

Liberation Scotland Committee
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03 August 2026

Dear Sir / Madam,

Re: Formal Complaint regarding the 2nd Report, 2026 (Session 6) of the Constitution, Europe, External Affairs and Culture Committee (SP Paper 1030) of the Scottish Parliament.

In February this year, the Scottish Parliament's Constitution, Europe, External Affairs and Culture Committee (now the Europe, External Affairs and Culture Committee), published its report, 'Options for a legal mechanism for triggering any independence referendum' (SP Paper 1030, 27 February 2026).

In the course of compiling this report, the committee took formal submissions from twelve legal 'experts' and the UK government. These formed the basis of the final report. Although dissenting evidence / argument was submitted, only the formal submissions informed the final report and its conclusions. Those submissions are now available online with links from within the report.

One of those submissions, by Professor Aileen McHarg, specifically mentions Sara Salyers and the Salvo article, 'The Treaty Bites Back' and the organisation Liberation Scotland by name. Professor McHarg dismisses the arguments of both as 'selective' and 'inaccurate' based on a failure to understand the constitutional issues:

It has also been argued that the people of Scotland enjoy popular sovereignty under Scots constitutional law, guaranteed by the Claim of Right 1689.¹¹ However, this argument rests on a selective and in some respects inaccurate reading of Scottish constitutional history. While ideas of popular sovereignty were certainly present in Scottish constitutional discourse prior to the Union, the 1689 Claim of Right does not create or affirm any *legal* doctrine of popular sovereignty, nor specify any mechanism by which it is to be exercised. Again, it seems highly unlikely that a court would give any weight to such a claimed historical right in preference to clear modern authority about the location of sovereign authority within the UK constitution.

¹¹ See S. Salyers, *The Treaty Bites Back: A "Forgotten" Constitution, Scotland's Claim of Right* (Salvo, 2022).

Finally, an organisation called Liberation Scotland is trying to persuade the UN "Committee of 24" (the Special Committee on Decolonisation) to accept that Scotland is a "non-self-governing territory" (i.e., a colony) within the meaning of UN Resolution 1541 of 1960.¹⁷ If successful, this would also create a legal right to become independent, binding on all states including the UK. Once again, though, this argument appears entirely speculative, since the UN has never applied the category of non-self-governing territory to anything other than overseas possessions and because Scotland has conventionally been understood to be an integral part of the UK state, rather than a colony. The argument that it is in fact a colony thus rests on another selective interpretation of our constitutional history.

¹⁷ legalbase.

It seems extraordinary to us that these pronouncements, at once sweeping, dismissive, disputed by senior legal counsel and, in each instance where she provides an argument for her dismissal, factually incorrect, should be published without challenge or reservation by the Scottish Parliament. Within this context, these assertions appear authoritative and trustworthy because trusted by the Parliament. No caveat is offered to suggest that they should not be so regarded.

We were given no notice of the inquiry, no notice that we had been cited in the submission in a way that does reputational damage and no right of response. These errors and accusations, however, which we strongly contest, now sit in the public domain.

As a result, in our view:

- serious error and omission - which speak to the same lack of understanding of which we are accused - now occupy a position which calls for public trust while the credibility of our own arguments and reputation are unfairly damaged. (We will be glad to supply confirmation of this from legal counsel);
- the position given to Professor McHarg's submission - as a trusted and authoritative source - deliberately undermines our own work and in particular, accurate, legitimate and credibly supported constitutional arguments;
- the reliance of the Committee on Professor McHarg's assertions may appear to readers of the report to provide 'reliable evidence' against our credibility, unfairly undermining our reputation and our campaign;
- And since, unlike the Committee or its experts, we depend on donations, this may damage the income stream on which our campaign depends;

We also note that, because it is published by the Scottish Parliament, the publication of such a reputational attack takes on the unfortunate appearance of a one-sided assault by a very well-resourced and publicly funded parliamentary Committee against a weaker and far poorer pro-independence, voluntary Scottish organisation.

We therefore composed a detailed response to the Committee Report and wrote to the Clerks of the Committee on 23 July (refer our letter and response attached). This did not not ask for an apology but, in the interests of the fairness, transparency, honesty and even handedness on which the parliament claims to base its operation, a right of reply in the form of a link within the same document and on the same site, to our own response.

The reply we received was that the inquiry was complete, the report published and no further evidence would be accepted or published.

This entirely ignores the issue of reputational damage and any obligations arising therefrom. It compounds the original injustice, consciously maintaining a public denigration of the work of Sara Salyers, of Salvo and of Liberation Scotland, while preventing any challenge to that denigration or its possible ill effects for our arguments and reputation.

We therefore ask that you take into consideration the following points set out in our reply to the Clerks of the Committee:

- You stated: *The inquiry that you mention was undertaken by the previous committee in session 6 and is now closed. As such, we do not intend to publish additional evidence to a former committee's inquiry.*

We did not seek to submit late evidence to an inquiry that is now closed. We wrote a detailed response to a dismissal, on erroneous grounds, of our work our understanding of the issues and, by implication our credibility in the form of a response to the finished and published report. We sought a right of reply - through this response - to a formal submission, published and now permanently in the public domain, which does reputational damage to this organisation and to Sara Salyers personally.

- You stated: *You are free to publish any of the correspondence you have sent us on your own website and circulate directly to new members.*

We will certainly do so, but this will not counterbalance nor compensate for the publication of Professor McHarg's derogatory comments.

- You stated: *The inquiry in question was publicised on the then committee's website, as was all evidence received at the time as well as the final report and the responses from both governments to the findings.*

However, and wherever, the inquiry was publicised, it is neither our responsibility nor within our capacity to comb through all documents pertaining to all any inquiry in which we might have an interest in order to ensure that no damaging or defamatory statements are included about the reliability or competence of this organisation, its officers our campaign. It is your responsibility to ensure that such references are removed prior to publication or else to offer a right of reply.

While we are sure that none of this is intentional, we are certain that a fair consideration of these circumstances will recognise and acknowledge their inherent injustice, the serious imbalance of power they represent and the appearance of discriminatory practice and abuse of privilege which must be as unacceptable to you as to us.

We therefore request two things.

Firstly, the addition of a supplementary 'rider' to the published report and submissions, explaining that the response (attached) represents a right of reply to remarks within the submitted, and accepted, evidence. (As no other evidence or argument submitted to the Inquiry was considered for inclusion, we do not look for our response to be added to what has been treated as extraneous material. We seek parity with the offending submission.)

Secondly, and without prejudice or admission of wrongdoing, an apology is certainly warranted.

We look forward to hearing from you and to receiving your proposals for remedy.

Yours faithfully,
Diarmid Jamieson
Secretary

Liberation Scotland Committee

Attachments:

- LSC Correspondence with Clerks of the Committee
- Response of Liberation Scotland to the 2nd Report, 2026 (Session 6) of the Constitution, Europe, External Affairs and Culture Committee of the Scottish Parliament.