I WAS disappointed that the Scottish Government didn't incorporate the UN International Covenant on Civil and Political Rights (ICCPR) into Scots law as proposed in the petition by the late Henry Ferguson of Respect Scottish Sovereignty (RSS). The petition was signed by more than 7500 Scots. The reason given for not progressing the petition is that it was outwith the legislative competence of the Scottish Government.

One of the people involved in setting up this petition was the late Andy Anderson. I very much respected Andy so I decided to do some research.

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I looked up the Scotland Act 1998, which details the setting up of the Scottish Parliament, including what is within its devolved competence.

In Schedule 5, Section 30, "Reserved Matters" it does indicate:

"1 The following aspects of the constitution are reserved matters, that is –

(b) the Union of the Kingdoms of Scotland and England,"

Also:

"7 (1) International relations, including relations with territories outside the United Kingdom, the **European Union** (and their institutions) and other international organisations, regulation of international trade, and international development assistance and co-operation are reserved matters."

However, it then subsequently states:

"7 (2) Sub-paragraph (1) does not reserve –

(a) observing and implementing international obligations, obligations under the Human Rights Convention and obligations under EU Community law."

Of particular importance to the RSS petition, the UK was one of the states parties to the 1976 UN ICCPR.

The states parties to the covenant recognised, in accordance with the Universal Declaration of Human Rights, "the ideal of free human beings enjoying civil and political freedom"

Article 1 of the UN ICCPR reads:

“1. All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development,” and:

“3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realisation of the right of self-determination, and shall respect that right, in conformity with the provision of the Charter of the **United Nations**.”

Scotland appears to fall into that situation where the **UK Government** have assumed “responsibility for the administration of Non-Self-Governing and Trust territories”.

So the UK Government, representing one of the states parties to the UN ICCPR in 1976, should be “promoting the realisation of the right of self-determination”, and should be respecting that right, not denying it.

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