

Scottish Independence

On the 28th March 2017, the Scottish Parliament voted to support a motion which authorised the Scottish Government to enter into negotiations with the United Kingdom on the holding of a second independence referendum in Scotland. The prospect of a second referendum revives a fascinating, but unresolved, question which hung over the first ballot: were Scotland to vote for independence, from what source would its claim to independence derive its legal force?

There are two possible sources for the right of self-determination accorded to the Scottish people. It may be, as no doubt the United Kingdom would assert, that Scotland's right to self-determination derives entirely from the internal constitutional arrangements of the United Kingdom, and more particularly from the United Kingdom's munificence in offering Scotland the opportunity to self-determine. In other words, through the conclusion of the Edinburgh Agreement, the UK gave Scotland a one-shot ticket to independence, were it to choose to take it. No precedent was created, it will be argued, because the decision to grant the referendum legal consent and to agree to respect the outcome was a purely political action.

Alternatively, it may be that the UK's acceptance of Scotland's right to hold a referendum may be construed as a recognition of a right attaching to Scotland by virtue of its status as a relevant self-determination unit under international law.

The documents collected here do not provide an answer to that question; rather different interpretations may legitimately be drawn from them. Those listed below address the constitutional case for Scotland's referendum, while the international aspects may be explored further (albeit in the abstract, rather than with a direct focus on the Scottish example) under the "Secession" heading.

[Memorandum of Understanding between the United Kingdom and the Devolved Administrations](#)

[Agreement between the United Kingdom Government and the Scottish Government on a Referendum on Independence for Scotland](#)

[Scotland Act 1998 \(Modification of Schedule 5\) Order 2013](#)

[Scottish Independence Referendum Act 2014 \(Scotland\)](#)

[Scottish Independence Referendum 2014: Results](#)

[Scottish Parliament Motion S5M-04710, 28/03/2017: Scotland's Choice](#)