



Legislative Consent Memorandum:
Economic Activity of Public Bodies (Overseas Matters) Bill
Evidence from the Scottish Council of Jewish Communities

Background information

The Scottish Council of Jewish Communities (SCoJeC) is the representative body of all the Jewish communities in Scotland. SCoJeC advances public understanding about the Jewish religion, culture and community, by providing information and assistance to educational, health, and welfare organisations, representing the Jewish community in Scotland to Government and other statutory and official bodies, and liaising with Ministers, MSPs, Churches, Trades Unions, and others on matters affecting the Jewish community. SCoJeC also provides a support network for the smaller communities and for individuals and families who live outwith any Jewish community or are not connected with any Jewish communities, and assists organisations within the Scottish Jewish community to comply with various regulatory requirements. SCoJeC also promotes dialogue and understanding between the Jewish community and other communities in Scotland, and works in partnership with other organisations and stakeholders to promote equality, good relations, and understanding among community groups.

In preparing this response we have consulted very widely among members of the Scottish Jewish community, and this response reflects the views of all branches of Judaism that have communities in Scotland.

The Scottish Council of Jewish Communities, the Jewish Community, and Israel

The remit of the Scottish Council of Jewish Communities does not include international affairs, and, in particular, it is not our remit to lobby for any particular view on the Middle East, not least because Jewish people in Scotland hold as wide a variety of views about current Israeli politics as do non-Jewish people, and it is not difficult to find Jewish supporters of all positions in Israeli politics. The impact of Scottish attitudes and initiatives relating to affairs in the Middle East on the Jewish community in Scotland is, however, our remit, and it is frequently the case that these cause increased fears and feelings of anxiety among people who, in many cases, already feel vulnerable.

Relationship between the Scottish Jewish Community and Israel

A significant majority of the Scottish Jewish community have family and friends in Israel just as many other Scottish people also have a close relationship with another country, including the First Minister who has described Pakistan as “*a country very close to my heart*”¹, and himself as “*a Scottish-Pakistani*”². And in a beautiful cameo he described

¹ <https://twitter.com/HumzaYousaf/status/1656249554402983940>

² <https://twitter.com/HumzaYousaf/status/1655229158807547904>

how “One of the really lovely things that happened when I got elected first minister was that virtually every single person in my grandad’s hometown in Pakistan must have tried to call me. ... the caller would tell me they were from Mian Channu, where my grandfather came from, and they just wanted to say ‘hello’ ...”³.

In addition to these personal connections, several academic studies into the attitudes of Jewish people in Britain have found that “Israel is part of the Jewish identity” of the vast majority of British Jews. The Institute for Jewish Policy Research found that for 82% of the respondents, Israel plays an ‘important’ role in their Jewish identities⁴, and 76% feel that Israel is relevant to their day-to-day lives in Britain, while research by City University found that 93% of respondents said that Israel forms some part of their identity as Jews, 90% supported its right to exist as a Jewish state, and 84% expressed pride in its cultural and scientific achievements⁵.

It is, however, important to emphasise that merely having some personal connections in, or affinity with, another country does not mean that someone should be held responsible for the actions of the government in that other country. There is no excuse for those who, because they disagree with the Israeli government, target people in Scotland simply because they identify them as Jewish.

Antisemitism in Scotland

The present and previous First Ministers have explicitly stated that “*Nothing that happens in the Middle East should be used to justify antisemitism in Scotland.*”⁶, but Jewish people in Scotland continue to suffer abuse and discrimination as a result of conflation between “Israel” and “Jewish” – terms that are sometimes used interchangeably, so that what purports to be criticism of Israel actually attacks Jewish people in general, and becomes explicit antisemitism.

This is evident from, amongst other things, a purported boycott of Israeli goods, when Israeli-grown fruit and vegetables in the produce section of Scottish supermarkets escaped the boycotters’ attention as they covered the *kosher* food shelves with BDS stickers and flyers regardless of the fact that many of those goods had been imported not from Israel but from the US, and others were not imported at all but had been produced in the UK. Several other examples are evidenced on pages 5 and 6 below.

Views about the Westminster Economic Activity of Public Bodies (Overseas Matters) Bill and it’s potential implementation in Scotland

The Scottish Council of Jewish Communities has carried out a consultation among Jewish people in Scotland, including both those living in settled communities and those living literally from the Borders to the Shetlands outwith any formal Jewish community. A wide

³ Humza Yousaf: *People can call me the continuity candidate but I'm my own man* (Holyrood Magazine, 8 May 2023)
<https://www.holyrood.com/inside-politics/view/humza-yousaf-people-can-call-me-the-continuity-candidate-but-im-my-own-man>

⁴ Committed, concerned and conciliatory: The attitudes of Jews in Britain towards Israel (July 2010)
https://www.jpr.org.uk/sites/default/files/attachments/Committed%2C%20concerned%20and%20conciliatory_%20The%20attitudes%20of%20Jews%20in%20Britain%20towards%20Israel.pdf

⁵ The Attitudes of British Jews Towards Israel (Department of Sociology School of Arts and Social Sciences City University London, November 2015)
https://www.city.ac.uk/__data/assets/pdf_file/0008/295361/Israel-Report-FINAL.PDF

⁶ Meeting with the First Minister, Humza Yousaf MSP
https://www.scojec.org/news/2023/23v_fm/fm.html

range of views was expressed, but the overwhelming majority (more than 74%) supported the proposed measures in their entirety, while an additional nearly 8% supported the main premise of the Bill but without making explicit mention of “Israel, the Occupied Palestinian Territories, or the Occupied Golan Heights”. Just under 16% opposed the Bill in its entirety.

While many respondents commented about the UK Bill, they were also explicit that, by extension, their views were directly applicable to the legislative consent memorandum to extend the remit of the Bill to Scotland.

The majority of respondents expressed concerns about antisemitism:

“BDS is a highly intellectualized form of antisemitism, masked as mere criticism of Israel. In fact, it calls for a boycott of the only Jewish state in the world on ill-informed, and ahistorical grounds.”

“BDS is an antisemitic campaign masquerading as simply “anti-Zionist”. This is too common a problem to be ignored”

“Laws must be put in place to protect future generations from all forms of antisemitism whether out in the open or under the radar like the BDS movement.”

“What we need is something to protect us from racism, bullying and aggressive protests, especially on topics (such as Gaza) where we have no influence or responsibility.”

However, some pointed out that boycotting Israel is not necessarily antisemitic:

“it is pertinent to note that boycotting the Occupied Palestinian Territories is not a practice should be construed as necessarily antisemitic, or problematic”

“[I] oppose the spirit in which the bill was written and presented, and the cynical distortion of very real fears of antisemitism to justify restriction of the right of public bodies to boycott.”

Some respondents also supported the Bill because of doubts about whether local councillors had sufficient information to make appropriate decisions about international affairs:

“I have for a very long time had a strong opinion that local Councillors who make these important decisions on behalf of their cities and counties do not have enough knowledge or understanding of these complex situations in other countries and therefore not in position decide to on behalf of their communities boycott and sanctions which can even cause huge economic hardships to the people they think they are helping.”

Some of those who opposed the Bill made clear that they did not do so because they supported the use of boycotts, commenting, for example:

“I speak as someone who believes that BDS policies are generally unwise, misguided or misapplied.”

“I do not feel that any nation or territory should be a priori unsanctionable. ... [but] wouldn't like to see every local authority having to spend energy on forming its own foreign policy. I don't think my own local authority is competent to do that.”

A number of respondents referred to the devolution settlement. For example, one respondent commented:

“I emphatically believe that the contents of this bill represent a very dangerous slippery slope in terms of unjust UK control over how Scotland governs itself.”

However there were many more comments such as:

“I absolutely agree that foreign policy is not a devolved issue anywhere in the UK. Therefore it is not acceptable for specific organisations to follow their own BDS policy, especially if they are subject to central or local funding.”

“Sanctions and boycotts should not be decided by Local Authorities and only by Central Government.”

“Local authorities and other public bodies should NOT be able to pursue their own foreign policy on this matter.”

The Impact of Particular Procurement and Boycott Policies

In the Legislative Consent Memorandum⁷, the Scottish Government states,

“an argument that a decision of the Scottish Government in relation to a particular procurement or investment process may be mistaken by overseas governments for an alternative UK foreign policy lacks credibility.

There are also already significant protections in Scottish procurement legislation which require equal treatment to be extended to bidders from countries with which a relevant trade agreement applies – and this includes Israel.”

Our concern is not with the impression that may or may not be made on overseas governments – as we have already stated, international affairs are outwith our remit – but on the impact of particular procurement processes and decisions on the Jewish community, and on community relations in Scotland.

The Scottish Government and a number of local councils have, over a number of years, singled out Israel in a way that has not been done with other countries that are also involved in territorial disputes, such as Cyprus, China/Tibet, or India/Kashmir.

In particular, the Scottish Government has issued procurement advice that “strongly discourages trade with illegal settlements in the Occupied Palestinian Territories”⁸. The continued validity of this advice, issued in 2014, has been re-affirmed this session by the Minister for Business, Trade, Tourism and Enterprise in his answer to a parliamentary question⁹. Until the current conflict in Ukraine, when, in accordance with UK Government sanctions, a procurement note was issued in respect of Russia and Belarus¹⁰, the Scottish Government has never issued any other procurement advice relating to any other named country.

The Scottish Government asserts in the LCM that “*people in Scotland rightly expect that decisions should not be made in an ethical or moral vacuum*”, and this was echoed by several respondents to our consultation who referred to “*Jewish historical experience and values*”, and “*Jewish historical and moral perspective*”. They emphasised, however, that moral and ethical positions must by definition be general, not confined to criticism of a single entity. The fact therefore that the Scottish Government has issued procurement

⁷ <https://www.parliament.scot/-/media/files/legislation/bills/lcms/economic-activity-of-public-bodies-overseas--matters-bill/legislative-consent-memorandum.pdf>

⁸ Scottish Procurement Policy Note 4/2014 (August 2014)
<https://www.webarchive.org.uk/wayback/archive/20160106214501/http://www.gov.scot/Topics/Government/Procurement/policy/SPPNSSPANS/policy-notes/SPPN2014/SPPN42014>

⁹ Scottish Parliament written answer S6W-03000 (September 2021)
<https://www.parliament.scot/chamber-and-committees/questions-and-answers/question?ref=s6w-03000>

¹⁰ Scottish Procurement Policy Note 1/2022 (August 2022)
<https://www.gov.scot/publications/public-procurement-russian-and-belarusian-companies-sppn-1-2022/>

advice about only one country, but not issued similar advice in response to widespread concerns about the conduct of grossly oppressive regimes such as Myanmar's treatment of the Rohingya people, China's treatment of the Uyghur people, territorial disputes concerning Kashmir and Tibet, and Iranian and Taliban discrimination against women, similarly demonstrates that this is a political and not a genuine ethical and moral stance.

There is no question but that the state of Israel should be held to the same moral and ethical standards as other countries, and indeed the internationally recognised IHRA definition of antisemitism¹¹, adopted by the Scottish Government in 2017¹², makes that clear by stating explicitly that criticism of Israel similar to that leveled against any other country, and of any particular Israeli government, is entirely legitimate.

What is not legitimate, however, and is listed by the IHRA as an example of antisemitism in public life, is criticising Israel for some specific action while not doing so to other countries for similar behaviour. This is relevant because, as well as the Scottish Government procurement advice referred to above, a number of local councils have discussed, and in some cases approved, a policy of boycott, divestment, and sanctions in respect of Israel but have not done so in respect of Iran, Myanmar, China, or any other named country.

It is well-documented that public statements, comment, and media reporting relating to the Middle East result in an increase of antisemitic incidents in Scotland and elsewhere¹³, and while the Scottish Government is clearly not intentionally antisemitic, it is a cause for concern to the Jewish Community that the decision to issue special procurement advice about Israel alone may indirectly encourage antisemitism from those who conflate the local Jewish community with the State of Israel.

When one Scottish local authority voted to boycott Israel, some Jewish residents expressed concerns that Scottish Government and Council procurement and boycott policies may, for example, prevent some Jewish people in hospitals or care homes from accessing kosher meals.

Other organisations such as Trades Unions have also implemented policies purportedly targeted against Israel that in fact impact Jewish people in Scotland. One respondent told us:

"I have been very disappointed by the reaction of a senior official from a trade union whom I challenged on their policy towards Israel. For whatever reason, my reaching out to this individual met with a very intensely hostile response and they would brook no further dialogue."

¹¹ IHRA working definition of antisemitism

<https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism>

¹² The Cabinet Secretary for Communities, Social Services, and Equalities (13 June 2017, third from last paragraph of statement)

<https://archive2021.parliament.scot/parliamentarybusiness/report.aspx?r=11003&i=100547&c=2008181#ScotParlOR>

¹³ "The level of anger and hate that is directed at Israel always spills over into antisemitism at times of conflict. Such crises see a recurring and disturbing pattern: reactions to 'trigger events', often from overseas, cause significant spikes in anti-Jewish hate crimes and hate incidents in the UK. In practice, this means that the perpetrators of these incidents deliberately target Jews and Jewish institutions to express their hatred of, or anger towards, Israel; or they use Israel as an excuse to attack Jews."

p3 The Month of Hate (Community Security Trust, July 2021)

https://cst.org.uk/public/data/file/4/a/The_Month_of_Hate.pdf

As a result of reactions such as this, some Jewish people have told us that they often feel under pressure to declare their support for the Palestinian cause preemptively to people who know they are Jewish, in order to protect themselves from stereotyping and abuse.

Incidents targeting Jewish people in Scotland explicitly on account of dislike of the state of Israel included a supplier ending a business relationship when he discovered that the owner was Jewish; a young person who was subjected to a rant demonising the state of Israel by a clinician during what should have been a mental health appointment (all the more inappropriate in the context of mental health); and the following e-mail which was received by a Scottish Jewish organisation:

“Get to Israel with ye tumshie traitors, your Israel first nonsense. Trying to limit our Scottish freedoms. ... Get out of our country Jewy infiltrators. NOT WELCOME HERE, not true Scots or even greatful guests. Scotland for the Scots Jooland for the traitors with a dual loyalty.”

When we reported the findings of our 2015 survey of Being Jewish in Scotland¹⁴, we and the then First Minister expressed concern that a number of respondents had told us that, because of rising antisemitism, they had for the first time considered leaving Scotland. This concern is reinforced and given substance by the fact that some Jewish people in Scotland have recently taken up nationality of another European country in order to keep open an escape route should antisemitism worsen still further. To quote one person who has done so,

“My father had to leave his country [to escape the Nazis], and I was raised in the expectation that the time might come when I might have to leave this one. Never lock yourself in a basement with no fire exit.”

It is incumbent on the Scottish Government to take note of and respond to this situation, and of the increased vulnerability of Jewish people in Scotland – not only feelings of vulnerability but vulnerability in fact, as evidenced above.

The Scottish Parliament and the Legislative Consent Memorandum to the Economic Activity of Public Bodies (Overseas Matters) Bill

While undoubtedly welcome, ministerial comments that Jewish people in Scotland should not be a proxy target for those who dislike Israel or Israeli government policy – or that dislike of Israel should not be an acceptable excuse for antisemitism – pious sentiments do not change behaviours. Legislation does, and we therefore urge the Scottish Parliament to take note of the vulnerability and anxiety of many Jewish people in Scotland as demonstrated by the large majority view among the Scottish Jewish community in support of the Westminster Bill, and so reject the Scottish Government Legislative Consent Memorandum to the Economic Activity of Public Bodies (Overseas Matters) Bill, so as to permit the UK Parliament to legislate for Scotland on this occasion.

¹⁴ What's Changed about Being Jewish in Scotland? (Scottish Council of Jewish Communities, 2015) <https://scojec.org/resources/files/bjis2.pdf>