

Submission from COSLA, European Charter of Local Self-Government (Incorporation) (Scotland) Bill (Reconsideration Stage), 18 February 2026

Help Strengthen Democracy and Improve Outcomes

The passing of the Bill to incorporate the European Charter of Self Government into law is a huge opportunity for national and Local Government to work together to improve lives across the country, and give Scotland's communities rights that are already commonplace internationally.

That's why we are asking for your continuing support to make it happen.

What is the European Charter of Local Self Government?

The Charter of Local Self-Government is part of the treaty framework which agrees minimum legal standards in a range of areas across the 47 members of the Council of Europe. For example, the European Court of Human Rights is part of the same framework.

The Charter's Purpose

The Charter's purpose is to bring power closer to local people and set out the basic local democratic powers and freedoms they should enjoy. In doing so it guarantees the political, administrative and financial independence of local authorities to work in the interests of the local population, acting within the limits of the law.

All other Council of Europe members have signed and ratified the Charter, but while the UK signed in 1998, it has never been enacted in domestic law.

Four Key Reasons to Incorporate the Charter into Law

Council Leaders from across Scotland have already unanimously supported the passage of the bill and are supportive of the proposed amendments to address the Supreme Court ruling.

We believe that there are four key reasons why Scotland should incorporate the Charter:

1. It would improve the outcomes that national and local government can deliver

COSLA is fundamentally committed to improving outcomes across Scotland, and co-signed the revised National Performance Framework in June 2018

as a sign of our desire to do so. But if we are serious about delivering our collective national ambitions, then we should be equally serious about modernising how national and Local Government work together to achieve it. The Verity House

Agreement at its heart embeds the principles of the European Charter and reaffirms our collective ambitions.

Incorporation of the Charter into law is therefore the next step on Scotland's progressive focus on improving outcomes.

National elected government has a clear mandate to set outcomes for the nation and protect our rights as citizens. However, to successfully deliver these, local and national government need to work with communities in ways that suit their local circumstances and priorities. After all, there is now a broad consensus across the political spectrum that what works best in small rural areas does not always fit Scotland's cities, just as the challenges and opportunities in our towns are not the same as on our islands.

Incorporation of the Charter would drive forward the relationship between national and Local Government, recognising the diversity of our communities, galvanising and strengthening a more progressive,

participative and effective approach to meeting their needs and priorities.

2. It would give Scottish communities rights that are already commonplace internationally

The Charter is the benchmark international treaty for protecting the rights of local authorities and the right of local people to participate in their decisions. Its principles are already recognised in the domestic legal systems of the other 46 members of the Council of Europe. As the sole member yet to do so, we are therefore significantly out of step with most other European countries.

Incorporating the Charter into law would allow Scotland to join this international democratic family and for the first-time guarantee Scotland's local communities the kind of local choices and democratic controls that are already taken for granted elsewhere. In these countries, local democracy is not something to be debated; it is simply part of how governments work.

3. It would build partnership working into Scotland's governance for the first time

Despite the establishment of the Scottish Parliament 27 years ago, there is currently no overall statutory framework setting out the standard 'rules' by which national and Local Government should work together.

That is not to say that good partnerships do not exist at the moment, or that the Scottish Government does not often choose to empower local decision making. However, this partnership does still depend on the goodwill and assent of the national government of the day.

At the same time, the roles of the Scottish Parliament and Scottish Government have developed significantly, and there is a strong and growing approach to local engagement and community decision making. The role of Local Government in this democratic evolution now needs to be addressed too, if we are to ensure the democratic wellbeing of Scotland is to improve.

Incorporation of the Charter would rebalance the relationship across the spheres of Government and pave the way for a stronger, more long term, and more equal partnership between local and national government, and communities, with all of the benefits for everyday custom and practice that this would deliver. It would guarantee the best elements of the Verity House Agreement and much like legislation on equalities or public smoking, the law would provide a legal back stop, but its most significant impact would be to create and embed a partnership approach to policy making, political culture and working practices that doesn't rely on voluntary agreements between every new administration and Local Government.

4. It would ensure that Scotland fully complies with international treaty obligations

Finally, incorporation in law would enable Scotland to fulfil its outstanding international treaty obligations.

While the Scotland Act 1998 provides that international relations are reserved matters, it does not reserve observing and implementing these. For 26 years, governments in Scotland have therefore been able to pursue the Charter's requirements. Over that time, UK and Scottish Governments have translated other treaty obligations such as to protect the environment, promote consumer safety and give people 'data rights'. Rights to local self-governance should be treated no differently.

This is not about creating, but rather addressing the conditions that have too often caused conflict. Incorporation would create possible legal checks and balances, but the practical impact would be the imperative for national and local spheres of government to work together on shared issues by default.

Nor would incorporation of the Charter mean significant change to the current landscape; as rapporteur visits have confirmed, Scotland has been broadly compliant with most of its articles. In fact, nothing about the Charter would unilaterally change specific policies or laws, or make any other changes that are rightly a matter for democratic debate and discussion, which we fully support and want to see valued and recognised across our spheres of government.

Support the passage of the Bill

Help give Local Government the powers it needs to deliver lasting, meaningful change for our communities.