

ASSESSING THE HUMAN RIGHTS POTENTIAL IN SCOTLAND'S FOREIGN POLICY¹

WORKSHOP 1: THE STATE OF THE NATION'S INTERNATIONAL RELATIONS AND THE ROLE OF HUMAN RIGHTS

10 September 2020

9:30AM: OPENING COMMENTS

- The chair presents some welcome remarks and reminds attendees that the workshop is being held under the Chatham House Rule.
- The chair provides an overview of the day's session, which is broken into three parts. The first section provides an overview and introduction to Scottish foreign policy. The second section provides practitioners' perspectives on Scottish external relations. Finally, the third session looks into issues in human rights more specifically. Overall, today's workshop looks at where we are in Scotland right now and sets up future discussions.
- The chair states that the goal of this series of three workshops is to educate and inform current debates on the inclusion of human rights in Scotland's external relations. The series of workshops has three aims: to map the terrain of Scotland's external relations in order to explore the role of human rights; to explore the scope for Scotland, as a sub-state actor, to integrate human rights into its external relations; and to establish priorities for the integration of human rights into Scotland's external relations, specifically in the context of Brexit and devolution.
- The chair observes that while foreign policy is reserved for Westminster, the Scottish Government has implemented an established program of independent external relations. Scotland is not, however, the first sub-state actor to do so. For example, a *Foreign Affairs* article from 30 years ago explores California's external relations as one of the world's major economic powers. Thus, entities that do not possess statehood are indeed capable of conducting external relations and are engaged in bilateral and multilateral engagement, including the treatment of their citizens as global citizens.
- Scotland has consciously integrated human rights and expertise on human rights into its policy, including policy on the rights of the child, and has incorporated many provisions of international human rights law directly into domestic policy.
- The chair observes that the integration of international human rights law into Scottish law is underexplored by academics. It is hoped that this project will contribute to thinking on human rights implementation in the Scottish context and will contribute more broadly to academic literature on sub-state and small-state foreign policy.
- The chair stated that while Scotland's unclear constitutional future plays a role in this issue, this workshop takes no position on what Scotland's constitutional future ought to be. Regardless of

¹ The organisers wish to thank the Royal Society of Edinburgh for its support of this project.

Scotland's future constitutional arrangements, the nation undeniably aspires for external relations that are independent of its relationship with Westminster.

9:45AM: SESSION 1 – AN INTRODUCTION TO SCOTTISH FOREIGN POLICY

SPEAKER

- This session's speaker begins with the observation that Scottish thinking on foreign policy remains underdeveloped, but understandably so. The Scottish Government is inadequately resourced and its foreign is changing quickly. When the Scottish National Party (SNP) went from 6 to 56 seats in the Parliament in 2016, it suddenly found itself having to respond to foreign policy issues. As a party, the SNP had to get up to speed with these issues.
- According to the speaker, Scotland is either at the end or the beginning of a chapter in terms of its history. Things are changing with the way that the UK and Scotland see themselves in the world and are seen by the rest of the world.
- The UK is trying to get to grips with its new strategy of 'global Britain.' The speaker observes that UK officials all seem to have different ideas about what 'global Britain' actually means. And, while the UK figures out what this means, Scotland has to figure out what it wants and what its foreign is.
- As a sub-state actor, Scotland already has a powerful brand and wide recognition. Furthermore, there is an increasing division between London and how Scotland sees itself in the world. In London, there is increasingly a unilateralist view of the world, evidenced in the UK government's recent stance about reinvestment in Trident and Brexit. Meanwhile, Scotland looks to pool sovereignty and takes a multilateral standpoint.
- Citing former Senator Jim Webb's remarks about Scotland's nationhood beyond Hadrian's Wall, the speaker argues that Scotland's relationship with its international partners has long been established, since the times of William Wallace and its relationship with the Hanseatic League. In the speaker's view, a new Hanseatic league has formed in response to Brexit.
- The speaker observes that Scotland also can't get away from its role in the world as part of the empire. Articles on the Black Lives Matter movement have called on Scotland to acknowledge its part in the slave trade.
- The speaker observes that while some 10 to 15 million people have roots in Scotland, about 30 million claim it. This is a marker of how many people feel an affinity with Scotland or feel linked with it because of work or study experiences in the country.
 - The speaker argued that while the Scottish government has been doing some work on engaging with its diaspora, recognition as a state and having a Foreign Office can be very helpful in this regard. A strong example is Ireland, which has used diaspora and European solidarity in order to build diplomatic clout, as seen in Biden's support for Ireland's position on the UK's Brexit policy.
 - To the speaker, Westminster frustratingly does not use Scotland's diplomatic clout as its own. Scotland's link into its diaspora in the US and elsewhere could be used by the UK in trade talks and other matters of foreign policy.

- The speaker provides the example of Denmark. The Faroe Islands is holding up its foreign policy in matters relating to radar in the Faroes, and Greenland has diplomatic recognition and the capacity to be party to treaties. Greenland and Faroe flags both fly at Danish embassies. This is a similar situation, the speaker observes, with Flanders in Belgium.
- For the speaker, it is difficult to imagine the same happening in the UK. Scotland has been represented in diplomatic events in states like Georgia and Hungary, but this has been through UK ambassadors wearing kilts to signal their ‘Scottishness.’ Ultimately, however, these diplomats have acted as ‘very good British’ representatives, not representatives of Scotland’s interests.
- The speaker briefly mentions other attempts at Scottish sub-state representation, including Alex Salmond’s work on climate change.
- To the speaker, Brexit is a ‘game changer.’ One of Scotland’s first priorities should be to act as a bridge to Europe. However, the speaker argues that when Scotland’s closest bilateral neighbour, the UK, has damaged its closest multilateral relationship – its relationship with the EU – Scotland needs to take a similar stance to Ireland, stepping up its own attempts to build external relations.
 - For example, Scotland has pre-existing close relationships with the Nordic states. Scotland’s Arctic policy seeks to find a way in the post-Brexit environment.
 - Furthermore, Scotland’s attempt to find a close relationship with the Baltics is something that needs to be stepped up.
 - Finally, the speaker argues that Scotland needs to have a similar outlook in the world in terms of multilateralism.
- Next, the speaker addresses the issue of peacebuilding.
 - Developing soft power is very important. One of the biggest issues with the UK’s foreign policy, as seen in Iraq and Libya, is the failure to engage in post-conflict reconstruction. To the speaker, winning the war ‘means nothing if you don’t win the peace after.’
 - The speaker quotes the observations of Martin Stewart, who worked extensively in Libya, spent time with world leaders and was ‘struck’ by the way that world powers are willing to engage with Scotland as a country that has a ‘real and unique’ contribution to make to the promotion of post-conflict peace.
- The speaker concludes that right now, Scotland needs to work out what it stands for. For example, Finland has established itself as independent from Soviet power and Ireland has established itself as a country in solidarity with the world. The Baltic nations have also established themselves independently from their history.
 - To the speaker, Scotland is at a point of history where it has to work out where it wants to be in the coming three decades. Scotland needs to look to multilateralism and can do so more effectively independent from the UK.

SESSION 1: DISCUSSANT’S COMMENTS

- The discussant points out that there is a danger involved in believing your own rhetoric, including Scotland’s rhetoric about its position and its future in Europe.
- The discussant argues that when we study foreign policy, we don’t look at the everyday side of things very often. 95% of what international affairs involves seems to be squashed by

international controversies and crises. For example, during the independence campaign, the SNP argued in favour of a nuclear-free Scotland. However, there are many arms companies based in Scotland and there are many related geopolitical realities. Scotland will always have a land border with England and will have ongoing links with it, and there may be some compromises involved in that.

- On the topic of international goodwill towards Scotland, the discussant notes that this goodwill is a 'precious vase that must not be dropped.' Scotland's foreign policy and its increased encounters with the world may cause some damage to this 'vase' of goodwill, and Scotland must think about how to respond.
- **Response:** The speaker argues that Scotland must 'believe its own brand.' Luxembourg took its brand with it by involving the people in discussions about what the country's position in the world should be. The debate about Scottish independence is shrill on both sides. Matters with England need to be handled delicately; England will remain a friend and ally due to its proximity, but relations won't always be the same as they have been.

SESSION 1: QUESTION TIME

- An attendee follows up on the speaker's arguments regarding diaspora and affinity Scots. The attendee observes that many who view themselves as ethnically Scottish have radically different ethics and politics to what the Scottish government represents today.
 - **Response:** the speaker agrees and notes that the views of diaspora Scots are often in divergence with the Scottish Government. This, to the speaker, is why the approach taken in Luxembourg is important; the state engaged with all people in order to establish its own identity, before telling the rest of the world. To the speaker, Scotland thinks it knows who it is: it thinks it has a strong human rights record, foreign policy and multilateralism, but does it really? If there is to be independence or any different relationship with the UK, this needs to be informed by a clear sense of what Scotland is. Thus, to the speaker, if Scotland has strong state institutions, it will not 'need to be pushed around' by diaspora living overseas. Diaspora should be used for business interests and to generate goodwill in the context of foreign policy, but people should not be able to vote on Scotland's future based upon ethnicity and blood ties. Diaspora are, by their nature, citizens of another country. Polish people who have just arrived in Scotland and plan to make their life in Scotland have a right to vote on its future, but diaspora who are citizens of another country do not.
- Another attendee seeks clarity on the speaker's idea of Scotland acting as a bridge between the rest of the UK and the EU. What does that look like in practice?
 - **Response:** Right now, Scotland is part of a third country in the European Union. Brexit means that there will need to be a scaling up of UK resources in Brussels, as the resources of the European Commission and Parliament will not be available to the UK.
 - To the speaker, Scotland should have senior officials in Europe. As relations between London and Europe diverge, Edinburgh needs to have a close relationship with London, but Edinburgh also needs to keep its rules as closely aligned with Brussels as possible. Scotland needs to show that it is part of the UK, but that it wants closer relations with EU too. The speaker suggests, for example, having the European flag behind the First Minister when she delivers addresses. It is, to the speaker, part signalling, part

lawmaking and part investment of resources. Given Sturgeon's stance, Scotland is in a good position to mend relations between the UK and Europe and can complement Ireland's work in that regard.

10:30AM: SESSION 2 – PRACTITIONER PERSPECTIVES ON SCOTLAND'S EXTERNAL RELATIONS

SPEAKER

- Scotland's aim is not to create a 'mini-FCDO.' There is a different and more appropriate way of doing things for a nation like Scotland.
- To the speaker, Scotland's history is an important context, especially the people-to-people side. Scots and Scotland want to make international links, as Scotland knows that it benefits from them. Scotland has also brought benefit to the world and has been of detriment through its colonial links, which are being addressed through the nation's museums and galleries strategy. Scotland does, however, benefit the world and it is in the UK's interest for Scotland to build partnerships. It is also important for Scotland's economy for the nation to have strong international links.
- To the speaker, Scotland's international links are also important for migration. It is important that people continue to be attracted to all parts of Scotland if we are to be the vibrant society that we want to be.
- Furthermore, Scotland is a centre of education, debate and intellectual work. That is where much of the nation's influence is. It is important to keep people coming to Scotland to study across all disciplines. It is also important to support Scots, regardless of their background, to 'get out there' and forge whatever international links they wish. To the speaker, 'good global citizen' is an important phrase. This means two things:
 - If you're going to be a good citizen, you need to have a good understanding of issues.
 - We have a responsibility to learn from others, and, where we have something to share, we should be open to sharing it.
- Thus, to the speaker, Scotland's identity as an international and open country is important. The sense of Scotland as a European country is a strong one, particularly at this moment in history.
- The speaker argues that you cannot ignore two things: history and geography. History changes and is being made, but you can't change geography. Climate aside, Scotland is going to remain a small, mountainous country with islands and sea around it; sea that is in an important location. As our external relations and foreign policies continue to change and grow, those will remain real issues that we must take account of.
- On the topic of international goodwill towards Scotland, the speaker observes that every two years, Scotland polls how people around the world see it. These polls show that while people don't know much about Scotland, they see it favourably in general. Meanwhile, British Council research into subnational soft power shows that, objectively, Scotland should have a lot of soft power. However, when you go out into the world and ask people what Scotland is about, that soft power is not reflected.

- Next, the speaker addresses the future of Scotland’s external relations. The speaker observes that it is an interesting time for the UK. The combination of Brexit and the COVID-19 pandemic have given impetus to the idea that contagion can come from the outsider. The limitation of cooperation seen in context of WHO’s work is alarming and will become starker in context of the vaccine, and there is potential for countries to take advantage of this crisis in order to achieve their own aims.
 - Thus, Scotland and the UK will have to think and act differently. The impact of COVID-19 is going to cause social tensions as well as tensions between rhetoric and reality in the UK.
- The speaker concludes by arguing that it is dangerous to distinguish between ‘domestic Scotland’ and ‘international Scotland.’ In order to be credible in what it says about human rights internationally, Scotland must respect human rights internally. In this regard, Scotland has done a good job in its National Performance Framework.
 - The speaker observes that, as a sub-state actor, Scotland must think about what to do when it disagrees with people. Human rights force us to think about this. There is goodwill out there for Scotland, but there will also be people who do not wish the nation well. Scotland needs to think about how to deal with points of disagreement in its international relations.

SESSION 2: QUESTION TIME

- An attendee asks how Scotland has dealt with disagreements in trade negotiations with states, like China, that do not act as we expect a ‘liberal, open’ country to act.
 - **Response:** China is a good example, and that this is where a nation must think about what the impact of its actions will be. Scotland needs to think about where it can engage and make a difference. One of the aims of the Scottish External Affairs Office has been to engage in the area of the rights of the child through UNICEF’s work. However, a nation also cannot cherry-pick and prioritise human rights, turning a blind eye to what is happening in other areas.
 - The speaker suggests that moving away from China specifically, and thinking about trade/economic links more broadly, it is about looking less at the whole country and focusing on the specific link. For example, whenever an investor comes into Scotland, there is an obligation to conduct due diligence into who the investor is, with human rights being one criterion. This sends a clear message about how Scotland is prepared to interact, but nobody has got this entirely right for China. The speaker concludes that it is about trying to keep a balance: keeping your authenticity and focusing on things that have an impact, rather than ‘simply grandstanding.’
- Returning to the themes of session 1, another attendee raises the idea of Scotland being a potential bridge to Europe. The attendee observes that Scotland has opened new offices and upscaled work in Europe with offices in Paris, Berlin, Brussels and Dublin. The attendee asks if, in the speaker’s view, the Scottish Government believes it has a role in building and maintaining EU links after Brexit.
 - **Response:** The speaker comments that this phrase of a ‘bridge’ is questionable. Scotland is trying to build and maintain its links to Europe but is unclear what the UK Government would think of Scotland as a bridge between the UK and Europe. There may be a bridge

between Scotland and Europe, but Scotland itself can't be a bridge between London and Europe.

- The speaker argues that the spirit of European cooperation is what Scotland wants to be a part of, but there are also very old bilateral relationships that Scotland seeks to maintain. One important area of Scotland's identity is Celtic identity, seen in Ireland as well as France with Brittany. These historic links are also valuable.
- The speaker from session 1, who initially raised the idea of Scotland acting as a bridge with Europe, intervenes. The speaker comments that we are still learning in the Brexit and post-COVID world. The concept of a 'bridge' does not just refer to governments; it is also about the role of NGOs and industry. Scotland must try to position itself as a bridge. Even if there isn't a willingness in the UK government for this, there can be a willingness in other industries – universities, food and drink industry and cultural diplomacy (the Edinburgh Festivals, for example). The speaker comments that the Church of Scotland felt comfortable enough in the 90s to endorse Scotland's membership of the EU in its committees, and it is something that the Church has done again more recently.
- An attendee asks if the speaker believes that there are key things that the Scottish Government wants to project into the world. Is it keying into the traditional vision of grand Scotland for economic reasons, or something more modern that might draw upon human rights?
 - **Response:** To the speaker, the Scottish Government is trying to think hard about how it projects Scotland internationally. The speaker argues that it is vital to base Scotland's international image upon the domestic Scottish parliament and 'who we are' as a nation. Work is currently being done through 'Scotland is now', 'Scotland is Open' and 'Love Scotland.' All of these programmes are efforts to take a more coordinated, sophisticated and value-based approach to how Scotland is projected overseas. The speaker observes that the Scottish Government is already trying to draw upon some things that people in Scotland think are important, including the climate and children's rights. Rather than being reactive and commenting on events for the sake of it, the Scottish Government is trying to reflect on who it is and why it takes the positions it does.
- Another attendee shares an observation that when people try to 'put Scotland out there', nobody is really sure who Scotland is. To the attendee, messages about Scottish identity often come from non-native Scots. At other times, the loudest voices tend to be the SNP; but what about people who love Scotland and want it to be stronger, but are not pro-independence? To the attendee, Scotland's message is not coherent, and the identity of the interlocutors is not always clear. Are we talking about native Scots, about ethnic Scots, about Scotland as an inclusive place? The attendee notes that while Scotland is represented as an inclusive place, the image projected through the SNP is not consistent with that.
 - **Response:** The speaker argues that there is a false dichotomy between the government voice and the Scottish voice. The Scottish Government has, for the past ten years, acted upon its democratic mandate. A lot of people are interested in the constitutional question and this is why they might sit up to talk about these issues. The speaker notes that devolution, as it stands, is poorly understood even within the UK and absolutely beyond the UK. In its current devolution settlement, the UK is not that unusual – as we've seen with divisions of responsibility for response to COVID-19 in many countries – but it is poorly understood. And the constitutional question has fuelled that fire. There

is, in sum, confusion. But the Scottish government's policies have merit and are set within the parameters of the devolution settlement as well as the government's mandate.

- Another attendee asks about the extent to which the speaker believes that the practice of external affairs might, from the Scottish Government's view, involve dissociation from the practices of the UK government. The attendee provides the example of the terrible things that have happened to, and been done by, asylum seekers in Glasgow. To what extent will people see that that is not Holyrood's policy, but London's policy?
 - **Response:** 'This is about being honest and credible', the speaker says. One cannot say that an incident in Glasgow is not Scotland's responsibility at all. It is true that that's not Scottish policy, money or decision-making, but Glasgow is absolutely in Scotland. This, to the speaker, is the complexity of a devolved arrangement; it is Scotland's responsibility, insofar as it can, to make Glasgow a place that these things don't happen. We can, for example, talk about Police Scotland's work relating to knife crime in Glasgow. We can talk about how Scotland is interested in how it and other countries deal with issues like, say, drug addiction and life expectancy. That is part of 'stepping up as a nation.' Coming back to the migrant experience, the speaker argues that the Scottish Government needs to take ownership of the experiences that people have when they come to Scotland.
 - Another attendee observes, as a follow-up, that in the context of asylum-seeking children, Scotland exercises its devolved power in a compassionate and rights-oriented way. The Scottish Government has made sure that these people have the rights to health, education, and an independent guardian.
- Finally, the speaker puts a question to the group, asking them how they would allocate resources in the context of the current 'resource crunch' in the Scottish government.
 - One attendee argues that there is a need to prioritise research resources, university networks and civil society networks, and to build a framework of engagement between the Scottish Government and external resources. To the attendee, there is a risk of civil society actors and scholars being co-opted into the government and its agenda. Thus, there needs to be much work on ensuring that civil society can maintain its independence.
 - The chair comments that this is a good question for future workshops in this series.
 - Another attendee remarks that prioritisation feeds into other discussions about being transparent in decision making. In discussions with scholars, the attendee has been struck by how the Scottish Government engages with academics; it does so in a way that suggests that its dedication to human rights is not nearly as important as its dedication to projecting itself internationally in terms of economics. The attendee observes that when an issue has to do with something other than human rights, the Scottish Government will 'throw money at academics' to get briefing papers, etc., but when it comes to things that are more in the public law sphere, it calls upon academics to volunteer. The attendee calls for equality in the way the government engages with academics and asks how the Scottish Government prioritises its civil society engagement.
 - **Response:** The speaker is unsure of the reasons for the Scottish Government's prioritisation of certain civil society actors over others but observes – on a positive note – that the Scottish Government does not look to co-opt or take

advantage of civil society actors. There is a degree of 'naivety' and these issues simply have not been thought through to such an extent.

11:30AM: SESSION 3 – WHERE DO HUMAN RIGHTS FIT INTO SCOTTISH EXTERNAL RELATIONS?

SPEAKER 1

- Presenting views based upon professional engagement with the Scottish Government and overseas partners.
- The 2015 Children and Young People's act was 'a letdown' in terms of how Scotland could engage on the issue of children's rights. It reflected a disparity between the Scottish Government's self-promotion on human rights and the reality on the ground.
- The Scottish Government has, in past few years, done more to mobilise resources for economic, social and cultural rights. Since the Association of Human Rights Institutes (AHRI) conference in Edinburgh in 2018, there has been much interest in human rights on the ground on the Scottish Government's part. Scotland has since engaged in human rights through the Human Rights Council, the Universal Periodic Review and other such mechanisms. These are great opportunities for engagement.
- How does Scotland engage in human rights?
 - A lot of discussion in the context of the Children's Rights Bill was about how to navigate the devolution settlement. The recently introduced Bill demonstrates that sub-states are actually the entities that have a stronger track record in promoting human rights and putting them into effect. Sub-state actors' capacity to improve HR enjoyment on the ground has shone through.
 - This Scottish Government's international and regional human rights engagement has put impetus on the government to take domestic action, and civil society will put pressure on the government to live up to its rhetoric on being a 'gold standard' for human rights.
 - Human rights in Scotland are a 'tightrope walk' because of the different competences of the Scottish Government compared to Westminster. However, the sophistication of Scottish Government, civil society and national human rights institutes' international engagement has increased.
 - As the role played by these entities increases, and as there is increased coalescence between Scottish rhetoric and practice, this will increase Scotland's power on a range of issues. For example, Scotland has already integrated climate justice into its international policies. Scotland's attempt to embed environmental rights speaks to its capacity to demonstrate, in talk and practice, that it can be a global leader in human rights. This can only be achieved through civil society, academia and the support of the public. The public have been 'sold' their rights through their leaders' rhetoric; now is the point that Scotland can capitalise upon these various elements of human rights promotion and rhetoric coming together.

- The speaker concludes that if there are ways of making these various elements and actors involved in Scottish human rights efforts more coordinated, the Scottish Government should find a way to do so.

SPEAKER 2

- The speaker aims to address the role of NGOs, civil society and social movements globally.
- What is civil society's role?
 - Amplification between domestic action and international networks.
 - Utilising diplomacy within countries, through their governments, to bring about human rights impact and human rights outcomes.
 - Circumventing these processes and official channels at times to talk to foreign governments, civil societies etc.
 - The speaker notes the distinctions between civil society and supranational organisations. Civil society actors are not linked to nation-states and are thus not linked to national interests or competition.
 - While there is a lot of interaction between government and business, the speaker's human rights organisation advocates for more interaction between states, businesses and organisations that promote domestic and international human rights.
 - The speaker argues that we must remember that all of this work done by civil society and academics doesn't come for free. The speaker asks if civil society actors are being acknowledged for the benefits of the work that they are doing, and for its impact.
 - The speaker observes that tension often arises when civil society actors demand action on an international level that is outwith the power of a single state. This is of particular significance in the UK, where foreign policy power is reserved and concentrated in the FCO and FCDO, Department for Trade, Department for Energy and Industrial Strategy – all in Whitehall. Thus, if all foreign policy power is concentrated in Whitehall, why do civil society actors engage with the Scottish Government?
- Why and how civil society actors engage with the Scottish Government:
 - From a civil society point of view, legal institutions are only part of the 'ecosystem.' Civil society actors must consider the many avenues available to bring about legal change. Even local councils or authorities have rich histories of taking stances on international issues, like changing the names of streets where consulates or embassies reside.
 - The speaker's human rights organisation argues that foreign policy is frequently a disappointment when it comes to human rights, as states' multilateral policies are often subverted by powerful, self-interested states.
 - Civil society thus uses a variety of different tactics to bring about change. For example, UK human rights organisations recently led a campaign regarding the acquisition of Newcastle FC by a consortium affiliated with the Saudi Arabian regime, which has a poor human rights record. Human rights-abusing regimes will often sponsor museums or universities in order to buy a 'cultural licence' within states.
 - In campaigning at these venues or institutions, by calling for boycotts or calling for solidarity, campaigners are trying to influence states' behaviour without going through official state or diplomatic avenues.

- It is, therefore, no surprise that civil society actors are engaged with the Scottish Government and Scottish Parliament. These bodies have a role in international relations and in human rights beyond national borders.
- What is the role of social movements?
 - Many social movements have interacted with the human rights movement, which has pushed for legal recognition of human rights. For example, the human rights movement pushed for the CERD, CROC and CEDAW.
 - There are often crossovers between the human rights movement and other social movements, like the women's rights movement.
 - Scotland has been home to many domestic expressions of social movements, mobilising around issues like climate justice, religious freedom, independence and nationalism. Nationalist and secessionist movements quickly become frustrated with the international human rights framework. Whereas it responds to human rights abuses by individuals and groups, international law has evolved to protect the territorial integrity of nation-states against invasion and annexation. While the right to national self-determination might seem promising, it is narrowly drawn such that it cannot apply to Scotland. Whereas movements for the rights of certain groups share the values of the human rights movement, there is no scope for nationalist movements to work within the human rights framework. Thus, instead, we often see nationalist governments around the world operating against human rights of LGBT groups, ethnic groups, women, etc.
 - By contrast, in Scotland, the SNP expresses civic nationalism and multilateralism, with engagement with the EU and UN and a strong rhetorical commitment to human rights.
 - In terms of social movements, there is a strong internationalist streak to the Scottish independence movement. Human rights and activist organisations need to harness activist energy where it exists, and the speaker's organisation wants to do so if there is scope for a social movement to be rights-respecting.
- The speaker discusses risks and opportunities arising from cooperation between civil society and nationalist movements.
 - Risks:
 - The speaker notes that a nationalist-led sub-state government with international aspirations might make engagement of civil society with an international agenda seem political, in that this kind of engagement may be seen as supporting secessionist sentiments. This was seen when Jeremy Hunt was challenging for Conservative Party leadership and called for cessation of FCO support of the First Minister's overseas trips, as this was seen as support for her expression of nationalist Scottish sentiment.
 - Co-option of civil society into the government's wider agenda. Co-option can undermine the ideologies of organisations that are non-governmental and impartial by definition. The speaker observes that we are at a new stage where a lot of things have changed, and this is a good time to do a critical analysis of the relationship between social movements and government.
 - Engaging in Scottish international relations may not have the desired impact or may generate backlash from actors that are unwilling to hear from the Scottish Government on human rights issues.

- Opportunities:
 - There is, in Scotland, a willingness to engage and a commitment to human rights that civil society actors need to harness. Civil society actors need to find a way to praise human rights achievements in the same way that they criticise shortfalls.
 - Soft power is still very helpful internationally and domestically. The speaker's organisation is considering the way that Scotland's role in UK politics could enhance its human rights agenda. This would particularly be the case if the UK makes use of Scotland in its international relations.
 - Given that Scotland's devolved powers are relatively young, civil society actors have an opportunity to make inroads with the government and to generate impact.

SPEAKER 3

- The speaker aims to offer a practical insight into what human rights look like from a government perspective, and to explore what that looks like from the international perspective.
- Externally:
 - The Scottish Government's strategic objective is to raise the international profile of Scotland by using its human rights record. The UK is party to 7 UN international treaties and 7 Council of Europe treaties. Scotland reports on its fulfilment of human rights through relationships with the UK government as Scotland is not a state party.
 - However, the Scottish Government has opportunities to push the envelope, to demonstrate more fully how Scotland upholds human rights. For example, every time Scotland reports through the UK to the Council of Europe or the UN, the government publishes a standalone document that explores Scotland's contribution. Recently, in response to the joint communication from the Special Rapporteur on Rights to Food and Poverty, the Scottish Government contributed to the UK Government's response and is also preparing a standalone document for publication on World Food Day on October 16. This will be published on Scottish Government website.
 - Scotland also has visits from Special Rapporteurs.
 - The Scottish Government is working with universities and human rights organisations. It has doubled funding this year to take on two fellows to be engaged on human rights issues.
 - The Scottish Government has expressed a desire to create national action plan for business and human rights. However, this was paused in the last 6 months due to resource strain in the context of COVID-19. The national action plan will give guidance on how to scrutinise the business partners that Scotland chooses, and it will reflect the Scottish Government's critical eye.
- Internally:
 - Scotland has many strengths and weaknesses.
 - Strength: The children's rights Bill is in Parliament and the Scottish Government is following up with a further Bill on rights of the disabled and women. These laws will make rights for these groups of people justiciable, allowing public authorities to be challenged if the rights are not upheld.

- Strength: The Scottish Government looks to respect, protect and fulfil human rights and eliminate discrimination. This commitment is evident through its Human Rights Defenders fellowship and the mainstreaming of human rights through the government.
- Weaknesses: The Programme for Government commitment has been made on the back of an inconsistent approach to human rights across the Scottish Government. Scotland has duties and obligations to uphold, but people don't actually understand what that means. How do we make human rights real for policy professionals in, say, transport? Looking at the policy profession, what are the skills and tools that a policymaker needs to be able to carry out their job fully and completely, in accordance with human rights standards?
- What are the Scottish Government's ambitions?
 - The Scottish Government is working to improve human rights understanding across the government. The human rights team has been expanded and is looking to create a human rights secretariat, appointing someone with an understanding of Scotland's human rights obligations and of reporting to regional/international bodies.
- Risks?
 - There is a dichotomy of where Scotland wants to be in its international reputation of upholding human rights and how Scotland needs to establish itself in terms of international trade and economy. Scotland needs to be careful about who it turns to and what those decisions indicate about its commitment to human rights.

SESSION 3: QUESTION TIME

- Speaker 1, in response to Speaker 3: In the past few years, resources and time have been spent explaining to ministers and others how human rights make a difference. Government officials say that they are trained in human rights and that they know about human rights, even though this isn't the case. The government never takes civil society and academics up on their offer for HR training. There is opportunity for academics and civil society and human rights practitioners to deliver useful training, that should be compulsory for government officials.
- Speaker 2, in response to Speakers 1 and 3: The speaker's human rights organisation provides human rights briefings to ministers, generally before they go on international trips. However, briefings are not provided to all ministers at all times, and they are not necessarily provided for incoming delegations to the Scottish Government. The organisation's experience from these briefings is 'patchy'; there is no regular feedback about impact or the extent to which the Scottish Government has taken up the recommendations it has been given.
- Speaker 2: The UK Government produces an annual human rights report for human rights organisations, parliamentary committees and others to scrutinise and question the government on. This would be a helpful mechanism in Scotland. The speaker's organisation often hears that there is a need to develop the capacity of civil servants and ministers working internationally in diplomacy: how do you speak to China, say, about human rights on a trip intended to sell lots of whisky? While the speaker's organisation is not the right actor for this, building diplomatic capacity within the Scottish Government is important.

12:30PM: WRAP-UP

- Chair: Personal thanks to all for participating. The workshop has achieved its aims of starting a discussion and raising points for further reflection.
 - The chair observes that one particularly striking point from today's discussions is that academics generally see foreign policy as being created by states, governments and particularly government officials, but there is capacity for foreign policy as a 'small P' to be made by a wider range of actors, like sub-states. This is particularly the case in Scotland. Politically, there seems to be a bigger willingness to engage with human rights and human rights-focused actors in Scotland.
- The workshop organiser adds personal thanks to all involved, especially academic colleagues.
 - Looking forward to getting project moving again after COVID lockdown and to the next two workshops. Particularly encouraged to hear about integration of human rights into the Scottish Government's work.
 - The next workshops will be on Learning from Others and Future Priorities. Dates and times are forthcoming.