

Scottish Self-Determination: International Law and International Pressure

Sara Salyers on behalf of the Liberation Scotland Committee 16 Aug 2026

I am grateful to the National for this chance to respond to recently published criticisms and misrepresentations of Liberation Scotland's campaign to obtain international recognition of Scotland's right to self-determination through the UN and to restore her historic standing as an independent and sovereign state.

Firstly, the roadblock to the restoration of Scotland's statehood is *not* a lack of a majority of Scots in favour of independence, but the intractability of a British state which has always avoided any unambiguous definition of Scotland's constitutional status and has only ever offered an engineered opinion poll in place of a constitutional referendum (and has ever since refused a repeat even of that 2014 charade). How to move past it?

Robin McAlpine rightly says, "the only thing which can make someone in power do what they don't want to do is sustained political pressure." Domestic pressure, however, has always and entirely failed us, as evidence the 56 SNP MPs returned to Westminster and umpteen referendum mandates which have made no difference. A 2 million strong petition for home rule in 1950 was ignored by the UK government for 50 years. Only international pressure (at the Council of Europe) finally forced the governments of Major and Blair to accept Scottish devolution, and international pressure remains the key lever to force a British state increasingly dependent on Scottish resources for survival, to honour Scotland's rights in international law.

This is why ignoring the available international pressure points is as irrational as it is inexplicable, especially as Scotland can leverage so many claims including:

1. The UK's own admission of Scots' right to self-determination (Marc Weller, 2021);
2. The same right under the sovereignty reserved to Scots by the 1689 Claim of Right (a legal precondition of the 1707 Union), international by definition and frequently referred to in constitutional questions e.g. prorogation of Parliament, legitimacy of the Supreme Court, as an active obligation of the UK state;
3. The annexation of 1707 and the fraudulent Treaty of Union - never given effect and therefore legally inoperative – as unequivocally identified by Professor Robert Black KC (2025) *inter alia*.

This last is capable of entirely removing the roadblock of Westminster control over Scottish self-determination. This is because it removes Scotland from the category it is currently understood to occupy, that of a territory within a legitimate, unitary state for which the only lawful route to independence is negotiated secession, and places it firmly in the category of a 'dependency' or colony. (UDI by a territory within an internationally recognised state would be formally contested, putting Scotland into a kind of limbo status as a 'non state actor' as happened to Kosovo).

This is what keeps Scots dependent on Westminster agreement for recovery of its long paused sovereignty. This is what the reality of Scotland's annexation in 1707 changes.

What is a colony? The designation of a territory as colony, dependency or Non-Self-Governing Territory is not a matter of geographical, racial or cultural identifiers but of legal definition. The Baltic states were just as much 'colonies' of the USSR as a 700 year old, fully developed European state of Scotland annexed by the British state. The markers of Scotland's colonisation at the hands of the English Political/Military establishment constitute a 320 year long, well documented, history. It's strange absence from public discourse in contemporary Scotland represents a form of colonial amnesia.

The right to external self-determination, as noted by the International Court of Justice, (Kosovo ruling 2010), applies to "non-self-governing territories *and* peoples subject to alien subjugation, domination and exploitation". This right is '*jus cogens*' - a fundamental rule of international law from which no state is permitted to depart.

National self-determination may be legitimately achieved through:

- Emergence as a sovereign independent State: Creating a totally separate, self-governing nation.
- Free association with an independent State: Joining in a voluntary partnership where the group keeps separate political status.
- Integration with an independent State: Merging fully with an existing nation on an equal basis (Friendly Relations Declaration (Resolution 2625) 24, Oct. 1970)

The choice must be made by the people themselves without outside interference, pressure, force, fraud or deception. (Think of the 2014 'referendum' in this context.)

Scotland can be only one of two things:

1. A voluntary partner in the historic event (treaty) that created a new kingdom and state of Great Britain, (now the UK), distinct from either England or Scotland or
2. A dependency of England-renamed, subject to the foreign sovereignty of the English Crown and Parliament which now administers it. (This would constitute an act of colonisation, something the passage of time cannot legitimise in international law.)

Which of these Scotland is, depends on the truth or falsehood of the British state's claims that:

"...Scotland is a nation and voluntarily entered into Union with England as a partner and not as a dependency," (Royal Commission on Scottish Affairs 1952 – 1954.)

The United Kingdom's constitutional arrangements are founded on the Treaty of Union, agreed in 1706 and enacted through the Acts of Union in 1707. These historic agreements established the Parliament of Great Britain, now the Parliament of the United Kingdom, (Submission from the UK Government to the Scottish Parliament's Consti-

tution, Europe, External Affairs, and Culture Committee Inquiry into options for a legal mechanism for triggering any independence referendum, November 2026.)

This constitutional, 'origin myth' is designed to give the UK state the appearance of having been founded through a voluntary surrender of sovereignty. Without an operative, voluntary agreement, i.e. an operative and ratified treaty, however, the British narrative fails.

In fact, the 1707 Union was achieved by threat of English military invasion, bribery of Scottish elites and against the wishes of the overwhelming majority of ordinary Scots. Above all however, it was accomplished by the stratagem of a treaty ratified but never enacted, its terms violated immediately and continuously ever since.

The absence of an operative treaty, that is, the substitution of English sovereignty for the treaty stipulation of a joint crown/kingdom and the imposition of that sovereignty by force, occupation, genocide ('slaughter and famine by order'), and ethnic cleansing, clearly identifies Scotland as a dependency, almost exactly like Ireland. The de facto evidence of many other colonial 'markers' completes the picture.

The implications are critical. International recognition that Scotland is a dependency will not deliver independence nor is it a 'short cut' to independence. What it will enable is effectively a legal declaration of UDI whenever the majority of Scots, (not recent arrivals, not second homeowners, not temporary workers, students or military personal), so decide.

This is what we are campaigning for internationally, forging friendships and alliances in the process including with other nations not yet listed as NSGT's and which, like us are lobbying for that recognition. All independence seeking nations do this. The only peculiarity about the Scottish campaign is that it took until 2025 to appear. As an added bonus, we are 'warming the seats' for the official delegates who will eventually represent an independent state of Scotland at the UN.

So what on earth could it be about this campaign that deserves the hostility of independence establishment figures rather than their support?