Scottish Parliament Information Centre
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Briefing for the Public Petitions Committee on petition PE2271: Calling on the Scottish Parliament to convene a Scottish People's Assembly on Self-Determination, lodged by Leah Gunn Barrett on behalf of Respect Scottish Sovereignty

Brief overview of issues raised by the petition

The petition calls on the Scottish Parliament to urge the Scottish Government to convene a People's Assembly on "the democratic right of the sovereign people of Scotland to determine their own future without the hindrance of another authority". It does not specify views on how the Assembly's membership should be selected and constituted, its remit beyond that topic, its budget, or how its output would be considered by the Parliament or Government.

Constitutional context and the Scottish Government "Your Right to Decide" paper

The Scottish Government published Your Right to Decide on 4 September 2025. The document sets out the Government's position that the people of Scotland should be able to decide their constitutional future. The document argues that the right to decide must be capable of being exercised in practice.

The constitution is reserved to the UK Parliament under the Scotland Act 1998. The UK Supreme Court judgment on a proposed Scottish independence referendum in November 2022 ruled that the Scottish Parliament does not have the legislative competence to provide for an independence referendum without the agreement of the UK Parliament. Any future referendum on Scottish independence would require either a section 30 Order under the Scotland Act 1998, like that used ahead of the 2014 referendum, or primary legislation passed by the UK Parliament.

The question of how a future referendum could be authorised was examined during Session 6 by the Constitution, Europe, External Affairs and Culture Committee through its inquiry, Options for a legal mechanism for triggering any independence referendum. In its report, published on 27 February 2026, the Committee concluded that the Scottish and UK Governments should "negotiate a clear pathway to exercising Scotland's democratic right to determine its constitutional future as a matter of urgency". The report highlighted a range of possible legal and political mechanisms that the Committee considered in its evidence-taking during the inquiry.

In its first 100 days programme following the 2026 Scottish Parliament elections, the SNP committed to seeking parliamentary approval for the development of a section 30 order request and to publishing a draft referendum bill based on the question used in the 2014 referendum. (The draft independence Bill was subsequently published by the Scottish Government on 28 August 2026.)

The Parliament agreed Motion S7M-00105 on 20 May 2026. The motion recognised that Scotland had returned "the largest pro-independence majority ever elected to the Scottish Parliament" and called on the UK Government to make a section 30 order under the Scotland Act 1998 to devolve the powers necessary for the Scottish Parliament to hold an independence referendum.

International law and the right to self-determination

The petition refers to Article 1 of the International Covenant on Civil and Political Rights (ICCPR), which provides that all peoples have the right to self-determination. The United Kingdom is a signatory to the Covenant.

The application of the international law principle of self-determination to Scotland's constitutional position was considered by the UK Supreme Court in the Reference by the Lord Advocate [2022] UKSC 31. The Court considered arguments that the people of Scotland had a right to self-determination under international law which was relevant to the legislative competence of the Scottish Parliament to hold an independence referendum. The Court rejected these submissions in its November 2022 judgment and indicated that the circumstances in which international law recognises a right to unilateral secession, such as colonial rule or foreign occupation, do not apply to Scotland.

Citizens' Assemblies

The petition refers to the Scottish Government's previous experience of convening citizens' assemblies. A citizens' assembly is a form of deliberative democracy. It brings together a group of people selected to reflect the wider population. Participants receive information from experts and stakeholders, discuss evidence and consider recommendations on a defined topic.

Citizens' assemblies are intended to complement representative democracy and provide advisory opinions. They do not normally have the power to make legislation or require governments to implement their recommendations.

The Scottish Government has previously convened two citizens' assemblies.

- Citizens' Assembly of Scotland (2019-2020)
- Scotland's Climate Assembly (2020-2021)

Further information on those assemblies is provided in this SPICe briefing and this SPICe blog.

The Scottish Government response to PE2271 states: "[T]here is currently no available budget or staffing for a deliberation on a scale comparable to the Citizens' Assembly of Scotland. However, the Scottish Government remains open to the use of such deliberative processes".

Constitutional conventions

A constitutional convention is a body convened to consider and propose changes to a country's constitutional arrangements. Although some conventions operate in a

similar manner to citizens' assemblies, there is no fixed model, and their membership, remit, and procedures can vary significantly. Further information on constitutional conventions can be found in this House of Commons Library briefing.

The Scottish Constitutional Convention (SCC) was established in 1989 as a cross-party and civic body to develop proposals for Scottish self-government. Its membership included the representatives of political parties in Scotland, local authorities, churches, trade unions, and other civic organisations.

The SCC's most significant contribution was its 1995 report, "Scotland's Parliament, Scotland's Right", which set out detailed proposals for a devolved Scottish Parliament. These proposals formed much of the blueprint for the devolution settlement subsequently endorsed in the 1997 referendum and implemented through the Scotland Act 1998. The SCC is frequently cited as an example of broad civic engagement in constitutional reform and played a key role in building political consensus around Scottish devolution.

Key organisations and links

- Involve
- Respect Scottish Sovereignty

Courtney Aitken
5 November 2026

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

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