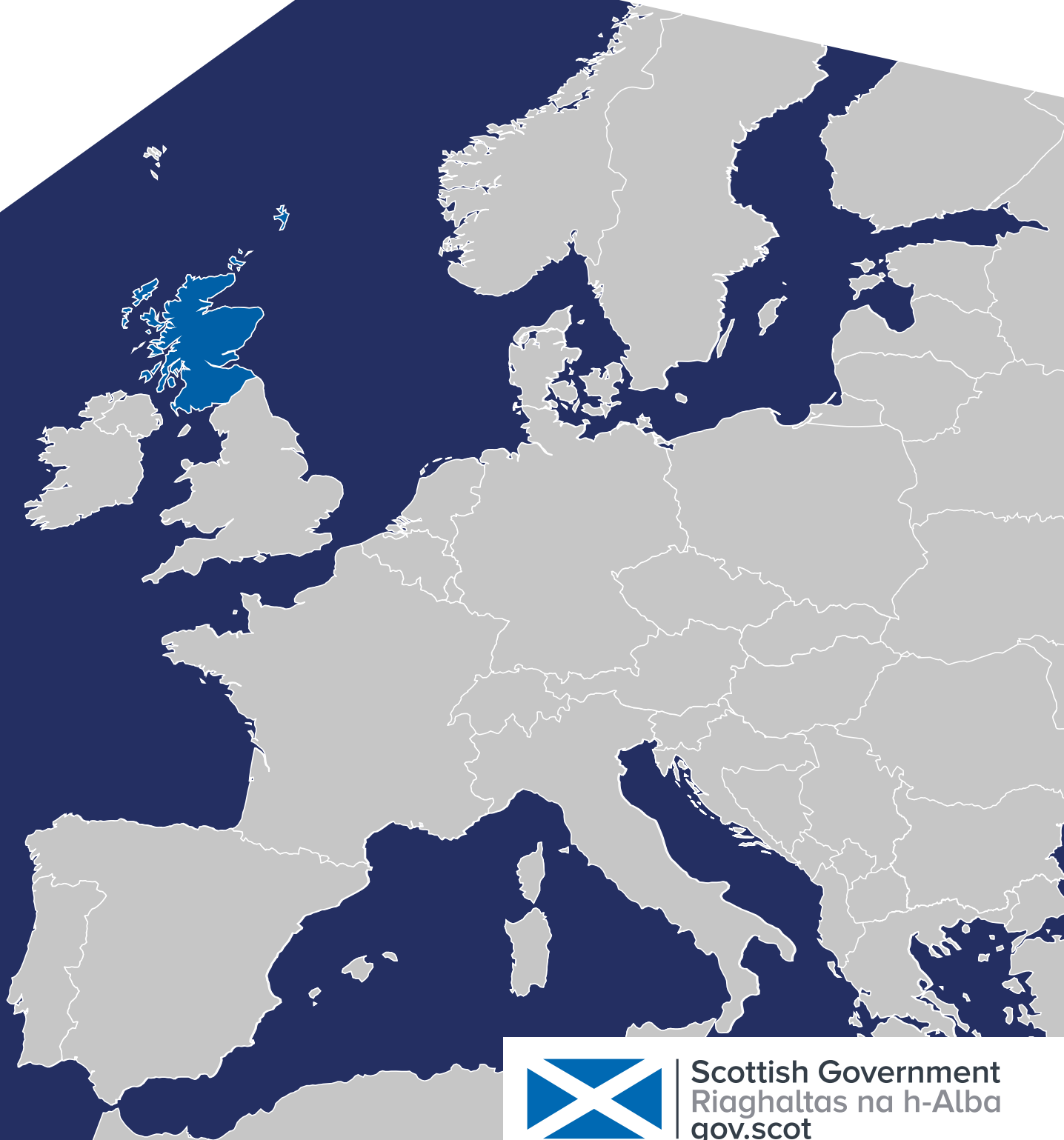


Steadfastly European: Scotland's Past, Present and Future



Scottish Government
Riaghaltas na h-Alba
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1. Introduction



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1 Introduction

This short Scottish Government policy document, which builds on and updates “Scotland: a European Nation”, describes Scotland’s constitutional history and the country’s status as part of a voluntary union of nations, and its current powers. It also reaffirms the Scottish Government’s intentions in respect of the European Union.

For many people in Scotland the events of the past five years have been troubling. Ever since the calling of the UK referendum on EU membership the Scottish Government, reflecting faithfully the clear will of the people of Scotland, has consistently taken a pro-European stance, championing European values at all times, and advocating pragmatic compromises in pursuit of an ongoing close relationship.¹

None of that was able to prevent the outcome that finally took place and the UK’s departure from the EU has not only been against the wishes of the majority of people in Scotland but has also caused considerable upset and disappointment.

This document sets out how Scotland has been - and always will be - steadfastly European, whatever path others choose to take. It gives a tangible flavour of ways in which the Scottish Government wishes to make that mind-set a reality in the months and years to come.

¹ [Scotland’s Place in Europe - gov.scot](https://www.gov.scot/publications/scotland-place-in-europe/pages/introduction/)

2. Scotland's constitutional journey



Image © VisitScotland/Stuart Brunton

Throughout its recorded history Scotland has engaged closely with its island and continental neighbours in the north west of Europe.

Whether on their own or as a voluntary member of the United Kingdom, the people of Scotland have always retained a strong sense of their Scottishness while also being comfortable with diverse identities - for example, British and European.

The nation of Scotland emerged gradually in the early medieval period from the unifying of different peoples, but is generally considered to date from around the mid-9th century. A sense of nationhood was reinforced when in 1320 under the rule of Robert the Bruce, the barons of Scotland appealed to the Pope in Rome regarding their independence.

The separate crowns of Scotland and England were joined in 1603. Just over a century later, in 1707, a political union was formed. This created a new "United Kingdom" of Scotland and England. However, it also preserved as of right distinctive Scottish institutions and systems including the Scottish legal system, the Scottish education system and the Scottish Presbyterian Church, which all remain distinctive to this day. Driven by a range of constitutional and economic forces and following passionate debate and discussion, the Union was ultimately passed by votes in the Scottish and English parliaments. Scotland's place in the Union was entered into voluntarily and, then and now, relies on the consent of the people.

By the end of the 19th century there was an active debate about ensuring greater powers for Scotland, and throughout the 20th century this demand for more self government grew. In 1997, 74% of the people of Scotland who voted in a referendum expressed support for re-establishing the Scottish Parliament which came back into being in 1999 after an adjournment of 292 years. A parliament was also re-established in Wales at that time, though with fewer powers, and a new Northern Ireland Assembly (the NI Parliament was abolished in 1973) was formed as a result of the Good Friday Agreement.

The creation of the new Scottish Parliament restored key legislative powers to Scotland. The devolution settlement is based on a reserved powers model whereby the Scottish Parliament has legislative competence over all matters other than those that are explicitly reserved to the UK Government and Parliament. There is no hierarchy of governments under the devolution settlements but the doctrine of absolute Westminster sovereignty means the UK Parliament can in principle over-rule any of the devolved institutions. In practice, the constitutional convention that Westminster will not legislate on devolved matters without the consent of the Scottish Parliament was unfailingly observed in the years prior to the 2016 referendum. However, since then there have been repeated breaches of this important constitutional rule by the current UK Government under successive Prime Ministers.

The principal powers which are reserved to the UK in the devolution settlement are some aspects of the constitution including the Union between Scotland and England, defence, economic and monetary policy, most taxation and social security, employment, foreign policy, equal opportunities, consumer protection, immigration and telecommunications. Nearly all other matters including justice, health, education, the environment, farming and fishing, are devolved.

After more than a decade, a further extension of responsibilities was agreed through further Scotland Acts in 2012 and 2016, including the partial devolution of tax powers.

The devolution settlement does not prevent the Scottish Parliament considering reserved matters such as the Union between Scotland and England, but it cannot make decisions on them. This means that it would require a vote in the UK Parliament at Westminster, as well as in the Scottish Parliament, to ensure a referendum on independence can be held without the risk of legal challenge.

The Scottish Parliament has voted in favour of such a referendum on 28 March 2017 and 29 January 2020 but the UK Government has refused to have a vote in the UK Parliament. The UK Government has suggested that no such referendum should take place for up to 40 years, even if the people of Scotland vote for a Scottish Parliament that supports a referendum, and vote into office a Scottish Government committed to delivering one.

The position of the UK Government is also contrary to the clear precedent set for the 2014 referendum. The Scottish Government received a democratic mandate for that referendum in elections to the Scottish Parliament, following which the UK and Scottish Governments and the UK and Scottish Parliaments reached the necessary agreements to allow the people of Scotland to have their say on the future of the nation.

During the campaign for the 2014 referendum a prominent argument from those opposed to independence was that only by voting against independence, and remaining part of the UK, would Scotland retain its position in the EU. In a turnout of 85% of the Scottish electorate, including EU nationals resident in Scotland, 55% voted against independence and 45% in favour. In recognition of the result and as part of the post-referendum commitment, the cross-party Smith Commission was established, which resulted in the further devolution of powers, including over income tax and some aspects of social security.

However, in the following years, the divergence between the views of the people of Scotland and those of people elsewhere in the UK became further evident at the 2016 EU Referendum. Whilst the UK vote ultimately returned a narrow majority in favour of leaving the EU, 62% of those who voted in Scotland chose to remain within the EU. Every local authority in the country returned a remain vote, and all the political parties in the Scottish Parliament supported remain.

Despite the Scottish Government setting out compromise proposals designed to limit the economic and social damage Brexit would impose on Scotland, the UK Government opted to pursue a policy that not only ignored the democratic wishes of the Scottish people but which the Scottish Government believes will have potentially devastating consequences for our economy and society, and which sever the long-standing and highly valued relations we have with our European partners.

3. A European Nation

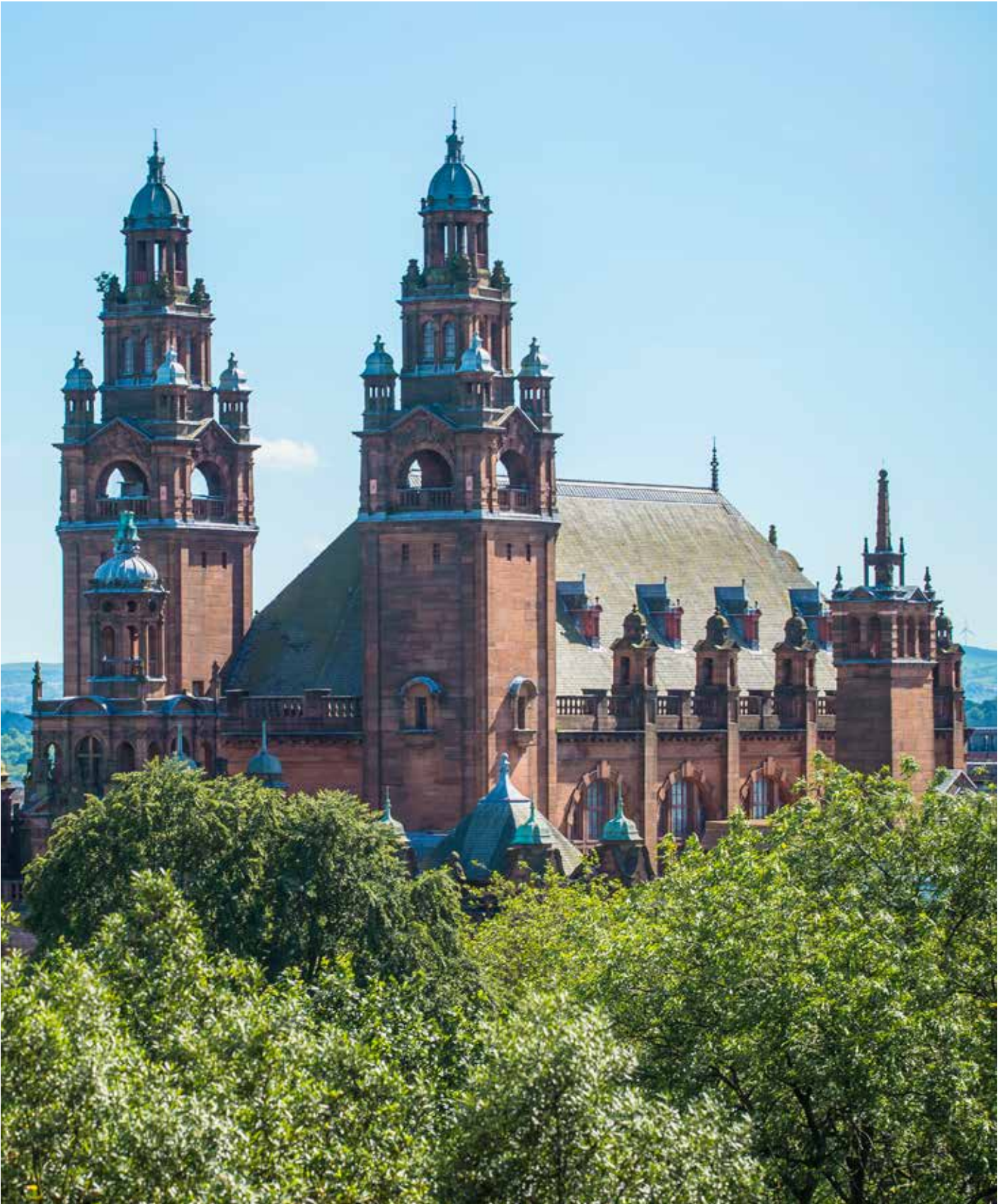


Image © VisitScotland/Kenny Lam

Scotland's past

For centuries, Scotland has had strong and enduring connections with the outside world. Scotland has always had strong ties with Europe, both as an independent nation until 1707 and then as part of the United Kingdom.

While Scotland may be a nation on the geographical periphery of Europe, its population has been shaped by centuries of migration from across the continent.

Scotland's early history was defined by exchanges with its European neighbours. Much of Scotland was converted to the Christian faith by Irish-born St Columba, the 1500th anniversary of whose birth is celebrated this year. In the Middle Ages, Scotland traded across Europe and at one time enjoyed dual citizenship with France. This was the start of what is called "the auld alliance". Scottish merchants and intellectuals travelled to the booming Dutch universities; to the trading communities of Lithuania and Poland; to the Scots Colleges in Rome, Paris, Valladolid and Madrid; and to the military encampments of the Thirty Years' War. Scotland in turn received a continual flow of Europeans who brought ideas as much as trade to Scotland.

In the 18th century *Scottish Enlightenment*, Scotland was an internationally important intellectual powerhouse. Scientists such as James Hutton, the father of modern geology, corresponded with European scholars to establish new disciplines and the works of Scottish intellectuals informed debate across Europe. David Hume wrote *A Treatise of Human Nature* in France, and Adam Smith's foundational *Wealth of Nations*, was first translated into French just two years after it was published. James Macpherson's "Ossian" poems awoke Europe-wide interest in the Celtic identity.

The 19th century flowering of Scottish literature had a major European impact. Sir Walter Scott effectively invented the modern historical novel, and Robert Louis Stevenson's pioneering of modern travel writing drew inspiration from his years in the Cevennes. Burns' "A man's a man for a' that" was inspired by the values of the French Revolution. Joanna Baillie's plays and poems inspired contemporaries across Europe and both Haydn and Beethoven set her songs to music.

These ideas led to groundbreaking scientific and technological breakthroughs. With the industrial revolution, Scotland was propelled into the modern world. Millions were employed in mining, shipbuilding, steel and cotton mills, and Scotland was once the mining and heavy industry capital of the world. Scottish engineering and innovation played an important role in driving industrial progress, and economic growth internationally. James Watt's steam engine, Thomas Telford's bridge building, Alexander Graham Bell's invention of the first practical telephone, John Logie Baird's invention of television, or in the field of medical science, the societal boundaries broken by Sophia Jex-Blake and the women of the Edinburgh Seven and, later, Alexander Fleming's discovery of penicillin, were all important contributions to a changing world. Mary Somerville's calculations shaped the way we think about our planet and the solar system, and Williamina Fleming's astronomy expanded our knowledge of the galaxy. This tradition continues to this day from Dolly the Sheep to AI.

In the 20th century, Scotland played a distinctive part in the European efforts to rebuild Europe after the Second World War. The Edinburgh International Festival, now the largest arts festival in the world and a model for international cooperation through culture and the arts, was founded in 1947, rooted in the idea that culture could be a positive force for reconstructing a shattered continent.

When the UK joined the European Economic Community (EEC) in 1973 this was not universally welcomed in Scotland, with two areas – the Western Isles and Shetland – voting against. However, in time, the tangible measures of freedom of movement as well as trade brought many new benefits. In addition, the experience reinforced a shared set of values and underlined a conviction that upholding fundamental rights in a world of growing interdependence meant that sharing our sovereignty with EU partners would strengthen, not weaken, Scotland's influence and engagement with key global developments.

Scotland has not only benefitted from EU membership: it has contributed to its successes. Former Scottish MEP Dr Winnie Ewing was instrumental in setting up the Erasmus student exchange programme in 1987, which has provided the opportunity for young Scots to study for part of their degree elsewhere in Europe, and for young people from across the EU to see Scotland for themselves. Scottish universities have often been at the forefront of EU research, and today Scotland is rightly regarded as a world leader in tackling the challenges of climate change.

Scotland's present

As the EU referendum results show, this outward-looking European heritage continues to be the dominant view in Scotland to this day, culturally, economically, intellectually and politically. Opinion polls since 2016 consistently show a majority of Scots continue to favour EU membership.

This attitude characterises Scotland's higher education system – amongst the best in the world, with three universities ranked within the world's top 200. Thousands of EU citizens study at Scottish universities. Scotland enjoys a strong reputation as a reliable, constructive partner for innovative research and collaborates extensively on world leading technology including marine energy. Scotland remains a country of inventors.

The EU single market is Scotland's largest international trading partner. Four of our top five individual export markets are European nations. As well as our premium food and drink products enjoyed across European cities, nearly 41% of our industrial goods are exported to the EU. In 2019 three of our top five foreign direct investment (FDI) sources were also European. These close trading ties directly and indirectly support hundreds of thousands of jobs across Scotland, a welcome trend.

European connections underpin Scotland's unique legal system, which is based on Roman law and shares its heritage with the legal traditions of its continental partners as well as being influenced by our immediate neighbours.

Scotland actively welcomes EU nationals, with almost 250,000 choosing to live here and integrating well into communities the length and breadth of the country. A recent study² also found that pupils in Scotland have very positive attitudes toward immigrants and respect for people from other parts of the world. The Scottish Government is doing all it can to help EU citizens stay in Scotland.

From the day after the EU referendum the First Minister has repeatedly assured EU citizens they are welcome in Scotland, and has written open letters to all EU citizens living in Scotland, stressing that they should know that Scotland is their home and underlining the desire of the Scottish Government for EU citizens to remain in Scotland.

The Scottish Government produced the '[Stay in Scotland](#)' package of practical support and advice, supported by over £1 million of funding.

This work underlines the Scottish Government's commitment to Scotland continuing to be a vibrant, diverse country that faces outwards and is a confident and responsible global citizen. That means welcoming people from the EU and the wider world because it reflects the welcoming place Scotland wants to be. Not only does Scotland (and the UK) benefit enormously from the contribution made by citizens of other EU countries, but the country has also benefited from the opportunity that free movement gave to Scots to live and work in other EU countries.

² [Embracing global citizenship – gov.scot \(www.gov.scot\)](#)

4. Brexit – a defining moment



With such a past and such a present, it is no surprise that a clear majority of people in Scotland, and the Scottish Government, opposed from the outset the proposition that the UK should leave the EU. As the Scottish Government set out at length in its “Scotland’s Place in Europe” documents, Brexit was never in the interests of Scotland economically or socially, or consistent with the Scottish Government’s outward-facing principles of collaboration and partnership. This has been recognised in the Scottish Parliament where the majority of members have repeatedly voted against UK Brexit legislation.

The arrangements which the UK Government has negotiated to replace almost 50 years of increasingly close cooperation are very disappointing to many and the Scottish Government has set out in detail the harm Brexit will do to Scotland, as well as across the UK in general. Moreover, Brexit has taken place against the backdrop of a global pandemic. Often those who have been most impacted by the COVID-19 crisis will be the worst affected by what is now obvious from the final Brexit deal. While a ‘no deal’ outcome would have been even worse, the Scottish Government is very clear that what has been agreed is a very ‘low’ deal, and represents a far harder Brexit than could have been the case had the UK government taken a different approach. Indeed the Scottish Government is clear that this Brexit deal contradicts many of the promises made by Leave campaigners prior to the referendum.

Against its will, and in the middle of a pandemic and resultant economic turmoil, Scotland has been undemocratically removed from a Single Market worth £16 billion in exports to Scottish companies – and which by population is seven times the size of the UK – and the Customs Union. The UK’s approach has also prevented Scotland’s participation in valuable EU programmes such as Erasmus, Creative Europe and LIFE, as well as access to critical co-operation measures in criminal justice, security and law enforcement.

This outcome is all the more disappointing as it was entirely avoidable. Indeed, the Scottish Government sought to help the UK avoid such an outcome. It put forward common-sense compromise proposals, based on sound evidence, to keep the

whole of the UK in the Single Market and Customs Union. But those were summarily rejected, replaced by the UK Government’s self-imposed red lines which narrowed drastically the options available, between no deal and a low deal, both considerably worse than the deal Scotland and the UK had as members of the EU. The Scottish Government also argued for an extension to the transition period beyond the end of 2020, which could have been sought by the UK Government. Despite the context of the pandemic, the UK Government refused to seek that extension.

The end of the transition period has brought further change and disruption. Despite the continuing challenges and uncertainty, the Scottish Government will continue to focus on the most critical impacts that threaten significant harm to Scotland’s citizens, economy, environment and security. And it will continue to vigorously defend the interests of EU citizens who have chosen to live, work, and contribute in so many significant ways to our economy and our society.

Brexit has not only damaged Scotland’s economic and social interests, and our valued place in Europe and the world. It has been used as an opportunity by the UK Government to challenge, and ultimately undermine, key aspects of the internal devolution settlement.

For many areas covered by EU law, for example agriculture or education, it should be the sole responsibility of the Scottish Parliament to develop, fund and implement policies that have been ‘returned’ to the UK as a result of exiting the EU. However, the recent United Kingdom (Internal Market) Act 2020, imposed on Scotland by Westminster despite the explicit opposition of Scotland’s Parliament, effectively undermines many areas of devolved competence and weakens the role of Scotland’s devolved administration in shaping decisions on post-Brexit policies that directly impact on the people of Scotland.

In short, the whole Brexit process – the decision itself, the outcome of the negotiations and the way those negotiations were conducted – has been a defining moment leading the Scottish Government to reaffirm its commitment to the EU and to the values it holds dear.

5. Steadfastly European throughout and beyond



Image © VisitScotland/Kenny Lam

Scotland's Future

Following the experiences of 2020, the Scottish Government is more committed than ever to the kind of outward-looking, cooperative, internationalist model represented by the European Union.

The impact of the COVID-19 pandemic, in conjunction with the many other global challenges that demand collective and cooperative actions, has strengthened the arguments for the closest possible relationship with all of Scotland's neighbours. The challenges Scotland faces do not respect borders. As a responsible European partner, the Scottish Government will continue to share best practice, knowledge and expertise in reducing transmission and address the other harms caused by the virus. It will work proactively with likeminded European partners to face the global public health and economic crisis together.

It is becoming clearer by the day that as Europe emerges together from this crisis it will be vital to hold firm to European shared values. The Scottish Government, like the EU, is a strong advocate of the rules-based multilateral order and standing up to the many challenges our democracies face. The founding values of the EU – human dignity, freedom, democracy, equality, the rule of law and respect for human rights – are the Scottish Government's values. They more than anything else are guarantors of a better future.

For these – and many other – reasons it remains the aim of the Scottish Government for Scotland to take its place as a full member of the EU and continue to build and implement these shared priorities.

The Scottish Government believes that this can, of course, only be achieved by Scotland becoming an independent country.

Scotland's First Minister has made clear that the Scottish Government is committed to the legal, constitutional process required in order to become an independent state. Ultimately, the "hard Brexit" Scotland is facing reinforces why it is so important for people in Scotland to have the right to decide their own future and the form of government best suited to their needs. Whilst the UK Government has chosen to secede abruptly from the forward-looking internationalist project which is the European Union, the Scottish Government's intention is that Scotland will return to the EU fold.

Like the EU, the UK is a voluntary union of countries. That is a foundation upon which the UK constitutional order is constructed. It is a union that Scotland joined voluntarily and one which cannot and must not be deaf to the democratic wishes of its constituent nations. Scotland will always be the firmest of friends with our closest neighbours in the rest of the UK but the future that Scotland faces today outside the EU is one that is fundamentally different to that promised by those who campaigned for a no vote in 2014. Therefore the Scottish Government believes it is only right that the people of Scotland have the opportunity to decide whether or not they wish to become an independent country and rejoin the community of nations that is the European Union.

In the meantime, the Scottish Government will continue to take a positive and proactive role in engaging with the EU institutions and Member States on shared challenges and opportunities – particularly where Scotland is well placed to offer expertise, share best practice, collaborate with European partners and help to shape policies and programmes that tackle issues affecting citizens and businesses across Europe.

Notwithstanding the very real constraints that arise from Brexit, the Scottish Government believes that Scotland and the EU have shared interests and ambitions.

This commitment is not new. On 31 January 2020 the Scottish Government published [The European Union's Strategic Agenda for 2020-24: Scotland's Perspective](#). This provided our response to President von der Leyen's priorities for her Commission in fulfilling the vision of the EU's Strategic Agenda over this period.

In this document the Scottish Government articulated its wish to see an EU that:

- Embodies progressive, democratic values on the world stage;
- Rises fully to the challenges presented by the global climate emergency;
- Actively promotes the wellbeing of all of society; and
- Helps create smart economies which thrive by the intelligent and humane use of new technologies.

Those ambitions, which set out for all to see the kind of EU Member State which Scotland will ultimately become, are as valid today as they were then.

The Scottish Government expresses again here its interest in all of these areas, not only so that Scotland may benefit from close working with EU partners, but also to offer our own expertise and experience – as illustrated by the examples below. That is the kind of mutually beneficial partnership to which the Scottish Government subscribes, based on both sentiments of solidarity and a clear-headed awareness of what is in the interests of us all.

Case studies

Creating smart economies:

Scotland is very much open for trade and investment. The pace of innovation continues to accelerate and, harnessed correctly, can encourage economic growth, new opportunities and answers to critical challenges facing global society. Scotland has for many centuries been renowned as a place of learning and innovation and this trend continues today with many excellent places of learning. The Scottish Government's continued association to Horizon Europe will allow us to remain an active part of the European research ecosystem. Scottish institutions have a strong track record of collaboration with European partners and Scotland is a founding and leading member of the Vanguard Initiative (VI), a partnership of 38 European partners working collaboratively to deliver economic growth through the enterprise-driven innovation strategies. Scotland participates in several pilot projects including advanced manufacturing for marine renewables and offshore energy; efficient and sustainable manufacturing; and the bio-economy. These pilots aim to develop joint demonstration cases in new, emergent technologies where regions have a competitive edge with a final goal of full-scale commercialisation of new ideas, products or services.

Addressing the global climate emergency and biodiversity loss:

At the UN Climate Summit (COP26) in Glasgow this year, Scotland will draw on its experience and commitment to help ensure a successful summit which drives forward delivery worldwide of plans to tackle climate change. Scotland's reputation as a world leader on climate change is driven by our ambitious targets and our support for global efforts to transition to a net-zero world in a way that is fair, just and leaves no-one behind. Our landmark Climate Change Act is amongst the most ambitious legislative frameworks in the world, setting a target of net-zero emissions of all greenhouse gases by 2045. Scotland continues to invest in renewable technology innovation and in 2019 generated 90% of our electricity from renewable sources. Our vision is to become a leading Hydrogen Nation where Scotland's natural resources, infrastructure and skilled energy workforce will enable us to become the producer of the lowest cost hydrogen in Europe by 2045. The Scottish Government is leading the 'Edinburgh Process' which brings together the voices of governments, cities and regions around the world to influence the post-2020 framework for biodiversity to be agreed at the UN Biodiversity Summit (COP15) in Kunming.

Democratic values:

Mindful of the need to bring society together and strengthen democratic participation, the Scottish Government set up Scotland's first Citizens' Assembly drawing on experience from other European countries. The Assembly met throughout 2020 to discuss the kind of country Scotland could be, how best to overcome the challenges Scotland and the world face in the 21st century and what further work should be carried out to provide the information needed to allow for informed choices about the future of the country. The broadly representative group of 100 citizens from across Scotland produced its final report and recommendations in January 2021. The Scottish Government will be keen to learn about and share the experiences of Assembly members who were part of this unique process, established to involve the public in our democracy and enable the widest possible range of voices to be heard.

The wellbeing economy:

A sustainable, inclusive economy is also a more resilient economy. Wellbeing and inclusive growth values are therefore at the heart of the Scottish Government's approach to reset, restart and recover Scotland's economy as the country emerges from the pandemic and works together to ensure no one is left behind. This means pursuing policies which promote more equal growth across cities, regions and rural areas and ensuring that our ambitions on low carbon growth link with the skills agenda. The Scottish Government is one of the leading European voices on wellbeing and a founding member of the network of Wellbeing Economy Governments (WEGo) which aims to share and promote innovation in policy making to achieve greater wellbeing through their economic approach. The group currently also includes the governments of Finland, Iceland, New Zealand, and Wales. Others are welcome to join. In 2020 Virtual Policy Labs have looked in particular at COVID-19 wellbeing impacts and lessons for a sustainable and inclusive response.

As a steadfast and reliable partner, whatever happens in the future, the Scottish Government will follow the clear ambition of the people of Scotland to retain close links with EU institutions and Member States, to continue to meet high European standards which serve us so well, and to re-join the EU at the earliest possible moment as an independent country. This is the path the Scottish Government believes represents the best future for Scotland.

The Scottish Government has already taken steps to put some aspects of this firm intention into practice. The UK Withdrawal from the European Union (Continuity)(Scotland) Act 2021 gives Scottish Ministers a power to maintain alignment with EU law in devolved areas and ensures the continuation of guiding principles on the environment in Scotland. This voluntary alignment is a hugely significant statement of intent.

And the Scottish Government is showing by its ongoing active engagement with EU partners – whether the newly articulated bilateral relationship with Ireland, the intensive dialogue with Nordic countries and others under Scotland’s Arctic framework, the joint activity with each incoming EU presidency or the significantly enhanced trade and diplomatic presence in EU countries – that Scotland is open for business and determined to remain steadfastly European both in theory and in practice.

6. Conclusion



The Scottish Government profoundly regrets both the UK Government's decision to leave the EU and the terms on which that is happening. It is under no illusions as to the gravity of those choices - imposed on Scotland, not made by Scotland. They reinforce the democratic right of people in Scotland, as a country presently within the voluntary union of the UK, to decide whether a better future is as an independent country which shares, and wishes to contribute, to EU values as a member state.

Scotland remains an inclusive European nation. A clear majority of people did not want to leave the EU and the Scottish Government believes the best future for Scotland is to return. In the meantime the Scottish Government will continue to take every opportunity to contribute constructively to the work of the EU and its members and to promote energetically our shared goals and values. Scotland is, and always will be, steadfastly European.

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This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at
The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-80004-571-2 (web only)

Published by The Scottish Government, March 2021

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS817026 (03/21)

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