

[REDACTED]

From: [REDACTED]
Sent: 24 January 2020 14:31
To: Bain R (Russell)
Subject: RE: CEA - Query to International Division - [REDACTED]

Perfect – thanks!

From: Bain R (Russell) <Russell.Bain@gov.scot>
Sent: 24 January 2020 14:29
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: CEA - Query to International Division - [REDACTED]

Thanks [REDACTED],

I've made a couple of suggested tweaks – more stylistic than anything of substance:

Thank you for your email of 2 January, requesting further information on the impact of a measure outlined by the UK Government in the Queen's Speech on Scottish public institutions.

*The Scottish Government is aware of the planned **UK Government** measure. **outlined in the Queen's Speech**. We understand that the UK Government intends for **this measure approach** to complement their existing guidance about trading or investing overseas, but **to date**, we have not received any **further** information on the planned implementation of this measure.*

Without this further information, the Scottish Government is unable to fully assess the effect of the proposed measure on public institutions in Scotland. Once further details are made available, we will carefully consider the potential impact and respond appropriately.

I hope you find the information in this letter useful.

Russell

From: [REDACTED] <[REDACTED]@gov.scot>
Sent: 24 January 2020 12:01
To: Bain R (Russell) <Russell.Bain@gov.scot>
Subject: FW: CEA - Query to International Division - [REDACTED]

Russell,

Sorry I got to this a little later than expected. Can you have a look at the below, please, and let me know if there's any changes you'd like to make.

Thank you for your email of 2 January, requesting further information on the impact of a measure outlined by the UK Government in the Queen's Speech on Scottish public institutions.

The Scottish Government is aware of the planned UK Government measure outlined in the Queen's Speech. We understand that the UK Government intends for the measure to complement their existing guidance about trading or investing overseas, but we have not received any information on the planned implementation of this measure.

Without this further information, the Scottish Government is unable to fully assess the effect of the proposed measure on public institutions in Scotland. Once further details are made available, we will carefully consider the potential impact and respond appropriately.

I hope you find the information in this letter useful.

Thanks,

[REDACTED]

From: [REDACTED] <[REDACTED]@gov.scot> On Behalf Of Wightman S (Scott)
Sent: 03 January 2020 11:26
To: [REDACTED] <[REDACTED]@gov.scot>; Freedom of Information <foi@gov.scot>; Central Enquiry Unit <CEU@gov.scot>
Cc: Wightman S (Scott) <Scott.Wightman@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; Bain R (Russell) <Russell.Bain@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; Tynte-Irvine C (Claire) <Claire.Tynte-irvine@gov.scot>
Subject: RE: CEA - Query to International Division - [REDACTED]

[REDACTED] colleagues – this is not an FOI request, please can it be put on to the MiCase system and treated as a piece of correspondence (Official reply).

Russell / Claire – can you confirm who should be allocated the case please.

[REDACTED]

[REDACTED]

Business Management Unit
Directorate for External Affairs
Scottish Government, Victoria Quay (Area 2H South)
Leith, Edinburgh, EH6 6QQ



From: [REDACTED] <[REDACTED]@gov.scot>
Sent: 03 January 2020 11:22
To: Freedom of Information <foi@gov.scot>; Central Enquiry Unit <CEU@gov.scot>
Cc: Wightman S (Scott) <Scott.Wightman@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>
Subject: FW: CEA - Query to International Division - [REDACTED]

Hi All,

DEXA / DEU Triage

This FOI has come to me by mistake. I am now forwarding it to FOI unit mailbox (DEXA/DEU) as per instruction we received on FOI CASE HANDLING PROCESS.

Many thanks

From: Central Enquiry Unit <CEU@gov.scot>
Sent: 03 January 2020 08:51
To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: CEA - Query to International Division - [REDACTED]

Good morning,

The email enquiry below was received at the Central Enquiry Unit today.

I would be grateful if you would deal with this or forward it to the appropriate person / area of business.

You may wish to acknowledge receipt of this email to the enquirer.

Many thanks,

[REDACTED] | CEU Enquiry Officer | iTECS: Central Enquiry Unit | Digital Directorate | Scottish Government | Ext: [REDACTED] | Tel: [REDACTED] | Email: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>

If this email contains a request for information please remember that the Scottish Government is required to respond to all requests for information including e-mails, within 20 working days of receipt in accordance with the Freedom of Information (Scotland) Act. Please refer to the [FOI Guidance](#). All FOI requests received must be registered on the [FOI Tracker](#) if your Directorate is not on MiCase.

All FOI responses where information is released must be emailed to the [FOI Unit](#) immediately after issue, with 'FOI/EIRs TO PUBLISH' in the subject line.

From: [REDACTED] <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>
Sent: 02 January 2020 15:00
To: Central Enquiry Unit <CEU@gov.scot>
Subject: query to International Division

Good afternoon and Happy New Year

I have a request for clarification from the International Division of the Scottish Government regarding the impact on Scottish public institutions of the commitment within the December 2019 Queen's Speech that the UK Government will "stop public institutions from imposing their own approach or views about international relations, through preventing boycotts, divestment or sanctions campaigns against foreign countries and those who trade with them". (page 133)

The justification provided for this is to prevent public institutions from taking a different approach to the UK Government concerning foreign relations. The Queen's speech does not specify whether this is expected to apply to public institutions throughout the UK. Whilst foreign relations are reserved to the UK

Government, governance of the practices of public institutions in Scotland is devolved to the Scottish Parliament, and the Scottish Government and Parliament are currently able to take a different approach to the UK Government on a number of issues of foreign relations.

I appreciate that the Queen's speech states that further details on the extent and application of the policy will be published in due course, but I would be grateful if you would clarify whether this is expected to apply to Scottish public institutions, and indeed whether, under current devolution arrangements, it would be possible for the UK Government to impose this policy on Scottish public institutions, including the Scottish Government itself.

Many thanks for your help.

Best wishes

[Redacted signature]

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[REDACTED]

From: [REDACTED]
Sent: 14 January 2020 11:09
To: [REDACTED] Bain R (Russell)
Subject: RE: Clearance: FM MR - BDS activities Israel

H [REDACTED]

Funnily enough this was on my to do list to start tackling today, so I don't yet have any lines I can share. The question we've been asked is whether UKG intends for the ban to apply in Scotland, and whether UKG can impose such a ban on devolved public institutions.

My first plan is to get in touch with FCO sanctions team, via the devolution unit, to see if we can get some more from them on what they're intending. I also noted from a quick erdm search that this is something that's come up before, and that public bodies colleagues might have a bit of insight into the discussion. I'm happy to keep you involved as we get feedback and start putting our lines together, but aware that you might have a shorter deadline than we do – when is your case due up?

Thanks,

[REDACTED]

From: [REDACTED] <[REDACTED]@gov.scot>
Sent: 14 January 2020 10:44
To: Bain R (Russell) <Russell.Bain@gov.scot> [REDACTED] <[REDACTED]@gov.scot>
Subject: FW: Clearance: FM MR - BDS activities Israel

Hi [REDACTED] and Russel,

I hope you're both well and having a good morning. Sorry to bother you but would be great to see what approach you're taking to UK government announcement to prevent local authorities from BDS activities.

We've received a letter to the FM from [REDACTED] (SNP Friends for Peace in the Middle East) while we can address SG position on Israel-Palestine and IHRA definition of anti-Semitism, we're a little stuck on answering the SG's position on the measure announced in the Queen's Speech if you have any lines I can steal?

Kind regards,

[REDACTED]

From: Tynte-Irvine C (Claire) <Claire.Tynte-irvine@gov.scot>
Sent: 14 January 2020 10:22
To: [REDACTED] <[REDACTED]@gov.scot>
Cc: [REDACTED] <[REDACTED]@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; Bain R (Russell) <Russell.Bain@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: Clearance: FM MR - BDS activities Israel

Thanks [REDACTED] – the draft is fine but doesn't really address the question on the measures announced in the Queen's Speech. [REDACTED] and Russell have a more general MACCs case on this, so you might want to check in with them what approach they are taking.

C

From: [REDACTED]@gov.scot>
Sent: 14 January 2020 09:40
To: Tynte-Irvine C (Claire) <Claire.Tynte-irvine@gov.scot>
Cc: [REDACTED]@gov.scot>; [REDACTED]@gov.scot>
Subject: Clearance: FM MR - BDS activities Israel

Hi Claire,

I hope you're well and having a good day. Please see attached draft MR from FM and letter received from [REDACTED] (Founder member SNP Friends for Peace in the Middle East and Chair Glasgow Friends of Israel) on Israel, Boycott, Divestment and Sanctions (BDS).

Kind regards,

[REDACTED]

Policy Officer – Pakistan
International Relations
Scottish Government
2H South, Victoria Quay, Leith, Edinburgh, EH6 6QQ
Telephone: [REDACTED]
Mobile: [REDACTED]



[REDACTED]

From: [REDACTED]
Sent: 17 January 2020 14:59
To: [REDACTED]
Cc: Bain R (Russell)
Subject: RE: Israel/MEPP top lines

H [REDACTED]

CCing Russell for awareness/comment if needed.

Thanks for passing on the info below – I think you're right, it's quite specific to your response so I might try and track down the sanctions team over the next few weeks to see if they can give us anything that will help with our more general question. If they do I'll let you know.

On the line below, I would maybe suggest tweaking slight to say:

The Scottish Government is aware of the planned UK Government measures outlined in the Queen's Speech, and will carefully consider the potential impact of these measures as further details are made available.

However, the line below is still close to what we're planning on saying, so I don't think we'll have any issues if you/Claire want to proceed with it as is.

Thanks,

[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 17 January 2020 14:50
To: [REDACTED] gov.scot>
Subject: RE: Israel/MEPP top lines

Hi [REDACTED],

Sorry for overloading your inbox! Can I just check you're happy with the below line, figure may be good to check you're ok with it before I go to Claire.

"The Scottish Government would need further details on the planned UK Government measures outlined in the Queen's Speech before taking a firm position."

Thanks,

[REDACTED]

From: [REDACTED]
Sent: 17 January 2020 14:27
To: [REDACTED] gov.scot>
Subject: FW: Israel/MEPP top lines

Hi [REDACTED],

Hope you're well and sorry I don't think the lines I've received below will be too much help to you as it's from the Middle East team but still thought I'd pass on!

I'm still waiting to get my holding line cleared through [REDACTED] and will update once [REDACTED] Claire have cleared/amended.

Thanks again,

[REDACTED]

From [REDACTED] <[REDACTED]@fco.gov.uk>

Sent: 17 January 2020 14:19

To: [REDACTED] <[REDACTED]@gov.scot>

Cc: [REDACTED] <[REDACTED]@fco.gov.uk>; [REDACTED] <[REDACTED]@fco.gov.uk>; Devolution Unit (Sensitive) <Devolution.Unit@fco.gov.uk>; [REDACTED] <[REDACTED]@fco.gov.uk>; [REDACTED] <[REDACTED]@fco.gov.uk>; [REDACTED] <[REDACTED]@fco.gov.uk>

Subject: RE: Israel/MEPP top lines

Hi [REDACTED]

Apologies for the delay [REDACTED] has passed your request on to me as I work in the Middle East Peace Process team. I have made some edits to the top line [REDACTED] provided you with last year. Please see changes below in red.

On the BDS announcement, please could you use the following lines:

- This new measure does not affect individuals' ability to set out their personal views, but is about preventing public bodies carrying out their own foreign policy agendas. It has no bearing on the principles of freedom of expression and peaceful political activity which are essential elements of democracy.
- The measure will complement existing government guidance about trading or investing overseas, including with Israel, where we advise UK businesses to consider any potential legal and economic risks of doing so.
- The measure is also in line with the government's existing policy of support for clear and transparent labelling of settlement products to ensure that individual consumers are able to make informed choices before they buy.
- In the case of Israel, we believe that open and honest discussions, rather than imposing sanctions or supporting anti-Israeli boycotts best supports our efforts to help progress in the peace process and achieve a negotiated solution.

Please feel free to contact me if anything ever comes up that you're unsure about. I'm happy to discuss if you have any questions.

Thank you,

[REDACTED]

- The UK's longstanding position on the Middle East Peace Process is clear: we support a negotiated settlement leading to a safe and secure Israel living alongside a viable and sovereign Palestinian state; based on 1967 borders with agreed land swaps, Jerusalem as the shared capital of both states, and a just, fair, agreed and realistic settlement for refugees.

- The UK's position on settlements is clear. They are illegal under international law, present an obstacle to peace, and threaten the physical viability of a two-state solution. **Our position was reflected in our support for UN Security Council Resolution 2334.** We urge Israel to halt its counterproductive settlement expansion.
- **The UK remains deeply concerned by the suggestion that any parts of the Occupied Palestinian Territories should be annexed. Such a move would be contrary to international law, damaging to peace efforts and could not pass unchallenged.**
- However the conflict between Israelis and Palestinians is deeply complex. Settlements are not the only obstacle to peace. The people of Israel deserve to live free from the scourge of terrorism and anti-Semitic incitement which gravely undermine the prospects for a two-state solution.
- It is critical that the Palestinian leadership continue their efforts to tackle terror and incitement, strengthen institutions and develop a sustainable economy.
- The UK is committed to making progress towards a two-state solution. We believe that negotiations will only succeed when they are conducted between Israelis and Palestinians, supported by the international community.
- We firmly believe a just and lasting resolution that ends the occupation and delivers peace for both Israelis and Palestinians is long overdue. We will continue to press Israel and the Palestinians strongly on the need to refrain from taking actions which make peace more difficult.
- We urge Israel and the Palestinian Authority to work together to meet their obligations under the Oslo Accords. We also call on all parties to abide by International Humanitarian Law and to promote peace, stability and security.
- We understand frustration at the lack of progress in the Middle East Peace Process. We believe that peace is best achieved through negotiations between the parties, but international action, involving regional players, the EU and the Quartet, could play a role in supporting progress.
- Our position on the status of Jerusalem is clear and long-standing: it should be determined in a negotiated settlement between the Israelis and the Palestinians, and Jerusalem should ultimately be the shared capital of the Israeli and Palestinian states.
- We strongly condemn all acts of terrorism and urge both sides to work together to promote peace. We call upon Hamas and other terrorist groups to permanently end their incitement and rocket fire against Israel.
- Ultimately, Hamas' ongoing decision to embrace violence and reject the Quartet Principles lies at the heart of the Gazan tragedy. We need a durable agreement that addresses the underlying causes of the conflict and transforms the situation in Gaza.

- There is an urgent need to address the terrible situation in Gaza. We are deeply concerned by the escalation of hostilities in Gaza, beginning on 12 November. The UK condemns the firing of rockets at civilian populations. Any attacks targeted against civilians are unlawful and unjustifiable. We welcome the ceasefire reached between Israel and Palestinian Islamic Jihad (PIJ). We are grateful to Egypt and the UN for their mediation efforts. We greatly regret the loss of civilian life in Gaza and urge all parties to adhere to the ceasefire arrangement.
- We encourage actors to put forward long-term sustainable proposals, to resolve the threat posed to Israel's security by Hamas, PIJ and other militants in Gaza. Hamas' misrule has terrible consequences for the people of Gaza and Israel.
- The UK will continue to urge the parties to prioritise progress towards reaching a durable solution for Gaza and to take the necessary practical steps to ensure Gaza's reconstruction and economic recovery.
- We are seriously concerned by the continued demolition of Palestinian property by Israeli authorities. In all but the most exceptional of circumstances demolitions are contrary to International Humanitarian Law. The practice causes unnecessary suffering to ordinary Palestinians and is harmful to the peace process. We urge both sides to enable development in Area C to accelerate.
- Peace will only come through negotiations between the parties, but international action has a role in facilitating progress. We have long supported balanced UN resolutions. This includes United Nations Security Council Resolution 2334 that addressed incitement and settlements. But resolutions that politicise neutral UN bodies or risk hardening positions on both sides, do little to advance peace or mutual understanding.
- The occupation will not end and peace will not be achieved by symbolic measures, but by real movement towards renewed peace negotiations which create a viable Palestinian state, living in peace and security side-by-side with Israel.

When will the UK recognise Palestine?

- We are clear that we want to see the creation of a sovereign, independent and viable Palestinian state - living in peace and security, side by side with Israel.
- The UK will recognise a Palestinian state at a time when it best serves the objective of peace. Bilateral recognition in itself cannot end the occupation. Without a negotiated settlement the occupation and the problems that come with it will continue.
- ~~The Palestinian Authority (PA) has made important progress on state building which has been recognised by the World Bank and the International Monetary Fund. The UK also believes that the PA has the capability to run an effective, inclusive, accountable state. That is why it is so important that the PA now returns to Gaza to ensure that good governance is extended throughout the territory which will become a Palestinian state.~~
- ~~The UK is a leading donor to the Palestinian Authority and a strong supporter of its state-building efforts.~~

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institutions then I can point to 2 UK instruments which certain Scottish Public bodies come under and these are the Trade Union (Facility Time Publication Requirements) Regulations 2017 <http://www.legislation.gov.uk/ukxi/2017/328/made> and the Modern Slavery Act 2015.

Finally just to flag up that this announcement (pasted below) is concerned with “public institutions” which goes wider than the devolved public bodies we cover in PBU. Practically I can imagine that this will cover local government, colleges, health boards and tribunals so you will need to bear this in mind going forward and I’ve copied these colleagues in for information.

<https://www.gov.uk/government/news/government-confirms-commitment-to-preventing-public-institutions-setting-up-their-own-international-boycotts>

Happy to discuss.

██████████
██████████ | Team Leader - Public Bodies Unit | Public Service Reform & Public Bodies Division | Directorate for Local Government & Communities | Scottish Government | Area 3F North | Victoria Quay | Edinburgh | EH6 6QQ | 📞: ██████████ : Extension ██████████ | 📠: ██████████ | 🖨 ██████████@gov.scot

From: ██████████@gov.scot>
Sent: 14 January 2020 14:49
To: ██████████@gov.scot>
Cc: ██████████_gov.scot>
Subject: UKG ban on BDS in Scotland

Hi ██████████

I’m wondering if you might be able to help with some queries we’ve had about an announcement made in the December Queen’s speech, or point me in the direction of someone who could? UKG announced a ban on public institutions setting up Boycotts, Divestments or Sanctions campaigns against other countries. I’ve had a more general question re: whether this will apply in Scotland, and whether UKG has the ability to make this apply to devolved public institutions. ██████████ has had a more specific query on the impact of BDS on Israel, and which calls for SG to support the ban.

I was wondering if you have any insight into what’s been proposed or if you’ve previously come up against this issue, or an example of UKG trying to impose rules on devolved institutions? We’re trying to follow up with FCO’s sanctions team, but haven’t been able to chase a response. Any lines or input you’d be able to provide would be appreciated.

Thanks,

██████████

██████████
Senior Policy Adviser - International Futures: Multilateralism and Representation
Scottish Government | 2H South, Victoria Quay, Edinburgh, EH6 6QQ
Tel: ██████████

[REDACTED]

Our Reference: 202000010792

24 January 2020

Dear [REDACTED]

Thank you for your email of 2 January, requesting further information on the impact of a measure outlined by the UK Government in the Queen's Speech on Scottish public institutions.

The Scottish Government is aware of the planned measure. We understand that the UK Government intends for this approach to complement their existing guidance about trading or investing overseas; but to date, we have not received any further information on the planned implementation of this measure.

Without this further information, the Scottish Government is unable to fully assess the effect of the proposed measure on public institutions in Scotland. Once further details are made available, we will carefully consider the potential impact and respond appropriately.

I hope you find the information in this letter useful.

Yours sincerely

[REDACTED]
INTF : Multilateralism and Representation