23 February 2017

I am aware that the Secretary of State for Scotland wrote to the members of the Culture, Tourism, Europe and External Affairs committee on Tuesday evening in advance of his appearance before the committee yesterday.

Mr Mundell made a number of assertions in that letter. I wish to set out the position on behalf of the Scottish Government and to give members of the committee a fuller picture.

The Secretary of State said the “focus” of the UK Government is to “understand the viability of the (Scottish Government’s) proposals as well as the Scottish Government’s underlying objectives in Scotland’s Place in Europe.”

The objectives in Scotland’s Place in Europe are crystal clear. It is not therefore obvious what Mr Mundell means when he says he is seeking to understand our underlying objectives.

The Scottish Government has set out repeatedly our view that the UK should remain in the Single Market, and if that is not possible, then Scotland should stay in the Single Market even if the rest of the UK leaves. That is the clearly understood objective.

Despite the deadline for triggering Article 50 being a little over five weeks away – and it may take place earlier - and the clear mandate for the Scottish Government’s position on a differential deal for Scotland there has been no commitment whatsoever from the UK Government, in any meeting that has taken place, that the views of the people of Scotland, the Scottish Parliament or the Scottish Government will be put forward as part of the UK Government’s negotiations with the European Union.

The Secretary of State made reference to meetings between officials and said “work is progressing well”.

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It is true that the number of meetings has, in the last two weeks, increased. However, UK Government officials have revealed very little of their own thinking on policies which are essential to taking forward the proposals in Scotland’s Place on Europe.

For example the UK Government’s position on the Customs Union and on immigration policy remains very unclear. This cannot be a process where information is only coming from the Scottish Government.

As the Welsh Government has said the issue is not just the quantity but the quality of meetings.

Mr Mundell is not directly involved in the talks, and from comments he gave to the media after his appearance before you, it appears he has not been properly briefed or does not fully understand the process.

He was quoted in The Herald as saying a workstream is looking “at whether there are other ways of... encouraging people to Scotland which are not at heart either current freedom of movement within the EU or devolving immigration.”

That is simply not the case. Discussions of this nature have not taken place.

The Secretary of State therefore seems to have a different understanding of the the workstreams from those engaged in the process.

Mr Mundell made reference to the JMC process. It is fair to say ministers from all three devolved administrations have expressed frustration in relation to this process: agendas and papers are often delivered late, the workplan has lacked focus on the key issues despite repeated assurances and it is not at all clear how discussions are influencing the UK position.

As an example the Prime Minister delivered her speech in January announcing the UK was to leave the Single Market before the JMC (EN) even had the opportunity to consider the issue and before the Scottish and Welsh Government papers had been discussed.

Mr Mundell referred to a meeting that took place in January between himself, myself and Derek Mackay.

This meeting was held at the request of the Secretary of State but it was entirely unclear why he had done so. No proposals were brought to the meeting and basic questions posed by the Scottish Government, for example on the issue of repatriation of powers, were not answered.

Mr Mundell did, however, hold a press briefing afterwards, fuelling the impression that the meeting had been called simply to facilitate that briefing.

The Secretary of State also referred to a meeting between David Davis and myself that took place on Wednesday. I was surprised to see that reference as both the Scottish Government and Department for Exiting the European Union had at Ministerial level agreed this would be a private meeting with no publicity.

You will understand, I hope, that on occasion a private space is necessary for discussions to take place between the Scottish and UK Governments.
In all this, it is essential that when the UK Government formally starts the Article 50 withdrawal process, the views and interests of the people of Scotland and of the Scottish Parliament are clearly articulated.

Given the UK Government’s self-imposed deadline of the end of next March, time is clearly running out for UK ministers to demonstrate that the voice of the people of Scotland is being listened to; that the clear democratic will of Scotland is being respected and that the debates and votes of the Scottish Parliament are not being ignored.

MICHAEL RUSSELL