Our Islands Our Future
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CHAPTER 2

“Our Islands Our Future”: Purposeful opportunism at its best

Andrew Jennings

INTRODUCTION

This chapter is a narrative of events, and a case study, which highlights the “unexpected ingenuity and mettle”\(^1\) shown by a particular group of peripheral, island societies, who engaged in multilevel political relations with their metropole at a particularly salient point in their recent history. It will explore “Our Islands Our Future,” the joint campaign launched by the three Scottish Island Councils, Shetland, Orkney, and Eilean Siar, or Outer Hebrides, at the time of the Scottish Independence Referendum. For Orkney and Shetland, with their Norse heritage—who already have a close relationship and share a Westminster MP—sharing a platform with Eilean Siar, with its Gaelic heritage, was something of a new departure. The Councils ran the campaign with an understanding that jurisdictional capacity can bring advantages. This was made clear in the conference held to initiate the campaign, which pointedly invited speakers from the autonomous islands of Åland and the Faroe Islands. The Councils realized “jurisdiction is a resource” (Baldacchino 2010), and that this might be an opportune time to press for it. What were the islands’ demands? How was the campaign run? What have been the results? In the long term will this prove to be the most important development in the status and powers of the Scottish islands since Shetland successfully persuaded Westminster to enact the 1973 Zetland Act allowing them to successfully “hornswoggle” the multinational oil companies?\(^2\)
The second decade of the 21st century has seen unprecedented debate in Scotland about Scotland’s place in the United Kingdom and the European Union, with two Referenda taking place within two years. The most recent Referendum, held on 23 June 2016, was the UK-wide Referendum on whether to leave the EU. It witnessed an outbreak of island exceptionalism on the UK scale with the unexpected victory of the Leave campaign: 51.89 per cent of the population voted to leave. This result will in all likelihood see the departure of the UK from the EU, a phenomenon called Brexit, within two years of Article 50 of the Lisbon Treaty being triggered, which happened at the end of March.

Figure 2.1: Map of the Scottish Islands Councils

TWO REFERENDA AND PURPOSEFUL OPPORTUNISM
2017. The result could not have been more different in Scotland, where 61.95 per cent voted to “Remain.” Every single local authority area returned a majority in favour of remaining part of the EU. The Scottish Islands also voted to remain. In Shetland, the vote was 56.5 per cent in favour, in Orkney it was 63 per cent, while in Eilean Siar it was 55 per cent. The desire in Scotland, including the Scottish islands, to remain part of the EU will have major ramifications for the union between Scotland and England, the course of which we are only vaguely able to discern. However, in this chapter, I would like to focus on the earlier Referendum held on 18 September 2014, when Scotland had the choice to vote for independence from the UK, ultimately voting 55 per cent to 45 per cent to remain on a turnout of 84.5 per cent.

The debate that preceded the 2014 Independence Referendum was multifaceted. One example was the high-profile media discussion about whether Scotland should aim to become a type of Nordic country post-independence, perhaps even becoming a member of the Nordic Council.3 There were also many different groups established, each with their own agendas, such as Women for Independence, Academics for Yes, and Business for Scotland. One of the most interesting results of the political ferment was the coming together of the three Scottish Island Authorities, or subnational island jurisdictions—Shetland, Orkney, and Eilean Siar (the Outer Hebrides)—to co-operate on a non-partisan campaign to promote a shared agenda lobbying for new powers, responsibilities, and direct access to both the Scottish and UK governments, arguing that no matter which side ultimately won the Referendum, the islands should benefit. The campaign was called “Our Islands Our Future” (henceforth OIOF). Leading constitutional scholar Professor James Mitchell claims that OIOF was “one of the most significant examples of insinuation by ‘purposeful opportunists’ in the referendum debate” (Mitchell 2013). I would like to chart the progress of the campaign, which I believe has not been documented in detail before, and discuss the results. I would like to thank Peter Peterson, Shetland Islands Council Executive Services Manager, who was intimately involved in the discussions surrounding OIOF, for his help in compiling the timeline of events.
The situation in the Islands can only be understood against the backdrop of the Scottish political landscape and the campaigns for devolution and independence, which will be presented in some detail. On 1 July 1999, the first Scottish parliament in 300 years was reconvened with much panoply in Edinburgh. This was the result of a sustained campaign for Scottish devolution involving a wide section of the Scottish body politic, including the churches, the trade unions, and most political parties, apart from the Conservatives. This campaign had culminated in a Referendum in 1997, which asked the Scottish electorate two questions: did they want a law-making Parliament, and should it have some tax-raising powers? This vote was won comprehensively by those seeking such an institution. In Scotland, three to one voted to establish a Scottish Parliament: 74.29 per cent voted Yes against 25.71 per cent who voted No. There was a majority in every single local authority in Scotland, including the Island Authorities. Unlike Shetland and Eilean Siar, Orkney, although voting 57.3 per cent for the Parliament, bucked the trend in voting against giving the Parliament tax-raising powers, pointing to a higher degree of scepticism than was apparent on the mainland. However, Shetland voted 62.4 per cent for the Parliament, and even recorded a small majority of 51.6 per cent for tax-raising powers. In Eilean Siar, the majority was particularly high, pointing to a small but significant distinction between the Northern and Western Isles: Eilean Siar voted 79.4 per cent for the Parliament and 68.4 per cent for tax-raising powers. It should not be assumed that enthusiasm in the island communities was unalloyed. It has been pointed out that despite securing majorities for the Parliament, when voter turnout is taken into account, the island communities were less enthusiastic about the idea than other regions. In Shetland voter turnout was only 51.5 per cent, the lowest in Scotland; in Orkney it was 53.5 per cent, the third lowest; and even in Eilean Siar it only reached 55.8 per cent, the sixth lowest (Cartwright 2015). Nonetheless, in line with Scotland as a whole, enthusiasm for a Scottish Parliament had increased in the Islands between 1997 and the previous Referendum for a Scottish Assembly, which had been held in 1979. The distinction between the Northern Isles and Eilean Siar was also
more clearly marked in this previous Referendum.

In 1979 Scotland had voted narrowly to establish a Scottish Assembly, recording a majority of 51.62 per cent. However, the Assembly was never established because an amendment to the Act stipulated that if fewer than 40 per cent of the total electorate voted Yes, it would not be set up. As in the event, although 51.6 per cent voted Yes, because the turnout was only 64 per cent, this actually represented only 32.9 per cent of the registered electorate. Effectively, an uncast vote was considered a No vote. At this time the Northern Isles were the least keen on the establishment of an Assembly in Edinburgh, having a mistrust of Lowland Scotland. Shetlanders recorded the highest No vote in Scotland, with 73.02 per cent voting against an Assembly. They were closely followed by Orcadians who voted 72.11 per cent against. On the other hand, Eilean Siar recorded a clear majority for the Assembly with 55.76 per cent of the islanders voting Yes. This was the highest in Scotland. There could not have been a clearer dichotomy between the Northern Isles and Eilean Siar. The apparent enthusiasm in Eilean Siar for the Assembly must not be overemphasized as it was again tempered by a low turnout, which, at 49.9 per cent, was the lowest in Scotland. Voter turnout was also low in the Northern Isles with only 50.3 per cent being recorded in Shetland and 54.1 per cent in Orkney. Nonetheless, it can be argued that a more positive opinion towards Scottish devolution in Orkney and Shetland appears to have developed over the intervening 18 years, narrowing the difference between the Northern Isles and Eilean Siar.

THE SCOTTISH INDEPENDENCE REFERENDUM 2014

Unlike Westminster, the Scottish Parliament, established in Edinburgh in the wake of the 1997 Referendum and eventually housed in a modern, award-winning but unsurprisingly controversial building at the foot of the Royal Mile opposite the Palace of Holyrood, is a single cameral institution elected by a form of proportional representation. It was believed by commentators and constitutional experts such as Professor Vernon Bogdanor (2006) that this proportionality would make it very difficult for the Scottish National Party (SNP) to gain an overall majority and therefore it would prevent the Union between Scotland and England being put into question. Indeed, he suggested
that it would be more likely to lead to a split in the SNP than in the UK. So much for theory. In the Scottish Parliamentary election on 5 May 2011 the SNP actually gained an overall majority winning 69 of the available 129 seats on a vote of 45.4 per cent in the Constituency vote and 44 per cent on the Regional vote. This gave the SNP a mandate to hold an Independence Referendum, a pledge they had included in their election manifesto. However, the Scottish Parliament did not, and, as of 2017, still does not have the authority to hold a binding Referendum on such matters, as the constitution is amongst the reserved powers retained by Westminster in the devolution package. Nonetheless, in January 2012 the UK Government offered to legislate to provide the Scottish Parliament with the powers to hold a Referendum, providing it was “fair, legal and decisive.” This would set the “terms of reference for the referendum,” such as its question(s), elector eligibility, and which body would organize the vote. On 15 October 2012, the Edinburgh Agreement, which granted the Scottish Parliament the requisite powers, was signed by Alex Salmond, First Minister of Scotland for Holyrood, and by Prime Minister David Cameron for Westminster. One can only assume that the power was delegated by Westminster because it was assumed Scotland would ultimately vote to remain in the UK and the debate could be parked for a generation. On 21 March 2013 the Scottish Government announced that the Referendum would be held on 18 September 2014, ushering in a year-and-a-half of intensive campaigning. It was also announced, in an unprecedented move, that the voting age would be lowered to 16, ensuring that the debate would not be restricted to the established electorate. The vote was not restricted to those born in Scotland, or to UK passport holders: all EU nationals resident in the country were also allowed to vote. Neither of these provisions was adopted in the EU Referendum of 2016.

The Referendum campaign galvanized the population throughout the length and breadth of Scotland, from the Borders to the Northern Isles. The level of political engagement and debate was nothing short of extraordinary—an unacademic statement of hearsay which is surely supported by the unprecedented turnout of 84.6 per cent. This was the highest ever recorded for an election or Referendum in the United Kingdom since the introduction of universal suffrage! It was also notably higher than the recent EU Referendum, which will result
in the withdrawal of the UK from the EU. This was a commendable, but a less impressive, 72.2 per cent. In the end, 55.3 per cent of the Scottish population voted to remain within the UK, with a majority against independence in most council areas, the cities of Dundee and Glasgow being notable exceptions. All three Island jurisdictions voted No. However, there was a clear distinction between the Northern Isles and Eilean Siar, with the former exhibiting clear island exceptionalism. Orkney recorded one of the highest votes against independence at 67.2 per cent, on a turnout of 83.72 per cent. In Shetland, the numbers were similar, with 63.7 per cent voting against independence, on a turnout of 84.4 per cent. In Eilean Siar, feelings were more positive towards independence. Here a slightly higher proportion of the local electorate voted for independence than the Scottish population as a whole and only 53.4 per cent voted No, on a turnout of 86.2 per cent. The turnout figures indicate that, unlike the earlier Referenda, on this occasion the Island communities were as fully engaged in the debate as those on the mainland of Scotland. The converging of opinion, which was observable between the Northern and Eilean Siar between the two devolution Referenda of 1979 and 1997, looks to have been reversed. Clearly, although the Northern Isles became less suspicious of Scottish devolution, the same cannot be said for Scottish independence. The Independence Referendum reflects the reality that an identification with Scottishness is less strongly held by a notable proportion of the population of Orkney and Shetland than by those on the Mainland. Many Islanders still talk about going to Scotland.

In the aftermath of the vote Scotland actually acquired substantial new powers and responsibilities. In a move to try and heal divisions and placate the large minority who had voted for independence, and a sizeable group who voted No but who wanted more powers (an option not available on the ballot paper), on 19 September 2014 Prime Minister David Cameron announced that Lord Smith of Kelvin would oversee a Commission to take forward the devolution commitments on further powers for the Scottish Parliament. The five political parties with representation in the Scottish Parliament—the SNP, the Labour Party, the Conservatives, the Liberal-Democrats, and the Greens—were each invited to nominate two representatives to the Commission. After two months of deliberation, on 27 November 2014 the Smith Commission published its report detailing further devolution of powers to
the Scottish Parliament, including the intention that over 50 per cent of the money spent by the Scottish Parliament would be funded by revenues raised in Scotland. The Smith Commission’s recommendations, with some additional amendments including responsibility for abortion law, formed the basis of the new Scotland Act 2016, which received Royal Assent on 23 March 2016. With this Act the Scottish Parliament acquired a raft of new powers, notably including the ability to set Income Tax rates and bands, and the responsibility for managing the Crown Estate and its revenues. Prime Minister David Cameron claimed that the Scottish Parliament would be one of the most powerful devolved parliaments in the world. Although comparisons are difficult, BBC Scotland carried out a simplistic comparison between Scotland’s new devolution settlement and a number of other sub-national jurisdictions. It was suggested that the Scottish Parliament would have more power over expenditure and revenues than the German Länder and the Spanish Regions, but slightly less than the Swiss Cantons and also less than the Canadian Provinces. However, Professor Nicola McEwan, the Associate Director of the ESRC Centre on Constitutional Change, argues that, with regard to “self-rule,” one of the two forms of political authority recognized in the literature, the Scottish Parliament scores highly. Indeed, she says, “Once implemented, Scotland may still not enjoy the levels of self-government of the Provinces and States of North America or the Swiss Cantons, but it is a reasonable claim to suggest that it would be one of the most powerful devolved systems in the world, however broadly we define devolution” (McEwan 2016). However, as far as “shared rule” is concerned, which is the second form of political authority, the picture is less clear.

POST-REFERENDUM SUPPORT FOR THE SCOTTISH NATIONAL PARTY SOARS

Events continue to unfold and it is unlikely that this will be the end of the story. The 45 per cent who voted for independence have not been keen to quietly slip into obscurity. Huge numbers have joined the SNP. By the end of March 2015, the numbers had soared to over 100,000 (Gordon 2015). Today the number stands at over 120,000 (Morris 2016). This growth helped secure the SNP a landslide in Scotland at the Westminster General Election on 7 May 2015. The party won all
but 3 of the 59 Scottish seats, elected on the first-past-the-post system. However, the Northern Isles maintained their insular distinctiveness as the seat representing Orkney and Shetland was one of the few not won by the SNP. It remained a Liberal-Democratic hold, although with a much reduced majority. On 4 September 2015 an Ipsos Mori poll stated that 53 per cent of Scots would now vote Yes in an Independence Referendum, as opposed to 44 per cent who would vote against, an effective reversal of the earlier result. At the Scottish election held on 5 May 2016, the SNP vote continued to remain at a high level. The party secured 46.5 per cent on the Constituency vote and 41.7 per cent on the Regional vote, giving the party 63 seats, just short of an overall majority. However, when these are combined with the 6 seats secured by the Scottish Green Party, there continues to be a majority in the Scottish Parliament for independence. There have been mutterings from the press that there has been an Ulsterisation of Scottish politics (Torrance 2016); in other words, where one stands on independence or the union has become more important than one’s views on economic or social issues when deciding on which party to vote for. It has become the fundamental fault line in Scottish politics. Finally, in an ironic twist, there has been the EU Referendum. One of the strongest arguments against independence in 2014 was Scotland's relationship with the EU and the likelihood that the country would be kicked out and have to reapply for membership, which would likely be a lengthy and difficult process. However, the apparent desire of a sizeable majority in Scotland to remain within the EU in contradistinction to the UK population as a whole is having an effect on support for independence. A Panelbase survey carried out for The Sunday Times in the wake of the EU Referendum showed support for Scottish independence running at 52 per cent, up seven points (Allardyce and Boothman 2016).

**THE INDEPENDENCE DEBATE IN THE ISLANDS**

Despite Orkney and Shetland returning some of the largest majorities against independence, the high turnouts in all three island council areas show that the populations were very far from apathetic. The Islands seemed determined not to be bystanders in these epochal events. Debate within all three island jurisdictions was intense and animated.
Scottish independence was discussed in public and within the letter pages of the local newspapers. On the Scottish mainland, the debate was rarely couched in terms of what independence would mean for the inhabitants of any particular town or city. However, in the Islands, the debate had a particular focus, namely what did Scottish independence mean for islanders? Questions of identity were raised. For example, did Shetlanders and Orcadians regard themselves as Scottish or British? (Walters 2014). Could an independent Scotland be trusted not to “steal” Shetland’s oil? Might there be the opportunity for Islanders to vote to remain in the UK, even if Scotland voted to leave? (Shetland Times 2012). And, in the latter case, would Newcastle in the North of England, rather than Aberdeen, then be the port for ferries to the Northern Isles? A manifestation of this particular response to the debate was the occasional call for Home Rule, particularly in the Northern Isles. For example, on 16 March 2014, Tavish Scott, the MSP (member of the Scottish Parliament) for Shetland, said at the Liberal-Democrat Conference that Shetland and Orkney should have a right to self-determination claiming, to much applause, “our goal—nothing less than island home rule!” A month later, on 29 April 2014, the Islands Petition was lodged, which called on the Scottish Parliament to urge the Scottish Government to hold three separate Referenda in Shetland, Orkney, and Eilean Siar on Thursday, 25 September 2014, one week after the Scottish Independence Referendum, asking the people of each island group whether they would prefer their islands to become an independent country or to stay in Scotland; and, in the event of a yes vote in the Referendum on Scottish independence, to have the following additional option: to leave Scotland and stay in the remainder of the UK. This Petition was closed on 5 August 2014 by the Scottish Government because it was claimed there was insufficient time to arrange such Referenda. Home Rule remained on the agenda, although somewhat in the background, right up until the eve of the vote. On 17 September 2015, Alistair Carmichael, MP (Member of Parliament) for Orkney and Shetland, said Shetland could go it alone (Addley 2014). It is difficult to assess how genuine these statements of intent were from the MSP and MP, both representatives of the Liberal Democratic Party, who were avowedly unionist in their position. It was seen by some as a spoiling tactic directed at one of the SNP’s central arguments for independence that the oil resources offshore would
help bankroll an independent Scotland. If these resources were somehow to remain with Shetland and Orkney, an independent Scotland might not be viable. It is perhaps indicative that Home Rule for the Islands had not been on the agenda since the Scottish Parliament was set up in 1999 and it was not part of the general political debate. However, Referenda do focus the mind. It was against this backdrop that the “Our Islands Our Future” campaign was launched.

The campaign began with a series of unofficial discussions among the three Island Council leaders: Eilean Siar Leader Angus Campbell, Shetland Islands Council Leader Gary Robinson, and Orkney Islands Council Convenor Steven Heddle for Orkney. They were testing the water to see if there was an appetite for any joint action on pursuing island agendas within the Referendum debate. Clearly there was as, early in 2013, Orkney Islands Council set up a Member Working Group to discuss potential constitutional reform for Orkney. Shetland followed suit, setting up its project and bringing a paper to Shetland Council in April. This report set out a number of lobbying strands that were agreed would be the areas in which Shetland would seek to focus its attention. Shortly afterwards, the three island leaders met and formally established OIOF. On 17 June 2013, the campaign was launched by three-way video conference. An interim Joint Position Statement was produced, setting out what the Island Councils were looking for. The document referred back to previous efforts by Island Councils to
seek greater control over their affairs and to the report of the Committee of Enquiry and Functions and Powers of the Island Councils of Scotland chaired by Sir David Montgomery, which was known as the Montgomery Committee. This report was submitted to the UK Parliament by the Secretary of State for Scotland as far back as April 1984. Its key principles were that opportunities should be taken whenever possible to consolidate, develop, and extend the powers of Island Councils in a continuing process of development in the local government of the areas, and Acts of Parliament should include a position to vary the application to the Islands’ areas. In the introduction to the Joint Position Statement it was made clear that the Councils were not taking a partisan position and no matter what the outcome of the Referendum the Islands should be taken seriously:

Scotland’s three Islands Councils—Shetland, Orkney, and Comhairle nan Eilean Siar representing the Western Isles, have agreed to work together in a programme of positive engagement to ensure that whatever happens over the next two or three years in relation to the constitution of Scotland the position and needs of island areas are adequately taken into account and the particular nature of Scotland’s three main islands’ areas acknowledged and recognized.11

The statement included a number of important priorities which should be pursued and secured. These included grasping the opportunities offered with the development and extension of the powers of the Island Councils. These powers could be resource-based, such as the Island Authorities taking control of the revenues currently paid to the Crown Estate—ultimately the UK Treasury—and being able to utilize these resources locally.12 The Island Authorities should also have greater power of control in all aspects of inshore marine resource management and utilization, such as spatial planning and consenting. There should be the development of Fishery Management Plans and Schemes of Assistance. There ought to be greater direct engagement with Europe and the promotion of derogations from EU regulations if required. The world-class renewable energy resources around the Islands should be effectively developed and genuine community participation and benefits should be ensured. In addition, there should be support for agriculture, to address costs specifically arising from insular remoteness, and for sustainable transport, ensuring effective transport links to maximize Island resources. Power over ferry services
should also be devolved, with Mainland/Island ferry services and inter-islands ferry services being commissioned, funded, operated, and controlled from the Islands to meet Island needs, with appropriate resource transfer. The Islands should also have their status recognized in the new Scottish Constitutional Settlement (regardless of the result of the Referendum) and within the European Union Governance Framework, taking into account the opportunities available to enhance the Islands’ status and representation at EU level. There should also be a recognition of and support for the cultural importance of the Islands—for Eilean Siar as the heartland of the Gaelic language, and for the Nordic aspect of the culture of the Northern Isles. In summary, the statement sought recognition of the Islands and their cultures and needs at the heart of Government, and the devolution of appropriate powers to the Island Councils to allow them to benefit from their own resources and to counteract problems of peripherality.

A month after the Joint Statement was published on 25 July 2013, the Scottish Government Cabinet visited Lerwick in Shetland, proving that the campaign was being taken seriously by the Scottish Government. While in town the Scottish First Minister Alex Salmond took the opportunity to deliver his Lerwick Declaration. This was a formal declaration of support from the Scottish Government of the principle of subsidiarity; in other words, the devolution of powers to the appropriate level, in this case the Islands. It was also announced that a dedicated Island Areas Ministerial Working Group (IAMWG) was to be set up to give the campaign direct access to Scottish Government Ministers. One of the early aims of OIOF—to develop effective channels of communication for putting points across—was being met.

Momentum was maintained when, on 19–20 September 2013, OIOF held a Conference in Kirkwall, Orkney, to raise the profile of the campaign. There was an eclectic range of invited participants—academics, international island experts, and politicians from both Holyrood and Westminster—representing both sides in the independence debate. Amongst the academics was Professor James Mitchell from Edinburgh University, who coined the phrase “purposeful opportunists” to describe the leaders of OIOF. In his address, Eilean Siar Leader Angus Campbell said, “Some of you may be thinking why should the islands be singled out for special treatment? I would say the answer is quite simple— islands are different. We face particular
challenges in many areas. We are seeking a level playing field. When we have the powers to make things happen we deliver.”¹³ There were representatives from other island jurisdictions there to both encourage and to inform. From Finland, Jörgen Pettersson, Member of the Åland Islands Parliament, delivered a rousing speech encouraging the Scottish Islands to join Åland as self-governing European island jurisdictions. He claimed, “Autonomy gives you inspiration to try harder in competition in sport, culture and business. It gives you freedom to deal with your own priorities which are different to larger countries.”¹⁴

From the Faroe Islands, Jóannes Hansen, Head of Representation of the Faroe Islands in London, discussed the Faroese way. Jean-Didier Hache, Executive Secretary of the CPMR Islands Commission, pointed out how the Scottish Islands could develop more effective discussions with the EU. For the Scottish Government, Local Government Minister Derek Mackay stated, “We believe that the people who live and work in Scotland are best placed to make decisions about the future. The Lerwick Declaration, our response to the enthusiasm of the Our islands, Our future proposal, and the Ministerial Working Group, will see the Scottish Government and the island authorities consider the opportunities for island communities in the context of the Referendum and the further devolution of decision-making responsibility to the islands.”¹⁵ There was also support from Westminster Ian Davidson, MP, and Chair of the Scottish Affairs Select Committee, who said, “What you are trying to achieve has the complete support of the committee. I think it strengthens the case enormously that there’s an environment where the three authorities are working jointly.”¹⁶

Having held discussions with the Scottish Government, on 16 October 2013 the Council leaders took their two-pronged campaign to Westminster where they held a two-day round of talks in London. There they were well-received, holding discussions with the new Secretary of State for Scotland, Alistair Carmichael, MP for Orkney and Shetland; and other Ministers and senior Government officials, including George Eustice, MP, Minister for the Department of Environment, Food and Rural Affairs (DEFRA); and Nicky Morgan, MP, Economic Secretary to the Treasury. Discussions also took place with senior officials from the Scotland Office, the Department for Energy and Climate Change, the Foreign and Commonwealth Office, the Treasury, the Cabinet Office, the energy regulator Ofgem, and the Crown
A further visit to London in May 2014 helped to confirm that the UK Government would offer a Framework for the Islands, setting out what would be on offer were there to be a “No” vote in the forthcoming Referendum. Not to be outdone, by the summer of 2014 the Island Areas Ministerial Working Group had met a total of five times. On each occasion the Scottish Government ensured Ministers, as well as senior civil servants, were present.

**EMPOWERING SCOTLAND’S ISLAND COMMUNITIES AND A FRAMEWORK FOR THE ISLANDS**

On 11 June 2014 the Scottish Government published its Empowering Scotland’s Island Communities document—it’s response to the campaign. The UK Government kept its pledge when, on 15 August 2014, it published its Framework for the Islands. OIOF had achieved an important aim: receiving written statements of intent before the Referendum took place from both sides in the Referendum campaign and from both governments. These documents make interesting reading.

The Scottish Government’s document, Empowering Scotland’s Island Communities, which would be legislated for post-independence, included the following key ideas: enhanced communication between Government and the Isles, “Island-proofing,” an Islands Act, and an Islands Minister. As part of Island-proofing, the Scottish Government would consider, when legislating in areas that would impact on island communities, whether particular functions and responsibilities could be given to island communities, namely to exercise subsidiarity; when legislating, whether there was a particular need for differential application of legislation for island communities; the applicability of the principles contained within the Reference Framework on Regional Democracy of the Congress of Local and Regional Authorities of the Council of Europe; and when developing, formulating, and implementing policy, the needs and circumstances of island communities. Also, come Independence, the Scottish Government would recognize the Islands’ status in any forthcoming written Scottish Constitution. There would also be enhanced representation for Scotland’s islands within the EU, as part of the new, or continuing—depending on how negotiations progressed—EU member state of Scotland. Also, of great importance for the future economic development of the Islands, 100
per cent of the net income from the seabed surrounding the Islands would be passed to the Island communities themselves. These principles would have the potential to radically change the relationship between the Islands and the Scottish Government, decreasing peripherality and greatly increasing the jurisdictional capacity of the Island Councils, potentially bringing huge economic benefit.

The UK Government’s Framework for the Islands, after a preamble which included the statement, “The UK Government is committed to supporting the islands to thrive and develop their strengths in renewable energy, food and drink, tourism, textiles, culture and other local industries, and to assist where possible to overcome challenges posed by geographical remoteness,” similarly focused on developing the means to enhance communication between the Islands and Westminster, and on Island-proofing Westminster legislation. According to the Framework, the Leaders and Chief Executives of the three Islands Councils should host an annual summit with the Secretary of State for Scotland to discuss matters of strategic importance for the Islands. The agenda would be set by the three Islands Councils, who would prepare an Annual Statement of Collective Priorities to inform the UK Government of their requirements. A dedicated desk officer would work in collaboration with the three Islands Councils, helping to ensure that there would be Island-proofing if necessary of the UK Government policy and legislative programme. This officer would report to the Secretary of State for Scotland and the Director of the Scotland Office. The statement on Island-proofing is as follows: “Islands Proofing aims to assist the UK Government to consider how particular measures impact on the Islands areas and, where it is appropriate to do so, ways to adjust these policy or legislative measures accordingly. This process is intended to be collaborative, drawing on support from the Islands Councils to understand the impact on those areas.”

RESULTS OF THE OIOF CAMPAIGN

As stated, the Referendum, after a year-and-a-half of intensive campaigning, took place on 18 September 2014, resulting in a victory for those wishing to remain in the UK. What has happened to OIOF since? Have the statements of intent from both Scottish and UK Governments, which were such an important aim of the Islands’ campaign,
resulted in tangible results? Did the strategy of the Island Authorities of maintaining a non-partisan stance during the Referendum, thus pressurizing both sides to deliver, pay dividends? Preliminary indications would suggest that the Islands remain on the wider political agenda.

OIOF contributed a submission to the Smith Commission,\textsuperscript{20} where they referred to both the Framework for the Islands and Empowering Scotland’s Island Communities. In their Proposal 8.2, they called for the Commission to acknowledge both documents and placed a duty on both Governments to fully implement all their commitments. The submission also stated, “On the basis that any expansion of powers to the Parliament should, where appropriate, be followed by reciprocal devolution to the three islands groups, the three Island authorities are supportive of the expansion of the powers to the Scottish Parliament.” However, without waiting for pressure from the Smith Commission, on 21 November 2014 the new Scottish First Minister Nicola Sturgeon, in her Cabinet announcement, appointed Derek MacKay as Scotland’s first Minister for Transport and Islands, thus fulfilling part of Empowering Scotland’s Island Communities document. MacKay then announced that he would re-establish and chair the IAMWG. This committee met a total of five times between 24 February 2015 and 22 February 2016.\textsuperscript{21} On 27 November 2014 the Smith Commission Report was published. In its recommendations concerning the Crown Estate, it suggested the Island authorities should become responsible for managing those assets. This was one of the priorities highlighted in the OIOF Joint Position Statement. As the Smith Report states:

Responsibility for the management of the Crown Estate’s economic assets in Scotland, and the revenue generated from these assets, will be transferred to the Scottish Parliament. This will include the Crown Estate’s seabed, urban assets, rural estates, mineral and fishing rights, and the Scottish foreshore for which it is responsible.

Following this transfer, responsibility for the management of those assets will be further devolved to local authority areas such as Orkney, Shetland, Na h-Eilean Siar or other areas who seek such responsibilities. It is recommended that the definition of economic assets in coastal waters recognizes the foreshore and economic activity such as aquaculture.\textsuperscript{22}
In accordance with the Framework for the Islands, the UK Government established an Islands Working Group after the Referendum and a secondee from the Islands was attached to the Scotland Office team in Edinburgh. Peter Peterson\(^{23}\) from Shetland shared this role with Lesley MacDonald from the Western Isles. The UK Government also established a dedicated Islands Desk Officer at the Scotland Office. According to Peterson this gave the Island representatives a very valuable point of contact, and an extremely useful way to get in touch with the right people across Government departments. Another commitment from the Framework was met on 19 March 2015, when Lerwick hosted the First Annual Islands Summit,\(^{24}\) including the UK Government, Orkney, Shetland, and Eilean Siar. Discussions focussed on reviewing progress on the key Government policies of interest to the Islands such as connection to the national energy grid, measures to address fuel poverty, and improving connectivity with mobile and Internet services. A set of guidelines on Island-proofing was also agreed. After the General Election on 7 May 2015, when the Conservatives won an overall majority at Westminster, the new Scottish Secretary Mundell visited Stornoway on 29 July confirming that the UK Government was still committed to working with OIOF and taking forward the Framework.\(^{25}\) The Second Annual Islands Summit was held in Kirkwall on 27 June 2016.\(^{26}\) Not surprisingly, as the summit was held shortly after the EU Referendum, the need for the Islands’ voice to be heard in the forthcoming negotiations was discussed.

Scottish Government ministers also continued to make visits to the Isles. On 1 June 2015 First Minister Nicola Sturgeon told the Convention of the Highlands and Islands in Kirkwall that a consultation on future plans for greater autonomy would be published in the summer, ahead of the creation of an Islands Bill. She said the Scottish Government was “very serious” about devolving further powers to Shetland, Orkney, and the Eilean Siar. She also said that the Islands would benefit from 100 per cent of the net revenue generated in their area from activities within 12 miles of the shore.\(^{27}\) The First Minister visited Shetland on 4 April 2016 in the lead-up to the Scottish Election. She launched a 10-point manifesto for the Islands\(^{28}\) which it was hoped would secure Island votes. She was not alone in making visits to the Isles. On 13 August 2015 Scottish Islands Minister MacKay visited Lerwick and pledged to meet Loganair chiefs to find ways of driving
down the high cost of air fares (Taylor 2015), while on 26 August 2015 an education summit was held in Kirkwall with the council leaders of Orkney, Shetland, and Eilean Siar, along with the Cabinet Secretary for Education and Lifelong Learning, Angela Constance, who said: “This Government is committed to supporting and empowering island communities and this summit offers a valuable opportunity to discuss important issues associated with education in the islands.”

With ministerial visits from both Governments, Islands summits, and Island Areas Ministerial Working Group meetings, the OIOF priority of enhanced communication has surely been met for now. It can be added to the creation of an Island Minister as a successful outcome. However, what is the status of the Island Bill and the promised allocation of management of the Crown Estates to the Islands?

**EPILOGUE**

Although an Islands Bill could not be enacted during the remainder of the Scottish Government’s term, the Scottish Government launched its consultation, seeking views on provisions for such a bill on 30 September 2015, as the First Minister had promised in Kirkwall in June. In particular, the consultation sought views on Island-proofing; empowering island communities; a national Islands plan; statutory protection for the Eilean Siar Scottish Parliamentary constituency; amending the Local Governance (Scotland) Act 2004; and any other issues for consideration in a future Islands Bill. The consultation ran until 23 December 2015, with 192 responses being received. The analysis was published in March 2016 (Reid Howie 2016). Among the many findings of particular interest was the fact that 97 per cent of respondents believed that the concept of Island-proofing was something the Scottish Government should consider placing in legislation through the proposed Islands Bill, and 73 per cent believed that jurisdictional capacity ought to be increased as the current powers held presently by Island Councils and Councils with Island responsibilities were insufficient to deliver positive outcomes for their local island communities.

The Scottish Election in May 2016 has intervened since the publication of the findings of the consultation. However, as of April 2017, the Scottish Government, which remains under Scottish National Party control, has not yet enacted the promised Islands Bill, although it is
supposed to do so during the 2016-17 parliamentary session. One can only hope that the Bill will not be delayed because of the focus on fighting Brexit and the new campaign for Scottish independence which has energized Scottish public opinion since the First Minister announced on 13 March that a new Referendum would be held between the autumn of 2018 and the spring of 2019. As for the Crown Estate, as stated above the new Scotland Act 2016 devolved the responsibility for managing the Crown Estate revenues to the Scottish Government. Powers over the revenue and management of Crown Estate resources were transferred formally to the Scottish Government on 1 April 2017. Scottish Ministers had promised that island and coastal councils would receive the net income from Crown Estate marine assets to 12 nautical miles after these powers were devolved (Davidson 2017), so control over locally raised revenues ought to be heading the Islands way. However, control over revenues is not devolution of management or jurisdiction, which was a key OIOF demand and a recommendation of the Smith Commission. It remains to be seen whether the Scottish Government will relinquish its new acquired powers and devolve control over the assets to the islands. It is also unclear how committed the UK Government is to its Framework for the Islands, because one of its commitments was “to support the islands to thrive and develop their strengths in renewable energy.” In November 2016 details of the second Contracts for Difference auction were released. These are £290m of UK Government-backed long-term contracts that provide stable and predictable incentives for renewables projects. Government priorities have changed and onshore wind projects were not included. This is a problem as onshore wind projects are central to the renewable energy production plans in the Islands. Currently, the result of a public consultation carried out early in 2017, on amending the auction and allowing Island onshore wind projects to bid on Contracts for Difference, is awaited.

In the world of politics, it is unwise to count chickens before they are hatched, especially as it remains unclear how Brexit will impact on Scotland and the Islands. However, by working together to promote a shared rather than competitive agenda, the Northern Isles and Eilean Siar managed to use the Referendum on Scottish Independence, for which they showed little enthusiasm, to promote their own agenda. Through savvy political maneuvering OIOF may yet achieve all the
goals set out in the 2013 Joint Position Statement. As of April 2017 there are effective channels of communication between the Island Councils and the Scottish and UK Governments, there is a dedicated Scottish Islands Minister, an Islands Bill is in the offing, and revenue from the Crown Estate looks likely to be devolved to the Isles, even if control of the assets still remains a contentious issue. Even with the latter caveat this arguably amounts to the most important development in the status and powers of the Scottish islands since Shetland successfully persuaded Westminster to enact the 1973 Zetland Act—purposeful opportunism indeed.\textsuperscript{32}

\textbf{NOTES}

1. This phrase is taken from the Building Community Resilience Conference website and was part of the rationale of the Conference itself. See pei2015.crrf.ca/.
2. The American Consul in Edinburgh, Richard Funkhaussen, used the term to highlight the success that Shetland council had in their discussions with some of the biggest oil multinationals. See Wills 1976.
3. The commentator Lesley Riddoch was a force behind this agenda. See Riddoch 2013.
9. For details of the referendum request, see www.parliament.scot/GettingInvolved/Petitions/islandgroups.
12. www.thecrownestate.co.uk/our-business/in-scotland/.
For a report on the Orkney Council website, see
www.orkney.gov.uk/OIC-News/constructive-outcome-after-islands-
campaign-targets-westminster.htm.

For more information, see www.gov.uk/government/news/first-islands-
summit-staged-in-shetland.

For more information, see www.gov.uk/government/news/mundell-
commitment-to-islands-framework.

For more information, see www.orkney.gov.uk/OIC-News/Islands-

For the speech, see www.news.gov.scot/speeches-and-briefings/first-
minister-speech-1.

For the speech, see www.gov.uk/government/news/government-
sets-out-plans-to-upgrade-uk-energy-infrastructure-and-increase-clean-
energy-investment.

While this book was being prepared for publication, the Scottish Gov-
ernment published its Islands Bill. It was introduced to Parliament on
9 June 2017. For more information see www.parliament.scot/parlia-
mentarybusiness/Bills/105168.aspx.


