

ASSESSING THE HUMAN RIGHTS POTENTIAL IN SCOTLAND'S FOREIGN POLICY

WORKSHOP 2: FOREIGN POLICY AND HUMAN RIGHTS: WHAT CAN SCOTLAND LEARN FROM OTHERS?

22 April 2021

10:00AM: OPENING COMMENTS

- The Chair presents some opening remarks on the workshop. The main goal of the project is to investigate the scope and limitations of the inclusion of human rights standards in Scotland's external relations.
- The chair laid out three aims of the project:
 - Mapping the current terrain for Scotland's external relations to establish a baseline and shared understanding among domestic constituency, with the focus on human rights.
 - Explore the possibility of a sub-state actor to exert influence in external relations
 - Establishing priorities in embedding human rights in Scotland's external relations in the context of devolution, Brexit, and potential independence.
- The chair noted that the first workshop focused on developing an understanding of the broad contours of Scottish external relations or foreign policy.
- The chair noted the uncertain constitutional landscape that formed the backdrop of these discussions, and that regardless of the outcome of the upcoming elections and any potential independence referendum, there appears to be a divergence between Scotland's international aspirations and those of Westminster.

10:15AM: SESSION 1 – SITUATING SCOTLAND

SPEAKER 1

- The speaker argues that Scotland is viewed differently from the UK both in a diplomatic and historical manner. This has been shaped by Brexit and human rights, as well as its foreign policy footprint. Its ability to influence foreign policy varies.
- Scotland's constitutional journey has shaped the aspirations of other smaller states. Scotland is seen as a more neutral platform on conflict and other issues around the world. Scotland's soft power through its educational institutions gives it the responsibility to speak on human rights issues.
- The speaker stated that the Scottish parliament has the responsibility to speak and promote human rights. Rule of law is a global issue where domestic and foreign policy are merging.

- In the international community, human rights and peace instruments place obligations on not only state parties, but sub-states also have an obligation towards these issues. Therefore, the argument of these issues being limited to Westminster no longer holds.
- Both London and Scotland hold differences in sovereignty. The issue should be about shared sovereignty rather than a focus on exclusive rights over certain issues.
- Thus, there is greater sympathy for Scotland given its values of human rights, the rule of law, and the openness of its borders.
- This presents Scotland with substantial soft power in global affairs, especially when it comes to human rights issues.
- This role could continue within independence or a reformed relationship with Scotland, especially as it may be better in dealing with certain foreign policy issues than the UK.
- Scotland's civic nationalism is a powerful tool of soft power and must not be seen as a threat to the UK.

SPEAKER 2

- The speaker addressed European views on Scotland and Scotland's foreign policy plan even though it is now out of the EU.
- The speaker stated that the EU has substantial awareness of Scotland as a sub-state political unit outside the EU. That awareness comes from Brexit and the independence question. This leads to the greater question of possible fragmentation of the UK.
- There is sympathy among diplomats and think tanks for Scotland's removal from the EU. The speaker argues that Brexit is not the only concern for the EU but issues such as the pandemic and economic issues will shape how the EU engages with the UK and Scotland specifically.
- EU-UK relations continue to face challenges, and this has provided support and sympathy for the Scottish course given the UK government's reaction to the withdrawal agreement.
- There is a nervousness by Scotland to pursue para-diplomacy, while still within the UK. The priorities of Scotland's external relations strategy emphasises its own best practices but also seeks to draw the experiences of the EU in how it seeks to build relations. However, Scotland is limited by the fact it does not control its borders.
- The Speaker argues that Scotland can learn from smaller states (Nordic states) on the capacity these states have built over past years in dealing with various global issues in the context of being outside of the EU. They can find common ground on issues such as human rights and climate. The speaker also highlighted the importance of getting in early to influence the law-making process and to build relations based on reciprocity.
- There is precedence for Scotland as other smaller states have been able to maintain close relations with EU states while not being member states themselves.
- There is no need for Scotland to be nervous about its capacity for para-diplomacy in terms of promoting human rights and other normative values. An example of this the hubs set up in Europe to promote external relations with the EU and its Nordic neighbours.

SPEAKER 3

- The speaker raised the issue that Scotland was comfortable within the EU, unlike the UK. This is because of the psychology of Scotland being part of something else for the past 300 years. So, it is easier for Scotland to be part of the EU.

- Scotland is comfortable with multilateral fora in a manner Westminster was not which also extends to its human rights advocacy.
- The way the UK is structured (in terms of devolution) is based on being part of the EU single market. Given this has changed due to Brexit, there is now a need to change how UK ministers engage with the three other nations.
- Brexit must not cause an end to conversations about human rights. There is a need to protect links with the EU on human rights. Scotland continues to be committed to human rights even as a sub-state and within the limits of its constitutional mandate. Scotland can be useful in peacebuilding and conflict resolution and promoting human rights.
- Scotland wants to keep as many doors as possible open with the EU even though it is no longer part of the EU to promote its soft power credentials (this also includes relations with NATO, too).

DISCUSSION

- The first respondent observed that all the session's speakers consistently argued that Scotland should be using its soft power more. The question is what the reaction of the UK government to this would be? Given the fragmented relations between the SNP and the Tory-led government, it could be viewed as a foreign policy power grab for internal interests of independence rather than pooling strengths in terms of overall UK foreign policy goals.
- The first speaker stated that given the current state, irritation of the UK government is unavoidable. This is because the UK government does not view the UK as having a European identity, whereas Scotland does view itself as a member of Europe and a country that has a European identity.
- The second speaker acknowledges the tension between both Scotland and London. If Westminster would use foreign policy tools of all the four nations to promote a rules-based international system, Scotland could use its soft power to help promote UK interests.
- Scotland and Westminster can find common ground on issues where all four nations can make substantial contributions on foreign policy issues such as human rights and the rule of law.
- Speaker 3 argues that the tension is not necessarily a bad thing. The main issue is that Brexit has created insecurities on the side of Westminster based on the argument that it is Westminster that represents the interests of Britain. However, there is a need for Scotland to continue to push for the discussion on its role in foreign policy to continue (especially concerning human rights).
- Respondent 2: The issue of policy incoherence between sub-states and states is evident globally especially on issues around human rights and climate change.
- Speaker 2 argues that what needs to be developed is Scotland's foreign policy orientation. This is within Scotland's capacity, but cooperation with all the four nations allows a more cohesive foreign policy strategy for the UK. However, this needs a renegotiated union.
- Speaker 3 stated that there is a need to test the dissolved powers in foreign policy. Policy coherence is the greatest challenge to Scotland playing a greater role in the broader UK foreign policy agenda. The political interests of various parties will continue to undermine cooperation. There is a need for multiple stakeholders to engage in this discussion.
- Respondent 3: Places caution on following the Nordic example given how Denmark has recently decided to return Syrian refugees to Damascus.
- Speaker 1 argues that Scotland should not follow Denmark but that the Nordic countries are diverse and generally have provided a good example of human rights advocacy that Scotland can follow.

11:30AM: BREAK

11:45AM: SESSION 2 – MIDDLE POWER AND SUB-STATE HUMAN RIGHTS DIPLOMACY

CHAIR: OPENING COMMENTS

- The chair thanked the organizers of the workshop and the first session panellists.
- The chair argues that it is important for Scotland to look at other actors and ask why some sub-states and middle powers promote human rights and others do not and what are the factors that shape that.
- The Chair introduced the three speakers for the session on middle power and sub-state human rights diplomacy.

SPEAKER 1

- Speaker gave a historical context of Canada's human rights foreign policy record.
- The speaker argues that Canada was slow in terms of human rights in the 1940s. Canada abstained in voting for the 1948 Human rights declaration with the likes of the Soviet bloc and South Africa. Even in the 50s, Canada lobbied against the covenants, pushing that human rights issues must fall under federal law.
- Canada's human rights diplomacy is about its economic, political, and security interests. This is how most states behave in terms of foreign policy and thus is not unique in that context.
- However, Canada's success has been on issues it has comparative advantages in. Such as being at the forefront of the human rights declaration of women, the land mines treaty, and the responsibility to protect.
- Not all rights are viewed as equal and this is seen in Canada's opposition to self-determination while condemning the human rights record of the Soviet Union. Moreover, it did not initially support the condemnation of Apartheid due to its extensive economic relations with South Africa.
- Human rights are viewed as a geopolitical tool, again the example of Canada's approach towards the Soviet Union, as well as its strategy towards the rise of China.
- Any erosion of human rights would be a threat to middle powers such as Canada and Scotland. Therefore, such states have vested interests in the promotion of human rights and a rules-based international system.

SPEAKER 2

- The second speaker argues that Catalonia has never agreed to be part of Spain, there was no Union Act as is the case with the United Kingdom. The speaker lays out the oppressive relations between Spain and Catalonia.
- The speaker recognizes that Catalanian leaders provided leadership in building the modern Spanish political and constitutional order. However, devolution in Spain has always had tensions and this has led to continued calls for Catalanian independence.
- The speaker provided a historical timeframe of Catalonia's quest for independence, arguing that Spain's response was one of an aggressive nature.

- The charge laid against those who planned the independence movement was acts of violence even though there was no violence. The charges were and continue to be viewed as politically motivated.
- The speaker argues that the Spanish reaction to the Catalonia movement will at some point be viewed as a repression of the human right of self-determination. The speaker pondered why international diplomacy has been so silent on the causes of Catalonia's independence.

SPEAKER 3

- The third speaker situated the Basque society's transition to democracy as one that was turbulent. The combination of state terrorism from the 70s until the 90s was trapped in violence.
- The Basque case has more commonalities with Northern Ireland than Scotland. However, there remain some similarities with Scotland especially with regard to articulating its interests in multilateral fora.
- The Basque country has tried to raise international human rights issues within the Basque parliament and coalition politics and other multilateral forums.

DISCUSSION

- Respondent 1 asked speaker 2 to talk more about human rights defenders. The third speaker spoke about the example of human rights promotion in South America, using the example of work done in Colombia through a partnership with the government. Again, the emphasis is on collaboration by multiple stakeholders.
- Respondent 2 asked speaker 1 what their advice would be to the Scottish government on how to be brave in making advances in human rights. Speaker 1 argued that Scotland must find the issues that resonated with its values. The Speaker identified issues such as technology, big data and how they impact human rights. The erosion of human rights-based international order is another issue. Moreover, there is a need to be serious about issues. e.g. Canada's standing on refugee issues.
- Respondent 3 asked Speaker 2 what support they have received from Scottish politicians given Scotland's interest in Catalonia's independence struggle. Speaker 2 stated that diplomacy requires some level of secrecy. There were private communications of support for their case. Secondly, there is an empathy for Catalonia's challenges in Scotland. The speaker noted that Spain has put pressure on various players in the UK in terms of their support for the Catalonian struggle for independence.
- Respondent 4 raised the issue of how to integrate human rights standards in foreign policy. The idea is that one does not want to mimic the state but need to do things that can't be done by big states. Scotland can be a leader in human rights promotion with the agility that big states cannot do. The middle-power of sub-states is their unique ability to promote human rights.
- Speaker 1 argues that small victories are worth pursuing rather than looking for a huge change. They recognize the challenges governments have and that victories can be few and far between.
- Speaker 2 insists on the need for coherence in foreign policy strategy.

- Speaker 3 says that no matter the future of constitutional issues in Scotland, the decision undertaken by Scotland will be important in areas around human rights. The Basque case is not about inspiration but about lessons that can be learnt from its experience.

13:00PM: BREAK

13:30PM: SESSION 3 –WHAT CAN SCOTLAND LEARN FROM FEMINIST FOREIGN POLICY?

CHAIR

- Some people may see feminism as an element of human rights and vice versa.
- They are both connected and will be looked at through the example of Sweden and Canada among others.
- The chair introduced the speakers for the session on feminist foreign policy.

SPEAKER 1

- The speaker drew on key elements in foreign policy, leadership, ownership, guidance, and support for feminist foreign policy. It is about having a gender-focused lens. It is about promoting human rights but moreover, the rights of girls and women in society.
- The speaker highlights the impact of political changes and how that has impacted the pursuit of a feminist foreign policy. However, this approach has been taken up by other countries including in the EU.
- The speaker presented results from a survey undertaken on feminist foreign policy. The outcome was that there was a general sense that feminism-led foreign policy was making a difference. There was a mixed reception to it, but the common thread is that it invoked interest and discussion about gender equality and its importance.
- Moreover, the speaker emphasised the need to choose a path when it comes to gender equality and pursuing a foreign policy issue based on existing national strengths, tools, and networks.

SPEAKER 2

- The speaker highlighted that Canada's pursuit of gender equality came up as Justin Trudeau was elected as Prime Minister and declared himself a feminist, which was viewed as a seismic change.
- The government used rhetoric on feminist foreign policy but did not have a feminist foreign policy even though it had certain initiatives.
- Civil society groups worked with the government to articulate a clear foreign policy with the government.
- The Canadian government stated that it would develop a white paper on a feminist foreign policy by the end of 2020. However Global Affairs Canada launched a consultative process

on what it should look like. A Human Rights NGO pulled together a series on feminist foreign policy, gender issues, and LGBTQ issues. These also included online engagements with people across Canada.

- The speaker raised the question around the actions Canada needed to take to move towards a concrete feminist foreign policy.
- The speaker also highlighted how there was a need to convince foreign policy elites in Canada on why pursuing a feminist foreign policy was important for Canada.
- The speaker raised the issue of policy incoherence which remains a key challenge on how Canada pursues feminist foreign policy. An example of that is the inconsistency of its policy towards indigenous people in Canada.
- There is a need to avoid a 'pick and choose' approach, but rather there must be consistent promotion across all issues, the need to pursue transformational agenda, and a non-partisan approach to feminist foreign policy.

SPEAKER 3

- The speaker argues that Feminist foreign policy should be an inherently peaceful project.
- The speaker raised the question of how feminist foreign policy can be envisioned, and what the ethical framework is. (The pursuit of feminist foreign policy should be about ethics.)
- It is beyond the pursuit of human rights framework but thinking about how to transform the political economy of countries that may further exacerbate gender inequalities in society.
- There are examples of success, such as sexual rights in conflicts and the Columbia peace process.
- Feminist foreign policy must not only promote the rights of girls and women but also the elderly. Moreover, it must not ignore the role of power dynamics which impacts the promotion of human rights.
- If it is about care, then one might note the failure to care for the elderly and others during covid-19 which highlights the inability to promote care in terms of foreign policy. Scotland must consider this.
- Scotland must address its historical reputation as being part slave trade if it is to pursue a feminist foreign policy agenda honestly.

SPEAKER 4

- The speaker raised questions about what Scotland must consider as it established a feminist foreign policy.
- They recognize that the world has changed since both Sweden and Canada pursued feminist-based foreign policies. One of them is the changes in how we engage issues around racism. Challenges such as covid-19 reveal that they are no longer limited to nation-states but extend to the international setting. There is a lack of investment in the care economy which was exposed by the pandemic.
- The speaker states that we need to rethink the goal of foreign policy. Can we talk of national interests as opposed to global interests? It is about addressing global issues of inequalities rather than narrow national interests. The speaker highlights the need to bring feminist approaches to foreign policy.
- The key question is how feminist foreign policy can help us to make the transformative changes we need to make.

- It is about dealing with the structures that create inequality and also about declaring that inequality is within itself unacceptable.
- Moreover, it is about changing the structures that are centred on creating inequality rather than changing how people behave within these structures.
- A feminist foreign policy must not leave things to technology but must focus on issues around care to avoid the path of greater gender inequality.
- The speaker again raises the need for collaboration to make the paradigm shift to ensure the security of people and the world's ecosystems.

DISCUSSION

- The chair asks what resonates with Scottish people and notes the need to recognize that the issues we face are interconnected. Thus, there is a tension between choosing one versus the whole. The issue of inconsistency is raised, especially when it comes to rhetoric versus the impact of trade policy which impacts the ability of states to pursue a feminist foreign policy.
- The second respondent asks how we can be led by grass-root feminists in pursuing feminist foreign policy?
- The third respondent raises the question of the practicalities of pursuing the gender agenda in foreign policy. What example can be given?
- The first speaker stated that pursuing one issue may be too simplistic; rather there is a need for a systemic approach. Pursuing foreign policy on traditional lines may continue to promote inequality. The feminist approach is a movement for change. To do that one needs to work within the society to find the problems that need to be addressed, build credibility and sustainability. The world has changed but what has happened is that the change has made it more evident that change is needed. Thus, there is a need to be brave and patient. The post-pandemic world is an opportunity to make huge changes in our foreign policy outlook and strategy to promote human rights.
- The second speaker answered the question around government leadership. They note that it is important to have strong government leadership. They highlight the importance of talking to grass-root feminists, not just the political elite to ensure maximum effectiveness of a feminist foreign policy.
- The third speaker spoke about the importance of digital diplomacy as a concept that progressed in tandem with feminist foreign policy. The best way to push for FFP is to build relations with civil society both for Scotland, Canada, and Sweden.
- The fourth speaker stated that one of the things feminism can give us is humility, the example that the elites in the North assume to know more than those in the South. There is a need to ask whether what we have done has been practical?
- Second question: How do you ensure that it is not just another noble pursuit with no concrete movement?
- Third question: How can Scotland take up its position on these issues and what about the role of multilateralism?
- The first speaker responded to the first question. They stated that they have experience on these issues and have built a comprehensive framework on the issues. There is a need to plant the framework into the regular systems so that it is part of government.

- The second speaker spoke about the importance of accountability. Not only on rights holders, citizens but those whose rights have been abused. There is a need for systems of accountability even with civil society and organizations.
- The third speaker spoke of the importance of being willing to look to the Global South in terms of hospitality and other issues. We need to also think about the threat posed by populist contestations to the feminist movement and approach to foreign policy.
- The fourth speaker argues that we have an interesting challenge about how to go about shifting bureaucracy and the challenges that come with that. However, we also have a situation in which we ask ourselves how to move the bureaucracy towards a transformational change under the context of an existential crisis that we face due to how we have achieved our economic goals.

14:45 WRAP-UP

- The chair spoke about the perception of Scotland from the outside and how it can position itself.
- The debate between choosing one issue versus the pursuit of a comprehensive policy position was a major theme of debate.
- Moreover, the chair raised the importance of reflexivity; the need to reflect on how we think of things and how we pursue human rights foreign policy.
- All the organizers thanked the various speakers and all participants for their contribution to the workshop.
- The date of the third workshop was announced.