow, who is a well-respected senior lecturer in sport finance at the University of Stirling. It will have representation from the Scottish Football Association, the Scottish Professional Football League and Supporters Direct Scotland, and the chair will be able to appoint others as he deems appropriate.

The plan is for the group to meet for the first time next month and to report its findings and recommendations to me later this year. We will, of course, look to inform Parliament of those findings and recommendations. More details on the make-up of the group will be made available in the next few days. I know that there will be considerable interest in the group's work over the coming months, from not just the football world but the political world.

Alison Johnstone: I welcome the minister's announcement of the supporter involvement group. Will she and the Government ensure that the group has an ambitious mandate and will they be prepared to consider any more radical recommendations that the group might make in time?

Shona Robison: Yes. I do not want to rule anything in or out. I want the group to look at how good governance and accountability, together with a strong partnership approach that involves fans, can work. That might not be a one-size-fits-all approach, but I think that we have heard in the debate that one size probably does not fit all and that there are different models.

I am keen to reach consensus on what the barriers are and how we can remove them. That might or might not involve legislative means, or it might be about governance rules. However, I would rather that the working group took forward that work and came up with recommendations that would allow us to genuinely move forward. I am happy to keep members up to date on progress.

The structure of clubs and regulations are already complex and we do not want to further complicate things. That is something else to bear in mind. Before any proposals for change are made—whatever they end up being—they must be fully considered by all parties. I am sure that Stephen Morrow and the working group that he will chair will ensure that that is the case and that in doing so they will take soundings and listen to the views of fans and of other organisations.

It is fair to say that the financial future of our football clubs cannot be taken for granted and that

we must ensure that any proposed changes do not threaten or discourage future investment in something that is so precious to fans and communities across Scotland. However, I believe that, with the right people around the table and the expertise of the clubs that have already gone down the route of fan-based ownership, we can get to a better position.

I thank members again for their contributions to the debate.

Meeting closed at 18:21.

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