

**Advance Notice about Upcoming Submission of the Petition for
Recognition of Scotland as a Non-Self-Governing Territory
Under the UN Decolonization Framework**

Submitted by: Justice pour Tous Internationale (JPTi)

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To: The Chairperson of the Special Committee on Decolonization (C-24)
The Secretary-General of the United Nations

CC: Secretariat and Bureau of the C-24

INTRODUCTION

On behalf of Liberation Scotland, Justice pour Tous Internationale, (JPTi), respectfully informs the Secretary General of the United Nations and the Chair of the United Nations Special Committee on Decolonization, (C-24), of the establishment of the peaceful Scottish liberation movement and also submits Advance Notice of a petition for the formal recognition of Scotland as a Non-Self-Governing Territory under the United Nations decolonization framework.

This submission is made in accordance with the principles enshrined in United Nations General Assembly Resolutions 1541 (XV) and 1654 (XVI), as well as Chapter XI of the UN Charter, which collectively establish the legal basis for decolonization and the right to self-determination for peoples under external governance. Scotland's political and constitutional status aligns with these established criteria for recognition as a Non-Self-Governing Territory and with broader decolonization principles.

Scotland's historical and legal distinctiveness as a separate jurisdiction, acknowledged even within the UK's constitutional framework, underscores its status as a distinct geopolitical entity. Scotland is an ancient nation and a former independent state with a long established and separate geopolitical boundary, identity, culture and history of development of its own. Established as a nation around 843 CE, by the time of the supposed union in 1707, Scotland was politically, militarily, culturally and socially developed to at least an equal degree with England. Its national character differed then and now in cultural and linguistic essentials from that of England. Its separate Crown, though dormant, remains as a constitutional instrument in law, maintaining Scotland's distinct territorial boundaries to this day.

The forthcoming petition aims to rectify Scotland's exclusion from the UN decolonization agenda by formally requesting its inclusion on the list of Non-Self-Governing Territories, thereby initiating the process for Scotland's recognition as a territory entitled to self-determination under UN oversight. By addressing Scotland's unresolved colonial status within

the framework of international law, this petition will seek to reaffirm the fundamental right of the Scottish people to determine their own political future free from external interference.

The legal basis for Scotland's recognition as a Non-Self-Governing Territory is rooted in the fundamental criteria outlined in UN Resolution 1541 (XV). This resolution establishes that a territory is considered non-self-governing if it is geographically distinct from the administering power, possesses a distinct ethnic, cultural, or linguistic identity, and lacks a full measure of self-government. Scotland meets all these conditions.

Scotland's political and constitutional status aligns with the established criteria for recognition as a Non-Self-Governing Territory under UN Resolution 1541 (XV) and broader decolonization principles. The historical incorporation of Scotland into the United Kingdom in 1707 did not constitute a voluntary and democratic act of self-determination but rather a process marked by political coercion, bribery, the threat of economic sanctions and military force, and the dissolution of Scotland's independent governance structures. The Treaty of Union, rather than creating a unified and equal partnership between two sovereign nations, was employed to effectively subsume Scotland into the English political framework in which ultimate constitutional legislative authority is vested in the English Parliament at Westminster to this day.

Unlike modern federations or voluntary political unions where member entities retain the constitutional right to exit, the UK legal framework denies Scotland any unilateral mechanism to withdraw from the union, thereby violating the principle of freely determined political status. The Treaty and Acts of Union of 1706 - 1707, while incorporating Scotland into a new state of Great Britain, (now the United Kingdom), did not dissolve Scotland's distinct national identity. The ability of Scotland to unilaterally determine its own political future was also protected by the terms of the Treaty. The resulting governance structure, however, subjected Scotland to administrative control from London without possibility of self-determination.

Scotland's political and constitutional status meets all established criteria for recognition as a Non-Self-Governing Territory. The people of Scotland have been denied the ability to exercise their right to self-determination, and the UK government has failed to uphold its obligations under international law.

Given these facts, the upcoming petition requests that the UN Special Committee on Decolonization (C-24) recognize Scotland as a Non-Self-Governing Territory and recommend its inclusion on the UN decolonization agenda. The UK's continued refusal to acknowledge Scotland's right to self-determination, coupled with the historical and legal evidence of Scotland's distinct status, necessitates UN oversight to ensure that Scotland is afforded the same decolonization rights as other territories in similar circumstances. Given the international legal framework governing decolonization, the exclusion of Scotland from the UN's Non-Self-Governing Territory list constitutes a failure to apply established principles consistently. The UN must address this oversight to uphold its commitment to the right of all peoples to self-determination and decolonization and the Special Committee on Decolonization (C-24) will be urged to take the necessary steps to formally recognize Scotland within the UN decolonization process and initiate measures to ensure that its right to self-determination is upheld under international law.

LEGAL BASIS FOR INCLUSION

The legal justification for Scotland's recognition as a Non-Self-Governing Territory under the United Nations decolonization framework is firmly grounded in international law, particularly General Assembly Resolution 1541 (XV) (1960), which establishes the criteria for determining whether a territory is non-self-governing. The petition will further demonstrate that Scotland's current constitutional and political status does not meet the threshold of genuine self-government, and that the continued control exercised by Westminster over Scotland violates the right to self-determination enshrined in Resolution 1514 (XV) (1960).

1. Scotland Meets the Criteria Established in UN Resolution 1541 (XV) (1960)

UN General Assembly Resolution 1541 (XV) lays out the defining characteristics of a Non-Self-Governing Territory and establishes the criteria by which a territory is considered to be under the administration of another power without possessing full self-governance. According to Principle IV of Resolution 1541 (XV), a territory is deemed non-self-governing if:

- *It is geographically separate from the administering power.*
- *It possesses distinct ethnic, cultural, or linguistic characteristics.*
- *It lacks a full measure of self-government.*

Scotland's classification as a Non-Self-Governing Territory under international law is firmly supported by the criteria established in United Nations General Assembly Resolution 1541 (XV) (1960). Scotland meets each of these criteria, as its governance remains subject to Westminster's control, and its distinct legal, cultural, and political identity has been historically and contemporarily recognized.

It is geographically separate from the administering power.

Scotland is in the same landmass as England but is geographically separate from it. It is also a nation whose Crown remains as a constitutional instrument so that its status as a kingdom continues, though dormant, and it remains a sovereign territorial nation with its territorial boundaries distinct to this day. Scotland's historical and legal distinctiveness as a separate jurisdiction, acknowledged even within the UK's constitutional framework, underscores its status as a distinct geopolitical entity.

The distinct border between the two countries has existed since 1237, reflects the territorial jurisdictions of the English and (dormant but extant) Scottish Crowns and has not been disputed for 280 years. Precedents such as Gibraltar and New Caledonia illustrate that territories can qualify as non-self-governing despite geographical proximity to the administering power. Scotland's historical and legal distinctiveness as a separate jurisdiction, acknowledged even within the UK's constitutional framework, underscores its status as a distinct geopolitical entity. Scotland's internationally recognized territorial boundaries, which remain separate from those of England, reinforce its claim to be a distinct geopolitical entity. Despite being governed by Westminster, Scotland retains a separate legal and political framework that is widely acknowledged in both domestic and international law.

It possesses distinct ethnic, cultural, or linguistic characteristics.

Scotland's status as a distinct nation is further supported by its unique ethnic, cultural, and linguistic identity. Scotland was first established as a nation around 843 AD and by the time

of the supposed union in 1707, was as developed politically, militarily, culturally and socially as that of England. Its national character differs in cultural and linguistic essentials from that of England, or Britain.

Legal System. Scotland's maintains a separate legal system which continues to function independently from England in both civil and criminal law matters. The country's legal system has evolved since Scotland became a nation state under Kenneth McAlpine in 843 CE (80 years before England became a unified nation state). Scotland's legal system is rooted in Roman law traditions and remains fundamentally different from English common law. The preservation of Scotland's independent judiciary and legal institutions highlights its distinct constitutional identity.

Education System. Similarly, Scotland operates its own education system, reflecting long standing national policies that distinguish it from England. Scotland's education system is fundamentally different in curriculum, administration, and governance from the system in England.

The recognition of Scotland's separate legal and educational systems demonstrates that a distinctive national framework has been maintained despite Westminster's overarching control.

Linguistic. Furthermore, Scotland retains a unique identity, and cultural heritage which reinforces its distinction from England. The Scots and Gaelic languages, which are spoken in Scotland, form an essential part of its cultural identity. Our national poets Robert Burns (wrote in Scots) and Alasdair MacMhaighstir Alasdair (wrote in Gaelic) continue to be celebrated and taught in our schools and universities. Burn's Night on 25th January each year pays tribute to the legacy of Scotland's National Bard, Robert Burns. The event is demarked with renditions of Burn's poetry in the Scots language, a dinner of cuisine of haggis, neeps and tatties and a dram (Scotland's national drink of whisky) is raised to toast the immortal words of Burns. Our distinct culture and languages have informed Scotland's unique folklore of selkies and brownies, stories which are passed down to the next generation. Our national writers, among the most famous of which are Sir Walter Scott and Robert Louis Stevenson, who wrote in Scots, narrating the injustices experienced by the Highlands Scots and the colonial expansionism of the English after the 1715 and 1745 Jacobite uprisings, continue to be taught in our schools and universities, helping to keep Scotland's history alive. Yet Scottish children are prevented from learning either Gaelic or Scots in Scottish schools. Instead they must learn 'proper English' if they are to advance and hope for any kind of professional career.

Music and Folksongs. Scotland's distinctive linguistic identity has also informed Scotland's music. Our musical events take the form of ceilidh's where traditional music is played on traditional instruments – fiddles (Scottish violin), accordions, clarsachs (Scottish harp) and the bagpipes. These distinctive instruments, together with traditional poems and stories set to traditional music gives Scotland and unique cultural identity. Scotland has its own, unofficial national anthem, Flower of Scotland, which is sung at events when Scotland's national teams are playing/taking part, including international events such as the Commonwealth (aka Colonial) Games.

Traditions. There are uniquely Scottish events throughout the calendar year. In addition to Burn's Night (25 January), Scots celebrate their patron saint on St Andrews Day (30 November) with their national flag the Saltire. On 31 December Scots celebrate Hogmanay with ceilidhs, after the bells, "first footing" neighbours, the first person crossing the threshold after

midnight is said to bring good luck for the coming year. Throughout the summer, virtually every community in the Highlands of Scotland holds highland games featuring highland country dancing, piping and drumming competitions, caber tossing and other events.

National dress. Scotland's national dress is the tartan kilt, plaid or tartan trews (trousers), sporran and sgian dhu (black dagger) which is worn at Scottish events and weddings.

National dishes. Scotland's unique cultural expression extends to the country's unique cuisine of haggis (meat and oatmeal) neeps (turnips) and tatties (potatoes), porridge, cullen skink (haddock soup), black pudding and deserts including cranachan (raspberry and oatmeal), tablet and shortbread. Our national drink is whisky which is a registered Geographical Indication (GI) in many overseas markets including the EU.

Religion. The Presbyterian Church of Scotland is the state church of Scotland whereas the Anglican Church of England is the state church of England. Religious customs, practices and services differ in each country. There is also a significant Roman Catholic community in Scotland since the earliest recorded times.

Ethnicity. The ethnicity of Scots is predominantly Celt, whereas English ethnicity is predominantly Anglo-Saxon.

The presence of national institutions, national anthem and unique cultural expressions, further distinguish Scotland as a separate national entity with a separate national identity. These characteristics align with the UN's criteria for identifying Non-Self-Governing Territories, as Scotland's national distinctiveness remains intact despite being politically incorporated into the United Kingdom.

Its people lack a full measure of self-government while Scotland occupies a unique legal and constitutional position - a dependency misrepresented as a partner.

The legal personality of Scotland has been defined by the Administering Power, the United Kingdom, as that of a voluntary partner in a union, (that is, in a free association with an independent state). This partnership is said to have been established through a distinct, legal and constitutional event, the Treaty of Union 1707, which dissolved the two former independent states of England and Scotland to create a new state now known as the United Kingdom of Great Britain and Northern Ireland. Uniquely, this 'merger by treaty' establishes a precise genesis for the state of the United Kingdom and defines the status of Scotland as a partner, or parent to the state thus created. This definition is offered by the Administering Power, the United Kingdom, as testimony that Scotland is *not* a dependency. Scotland was never voluntarily unified with England, however. Instead of the union defined by treaty, Scotland was annexed and incorporated into the hegemony of England, which state continued as Great Britain, (later the United Kingdom of Great Britain), altered only by the addition of Scotland to the English Crown, the dissolution of the Scottish Parliament and the addition of a handful of Scottish MPs to the English Parliament at Westminster.

As a result, Scotland remains a dependency subject to external governance, unable to exercise full sovereignty over its political, economic, and legal affairs, suffering from underdevelopment and deprivation while its territorial assets and resources, the exclusive property of the Scottish people, are administered by the UK state to the benefit of the metropole.

The most critical factor in Scotland's classification as a Non-Self-Governing Territory is its lack of full self-government. While the devolved Scottish Parliament was established in 1999, it does not exercise a full measure of self-government and remains politically subordinate to Westminster. The UK Parliament retains ultimate legislative supremacy over Scotland, with the power to override or unilaterally revoke or alter devolved powers at any time. The passage of the United Kingdom Internal Market Act 2020 serves as a clear example of how Westminster continues to exert legislative control over Scotland. This act significantly restricted the Scottish Parliament's ability to regulate its own internal market, reinforcing the reality that ultimate decision-making authority rests with the UK government rather than Scotland's elected representatives.

Additionally, Scotland lacks control over crucial areas such as foreign policy, defence, nationality and citizenship (or immigration), trade and industry, broadcasting, transport, telecommunications, taxation, currency, financial services, and constitutional matters, all of which are reserved to Westminster. The inability to legislate independently on these critical matters denies Scotland the full measure of self-government required to be considered a truly self-governing entity under international law.

The repeated rejection by the UK government of Scotland's democratic mandates for a legally binding independence referendum further confirms that Scotland lacks genuine self-governance. The refusal to grant Scotland the ability to determine its own political status in accordance with democratic principles contradicts the UK's obligations under international law.

Summary: Scotland meets the key criteria outlined in UN General Assembly Resolution 1541 (XV) for classification as a Non-Self-Governing Territory. Its geographical distinctiveness, independent legal and cultural identity, and political subordination to Westminster provide a strong legal basis for its inclusion in the UN decolonization framework. Scotland's continued lack of full self-government, as demonstrated by its inability to control its own constitutional future and legislate independently in key areas, underscores the urgent need for international recognition of its right to self-determination. Given these factors, Scotland's status must be reviewed by the UN Special Committee on Decolonization (C-24) to ensure compliance with the principles of decolonization and self-governance enshrined in international law.

2. Scotland's Political and Constitutional Status. Scotland's political and constitutional status has long been misrepresented as the product of a voluntary agreement between two equal nations. However, historical records and contemporary legal analysis demonstrate that the Act of Union of 1707 was not a genuine exercise of self-determination by the Scottish people but rather the result of military threat, economic coercion, bribery, and external influence. The incorporation of Scotland into the United Kingdom fundamentally altered its self-governing status, stripping it of its independent legislative authority and subjecting it to governance from Westminster without the right to unilaterally determine its political future.

Before the union, Scotland was an internationally recognized sovereign state with its own monarchy, parliament, legal system, and diplomatic relations. Its status as an independent nation was affirmed through centuries of treaties and international recognition. The Act of Union led to the dissolution of Scotland's independent parliament and the transfer of legislative authority to Westminster. Unlike modern federations or voluntary unions, where constituent nations retain the right to self-governance and the ability to negotiate their continued participation, Scotland's incorporation into the United Kingdom did not grant it constitutional safeguards for self-determination. The UK structure operates under a centralized

framework in which sovereignty remains concentrated in Westminster, preventing Scotland from exercising meaningful political autonomy.

A defining feature of a genuine self-governing entity is its ability to freely negotiate constitutional arrangements or withdraw from a political union if its people so choose. In contrast, Scotland lacks the legal right to unilaterally exit the union, a fundamental limitation that contradicts international principles of self-determination. Unlike other cases of political unions that have been revised or dissolved through democratic processes, Scotland's constitutional status remains rigidly controlled by the UK government.

The refusal of Westminster to acknowledge Scotland's right to hold a legally binding referendum on independence further underscores its lack of sovereign agency. Even when Scotland's elected representatives and democratic institutions have sought to negotiate a constitutional mechanism for withdrawal, these efforts have been blocked by the UK government, demonstrating the inherent subordination of Scotland within the UK framework.

The absence of any formal process through which Scotland can renegotiate its relationship within the UK, combined with Westminster's unilateral control over constitutional decisions, places Scotland in a position that aligns more closely with a colonial dependency than with a self-governing nation. The inability to amend the terms of the union, negotiate treaty revisions, or pursue constitutional reforms that reflect contemporary political realities further reinforces Scotland's status as a territory governed without full self-determination. Under the principles of international law, particularly those enshrined in the United Nations Charter and General Assembly Resolutions 1514 (XV) and 1541 (XV), the denial of a people's right to determine their own political status constitutes a breach of their fundamental right to self-determination.

In light of these realities, Scotland's political and constitutional status must be reevaluated in accordance with international legal standards. The continued refusal of the UK government to allow a democratic mechanism for withdrawal, despite persistent and growing support for independence within Scotland, demonstrates that Scotland does not possess the full measure of self-government required to be considered a sovereign entity.

The inability to freely determine its constitutional future and the lack of an exit mechanism underscore the necessity of international intervention to assess Scotland's right to self-determination under the UN decolonization framework. Given these factors, Scotland's case must be reviewed by the UN Special Committee on Decolonization (C-24) to ensure that the principles of self-governance and decolonization are upheld in accordance with international law.

3. The UK's Continued Suppression of Scotland's Right to Self-Determination

UN General Assembly Resolution 1514 (XV) (1960), known as the Declaration on the Granting of Independence to Colonial Countries and Peoples, explicitly states that:

"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."

The United Kingdom's continued suppression of Scotland's right to self-determination stands in direct violation of fundamental principles of international law, particularly those

enshrined in the United Nations General Assembly Resolution 1514 (XV) (1960), also known as the Declaration on the Granting of Independence to Colonial Countries and Peoples. This resolution unequivocally asserts that “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.” The UK government’s persistent denial of Scotland’s ability to exercise this right and hold a referendum on independence, despite clear and repeated democratic mandates from the Scottish electorate in favor of independence, contravenes the international legal obligation of administering powers to facilitate decolonization where there is clear political demand, constituting an obstruction of the very principles that govern the international legal framework on decolonization.

The suppression of Scotland’s self-determination has been particularly evident in Westminster’s refusal to permit a legally binding independence referendum following Scotland’s overwhelming rejection of Brexit in 2016. While Scotland was allowed to hold a referendum in 2014 under the terms of a temporary agreement with Westminster, this was presented as a one-time event, with no permanent mechanism provided for Scotland to revisit its constitutional future despite shifting political circumstances. Following Brexit, in which Scotland voted decisively to remain in the European Union but was forced to leave against its will, the UK government has unilaterally blocked all further attempts by Scotland’s elected representatives to pursue another referendum. This deliberate refusal to recognize Scotland’s political will is not merely an internal constitutional matter but a fundamental breach of international norms requiring administering powers to facilitate decolonization where there is clear political demand.

The UK’s legal justification for denying Scotland’s right to self-determination was solidified in the ruling of the UK Supreme Court in November 2022, which determined that the Scottish Government does not have the legal authority to hold an independence referendum without the explicit approval of Westminster, underscoring the fundamental power imbalance in the UK’s constitutional structure. This ruling prevents Scotland from determining its own political status and confirms that Scotland remains politically subordinate to the UK government, reinforcing the argument that it does not possess a full measure of self-government.

A fundamental characteristic of self-governing entities is the right to freely decide their constitutional future. Scotland’s lack of unilateral legal authority to hold a referendum or even negotiate the terms of its continued participation in the union, demonstrates that its governance structure is one of external control rather than an equal partnership.

Scotland meets all three criteria set forth in UN Resolution 1541 (XV) (1960) for classification as a Non-Self-Governing Territory, and the ongoing refusal of the UK government to allow democratic self-determination strengthens its case for international recognition under the UN decolonization framework. The fact that Scotland’s constitutional status cannot be altered without Westminster’s consent places it in a position analogous to that of a colonial territory, rather than a nation within a voluntary union.

This continued suppression of Scotland’s political agency violates not only the principles of self-determination but also the UK’s international legal obligations under the UN Charter.

Scotland's current political and constitutional status within the United Kingdom (UK) obliges UK to transmit information in respect of this territory under the criteria set forth by the United Nations under Resolution 1541 (XV): Principles which should guide Members in

determining whether or not an obligation exists to transmit the information called for under Article 73 of the United Nations Charter:

Principle IV

Prima facie there is an obligation to transmit information in respect of a territory which is geographically separate and is distinct ethnically and/or culturally from the country administering it.

Principle V

Once it has been established that such a prima facie case of geographical and ethnical or cultural distinctness of a territory exists, other elements may then be brought into consideration. These additional elements may be, inter alia, of an administrative, political, juridical, economic or historical nature. If they affect the relationship between the metropolitan State and the territory concerned in a manner which arbitrarily places the latter in a position or status of subordination, they support the presumption that there is an obligation to transmit information under Article 73e of the Charter.

Principle VII

... (b) The associated territory should have the right to determine its internal constitution without outside interference, in accordance with due constitutional processes and the freely expressed wishes of the people.

In light of these legal and factual considerations, Scotland's inclusion on the UN list of Non-Self-Governing Territories is not only justified but necessary to uphold the international legal standards governing decolonization. The persistent obstruction of Scotland's right to determine its own future requires international oversight to ensure that Scotland's case is treated in accordance with the principles of decolonization, as outlined by the United Nations.

Therefore, the forthcoming petition will formally request that the Special Committee on Decolonization (C24) review Scotland's status and consider the appropriate measures to recognize Scotland as a Non-Self-Governing Territory. By doing so, the UN would initiate the process of self-determination under international supervision, ensuring that Scotland's political future is decided in accordance with established UN decolonization procedures, rather than being subject to unilateral obstruction by the UK government.

COMPARATIVE PRECEDENTS IN UN DECOLONIZATION

Scotland's case for inclusion on the UN list of Non-Self-Governing Territories aligns with multiple historical precedents under the purview of the Special Committee on Decolonization (C-24). The UN has recognized various territories as non-self-governing despite claims by their administering powers that they already exercise self-government. These precedents establish that the existence of devolved governance, local referenda, or internal autonomy does not preclude a territory from being classified as non-self-governing if it remains under external political control. Scotland's situation shares critical similarities with other cases where territories have been successfully placed on the decolonization agenda.

The recognition of New Caledonia, administered by France, as a Non-Self-Governing Territory (1986) provides a particularly relevant comparative legal precedent further strengthening Scotland's case for inclusion on the UN list of Non-Self-Governing Territories. Despite holding multiple referenda on independence, France retained ultimate decision-making

authority over constitutional matters, which was deemed sufficient for the UN General Assembly to continue to classify New Caledonia as a Non-Self-Governing Territory due to concerns over political fairness, external influence, and the long-term legitimacy of the referenda process. Scotland faces a similar situation, where Westminster exercises final authority over Scotland's constitutional status and governance, denying it the right to unilaterally determine its own political future. Scotland's independence referendum in 2014 did not provide a permanent resolution to its self-determination question, and Westminster's continued refusal to permit further referenda denies Scotland the ability to freely determine its political future. The case of New Caledonia demonstrates that even when a population has engaged in voting mechanisms on self-governance, continued oversight by the C-24 remains necessary when external political constraints persist. This comparative legal precedent further illustrates that territories under European control can be placed on the decolonization agenda when they lack full self-government and maintain a distinct national identity.

Another key precedent is the recognition of **Tokelau** (1976), a New Zealand-administered territory that held two referenda in 2006 and 2007 to determine its political status. Although majorities voted to maintain their relationship with New Zealand, the UN continues to monitor Tokelau under the decolonization framework because its people have not exercised full sovereignty. This precedent is crucial in understanding Scotland's case, as it highlights that partial self-governance under an administering power does not negate the right to self-determination.

The case of **French Polynesia**, another French-administered territory, is also highly relevant. Despite being removed from the Non-Self-Governing Territory list in 1947 without a referendum, French Polynesia was re-inscribed on the list in 2013 after sustained advocacy and international recognition of its continued colonial status. The case illustrates that territories previously considered part of a larger political entity can be reassessed under the UN decolonization framework when political realities shift. This precedent supports the argument that Scotland's case should be considered despite its historical 'integration' into the United Kingdom. The legal framework of the Treaty of Union cannot supersede Scotland's right to self-determination under international law especially when its primary effects, the creation of a single kingdom and a new Parliament and state, remain inoperative and replaced by annexation and Administration by England-as-UK.

Other UK-administered territories, such as **Gibraltar** and the **Falkland Islands**, remain on the UN list of Non-Self-Governing Territories despite referenda in which their populations voted to maintain British sovereignty. The UN has upheld that self-determination must be assessed not merely based on local voting outcomes but on the broader legal and political structure that defines a territory's status. In both cases, the UK retains ultimate control over constitutional decisions, foreign relations, and defence, preventing these territories from exercising full sovereignty. This situation is directly comparable to Scotland, where Westminster's refusal to recognize an independent Scottish referendum without UK government consent demonstrates a similar lack of full self-governance.

A particularly important precedent is **Western Sahara**, where Morocco claims sovereignty over the territory, yet the UN continues to recognize Western Sahara as a Non-Self-Governing Territory due to the lack of a legitimate self-determination process. Scotland's case shares key similarities, as Westminster's unilateral authority over constitutional decisions prevents Scotland from freely determining its political status. The international legal principle upheld in Western Sahara's case reinforces that a people's right to self-determination cannot be denied by the political or legal structures imposed by an administering power.

These cases collectively support the argument that Scotland qualifies for consideration under the UN decolonization framework. If territories such as New Caledonia, French Polynesia, Tokelau, and Gibraltar remain under C-24 supervision despite varying degrees of self-administration, Scotland's claim for inclusion is both legally sound and politically justified. The existence of a devolved government does not negate Scotland's right to self-determination under international law, particularly when the UK government retains unilateral control over Scotland's constitutional future. By drawing upon these comparative precedents, Scotland's case can be presented as a legitimate and urgent matter requiring UN oversight.

REQUEST FOR RECOGNITION AND INCLUSION IN THE UN LIST OF NON-SELF-GOVERNING TERRITORIES

In light of the legal arguments and historical precedents outlined in this petition, Justice pour Tous Internationale (JPTi) respectfully submits this Advance Notice of a formal request to the Special Committee on Decolonization (C-24) to take the necessary steps to recognize Scotland's status as a Non-Self-Governing Territory under the framework established by the United Nations. The principle of self-determination enshrined in the UN Charter and successive General Assembly resolutions obligates the international community to ensure that all peoples subjected to external control are afforded a legitimate pathway to determine their political status free from obstruction by an administering power.

Given the compelling evidence demonstrating Scotland's continued governance under external authority, its lack of full self-government, and the systematic denial of its right to self-determination, the formal request will urge the C-24 to take the following actions: First, that Scotland be formally recognized as a Non-Self-Governing Territory within the UN decolonization framework, in accordance with the legal criteria set forth in Resolution 1541 (XV) (1960) and the principles articulated in Resolution 1514 (XV) (1960). The evidence presented in this submission establishes that Scotland satisfies the requirements for classification as a territory that has not yet achieved a full measure of self-government and therefore qualifies for inclusion on the UN list of Non-Self-Governing Territories.

Second: that the C-24 recommend to the United Nations General Assembly that Scotland be placed on the official UN list of Non-Self-Governing Territories. Precedents such as New Caledonia, French Polynesia, and Tokelau demonstrate that territories with distinctive legal, historical, and political identities - despite being administered by larger states - may be granted recognition under the decolonization framework when clear evidence is provided that their self-governance is restricted or denied. Scotland's continued subordination to Westminster's legislative authority, the UK Supreme Court's ruling against Scotland's right to hold a self-determination referendum, and the absence of any legal mechanism by which Scotland can exercise a unilateral exit from the United Kingdom all underscore the necessity for UN intervention.

The failure of the UK government to fulfill its obligations under Article 73 of the UN Charter further justifies Scotland's inclusion as a Non-Self-Governing Territory. We shall request that the United Kingdom, as the administering power, be formally reminded of its obligations under **Article 73 of the UN Charter**, which requires all Member States administering Non-Self-Governing Territories to submit regular reports to the United Nations on the political, economic, social, and educational conditions of such territories. The UK submits such reports for territories like Bermuda and Gibraltar but has not done so for Scotland, despite clear evidence that Scotland lacks full self-government. The UK has systematically refused to acknowledge Scotland as a Non-Self-Governing Territory, despite Scotland's distinct legal and political

identity and the growing democratic mandate for self-determination. This selective application of international obligations highlights the need for UN intervention to ensure consistency in the recognition of dependent territories. Should Scotland be formally placed on the UN list of Non-Self-Governing Territories, the UK would be required to fulfill its reporting obligations, providing transparency on its governance over Scotland and facilitating an eventual process of decolonization under international supervision.

In light of these considerations, Justice pour Tous Internationale will urge the Special Committee on Decolonization to initiate proceedings for the recognition and inclusion of Scotland in the UN list of Non-Self-Governing Territories in accordance with its mandate. Doing so will uphold the United Nations' commitment to the principles of self-determination, ensure compliance with international legal obligations and provide the Scottish people with a legitimate pathway to determine their own political future under the established decolonization framework. Justice pour Tous Internationale (JPTi), therefore, respectfully advises that it will request the following actions in accordance with the mandate of the Special Committee on Decolonization (C-24):

1. That Scotland be formally recognized as a Non-Self-Governing Territory under the UN decolonization framework.
2. That the C-24 recommend to the General Assembly that Scotland be placed on the list of Non-Self-Governing Territories.
3. That the UK be formally requested to fulfil its reporting obligations under Article 73 of the UN Charter regarding Scotland's political and constitutional status.

CONCLUSION

Scotland's political and constitutional status within the United Kingdom meets all established criteria for recognition as a Non-Self-Governing Territory under international law. The historical circumstances of its incorporation into the UK, the lack of a constitutional mechanism for unilateral withdrawal, and the repeated suppression of its right to self-determination all substantiate the claim that Scotland remains under external governance and domination. The evidence presented in this petition demonstrates that Scotland fulfils the conditions outlined in **UN General Assembly Resolution 1541 (XV) (1960)**, as it is geographically distinct, possesses a unique legal and cultural identity, and has been systematically denied full self-government.

Furthermore, the UK government has actively obstructed Scotland's right to self-determination, in contravention of **UN General Assembly Resolution 1514 (XV) (1960)**, which explicitly states that "all peoples have the right to self-determination" and that the "subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights."

The refusal of the UK government to permit a legally binding independence referendum, coupled with the ruling of the UK Supreme Court preventing Scotland from unilaterally deciding its future, reinforces the claim that Scotland does not exercise a full measure of self-government and is therefore subject to external control.

The Special Committee on Decolonization (C-24) has been entrusted with the responsibility of identifying and addressing cases where the right to self-determination is being

denied. By the 10th of March 2025, JPTi will formally request that Scotland's case be given due consideration in advance of the petition requesting that appropriate steps be taken to include Scotland in the UN list of **Non-Self-Governing Territories**. By doing so, the UN would uphold its decolonization mandate, ensure compliance with international legal principles, and affirm the Scottish people's right to determine their own political future through a transparent and legally recognized process.

In anticipation of the coming petition, JPTi urges the **Special Committee on Decolonization**, in accordance with the commitments of its mandate, to investigate the question of Scotland's status as a dependency, not a voluntary partner integrated within a larger state, and to consider the necessary procedures for Scotland's recognition as a Non-Self-Governing Territory. Ultimately, by this action the UN will ensure that Scotland's case is addressed under the established UN framework, reaffirming its commitment to **self-determination, decolonization, and the promotion of fundamental human rights**.

Submitted by:

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Yours sincerely,

Sharof Azizov

Executive Director

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