



Law Society
of Scotland

Consultation Response

UK trade negotiations: Agreement with the Gulf
Cooperation Council

30 January 2022



Introduction

The Law Society of Scotland is the professional body for over 12,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

The Society's Trade Policy Working Group welcomes the opportunity to consider and respond to the House of Commons International Trade Committee on the UK trade negotiations: Agreement with the Gulf Cooperation Council (GCC). The working group has the following comments to put forward for consideration.

The inquiry welcomes short submissions which address any of the following:

- The chapters or content the Government should seek to include in a free trade agreement with the GCC, and the considerations which should be given to each.
- Thoughts on the Government's consultation exercise, the summary of responses produced, and stakeholder engagement.
- The extent to which a free trade agreement with the GCC could offer benefits to UK businesses and
- The extent to which a free trade agreement with the GCC could support the Government's levelling-up
- The extent to which a free trade agreement with the GCC could support the Government's broader commitment to 'build back better'.
- The extent to which a free trade agreement with the GCC could further the Government's climate and environment goals.
- The extent to which a free trade agreement with the GCC could further the UK's foreign policy goals, including regional defence, security, and resilience objectives, and address human rights concerns.
- Considerations the Government should give to the red lines it should seek to establish, privately or publicly, to frame the bounds of negotiations.
- Considerations the Government should give to tailoring its negotiating approach to account for the political divergences between constituent states of the GCC.

Response

The importance of legal services

The legal services sector facilitates trade across all other sectors as well as being an important contributor to the UK economy in its own right. This includes contract negotiations for the provision of goods or services and also extends to advice on matters such as intellectual property protection.

Businesses of all types are increasingly international in focus and global in reach and lawyers must be able to provide their services accordingly, whether this is through expansion of their own offices or partnering with firms in other jurisdictions on an ongoing or case-by-case basis. Furthermore, trade agreements create legal rights and obligations and it is therefore imperative that individuals and business have access to legal advice to allow them to exercise those rights and meet the requirements of their obligations.

Recognising and promoting Scottish legal services

Scotland has a strong market for professional services, including legal services. Furthermore, legal services support and facilitate trade and investment in other sectors. In terms of Scottish legal services, arbitration and other forms of international dispute resolution are seen as a potential growth area. Again, trade agreements should recognise that the Scottish legal industry, as with Scots law, offers many of the same advantages more frequently advertised in relation to England and Wales, while also retaining its own characteristics.

Ensuring coordination by facilitating sector-specific discussions encompassing relevant stakeholders would be helpful. For example, discussion of legal services should ensure that the reputation of the Scottish courts as impartial and independent, the offerings of the Scottish Arbitration Centre and the strengths of Scots law are harnessed alongside promotion of the high quality legal services offered by the Scottish legal profession.

Objectives

On legal services, if there were to be an agreement with the GCC it should try to secure:

1. preferential fly-in-fly-out provisions
2. the ability to establish a permanent commercial presence without the need for a local sponsor.
3. preferential recognition of professional qualifications

Immigration to the GCC

In practical terms, an efficient business visa systems which allow solicitors to enter a country for the purposes of meeting their clients face-to-face is key. If a solicitor has to wait a long time for a business visa to be authorised this could act as practical barrier to provision of legal services. Evidence from our members who have worked in the GCC suggests that these are often time consuming and bureaucratic.

Concerns were also highlighted about the ease of movement of both people and data from one GCC member to another.

Human Rights

Whilst we recognise the desire for the UK to capitalise on the economic opportunities within the GCC we would also strongly urge the UK Government to use any negotiations to promote human rights in the region.



For further information, please contact:

Dr Adam Marks
International Policy Executive
Law Society of Scotland
DD: 0131 4768205
adammarks@lawscot.org.uk