



## Liberation and the Scottish Case Against the State of England Representing Itself as 'the United Kingdom'

### Context

Traditional Liberation movements are 'party political', many have been military groups. Liberation Scotland is untypical; it is a peaceful movement, launched in September 2022, which does not seek to become a political party. In common with all other Liberation Movements, however, it seeks the decolonisation of a nation and the restoration of its national identity and rights.

### Scotland the Anomaly

Notwithstanding the fact that it meets every recognised marker for a colonised nation, Scotland is presently understood to have chosen voluntary integration with an independent state (England) through the Treaty of Union of 1706/1707. The provision of a devolved national Parliament at Holyrood, in 1999, giving Scotland a measure of limited home rule, supports that understanding. The right to withdraw from that Union is also widely held to have been met by a national referendum in 2014.

These representations of Scotland's position as a voluntary partner within an integrated state, the United Kingdom of Great Britain and Northern Ireland, are demonstrably false. We are committed to:

- establishing the true status of Scotland as an annexed nation, (a dependency rather than a nation voluntarily integrated into a larger state)

- obtaining Scotland's listing with the C-24 Committee of the UN for decolonisation

- ensuring the internationally recognised right of self-determination

- reclaiming the constitutional rights of the people of Scotland which continue to be abrogated by the state of England in violation of its international obligations and the obligations to which it pretends under the abrogated and inoperative, Treaty of Union, (the 'partnership agreement' between England and Scotland)

- restoring the right to exclusive control and management of her own, sovereign territorial assets and

asserting the right to restitution for the seizure and exploitation of these assets over many decades.

The primary case against the state of England, (under the name of the United Kingdom of Great Britain and Northern Ireland), is based on the obligation of states, enshrined in international law, to refrain from colonisation and to restore the sovereignty of any dependencies. This case has been deliberately obscured by the English state, however, through the misrepresentation of both Scotland's constitutional character and its own, at domestic and international levels, as forming part of a single 'United Kingdom', created in 1707 through a voluntary partnership. The representation of Scotland as a voluntary partner in a union, places Scotland within the category of a nation, 'voluntarily integrated into a larger state' rather than that of the English dependency it really is, both in constitutional law and de facto.

While representing itself as a partner in a voluntary union between two kingdoms, the English state has demonstrably annexed and subjugated the nation of Scotland in a manner indistinguishable from its treatment of its other dependencies, including obtaining control of the territory and people of Scotland through a treaty which it discarded upon ratification, the extinction of the Scottish state and the continuation of the English, the imposition of English rule under the English Crown over the people of Scotland and the sequestration of Scotland's territorial assets through a foreign sovereignty, that is, in right of the English Crown.

These conditions continue to apply today.

The sovereignty of the people in Scotland over their governing bodies is a fundamental, Scottish constitutional provision, recorded from 1310 AD in the Declaration of the Clergy and People, the Declaration of Arbroath (1320) and the Claim of Right Act, 1689, upheld by numerous statutory provisions over the centuries and guaranteed under the constitutional settlement underpinning the union with the England.

The restoration of this sovereignty is a right of the people of Scotland and corresponds with the international right of self-determination currently withheld from Scotland by the so-called, 'UK' state. Further, the right to the exclusive control of our territorial assets assured even by the limits of the Treaty with England, the 'partnership agreement' by which the Anglo-British state claims Scotland entered into a union, will relieve the poverty and destitution inflicted on this nation by three centuries of colonisation, (intensified by the present Westminster policy of austerity for the poor and privilege for the wealthy), and will restore the economic and social equity which, along with the sovereignty of the people, underpins the Common Good principle of Scotland's historic constitution.

## The Misrepresentation of Scotland in the 'United Kingdom' - Summary Legal and Constitutional Case

Scotland is a distinct and historic nation. It remains a recognised nation within its own territorial boundaries today whilst the Scottish people are a distinct people for the purposes of international law. Scotland is also, however, an unrecognised kingdom and, though hidden in plain sight, one of the last remaining dependencies - a Non-Self-Governing-Territory.

### The 'Partner' in a Union

In 1707, Scotland was 'joined' with England following the signing of the Treaty of Union and the ratifying Acts of the Parliaments of those two nations. The state known as the United Kingdom of Great Britain and Northern Ireland has long represented itself as having been created by this distinct, legal and constitutional event, (rather than by the usual 'de facto genesis').

Following the wave of decolonization which followed the establishment of the United Nations Charter in 1945, the British government has used this account of its origin to argue, successfully, that Scotland enjoys a 'partnership' relationship within the state of the United Kingdom of Great Britain, which it is said to have co-created with England. (A partnership is necessarily defined by a formal, mutual agreement which confers rights and obligations on both parties.)

"...Scotland is a nation" which "entered the union as a voluntary partner and not as a dependency." (Royal Commission on Scottish Affairs 1952 – 1954.)

The history of the creation of the United Kingdom and of the 'partner in the union', however, is a fiction.

The Treaty of Union, 1706 -170, negotiated between two sovereign and long-established states, (England est. 1066, Scotland est.843 approx.), is the distinct, legal and constitutional event by which the state now known as the United Kingdom of Great Britain claims to have been established. The treaty provided for the establishment of a new state through the merger of the kingdoms of England and Scotland into one, new kingdom.

In 1707, both nations were represented by a crown, irreconcilably different, constitutionally, in each nation. Both had parliaments, councils and conventions; both engaged in international diplomacy and treaties. Scotland, with three separate parliaments each with distinct responsibilities, had long established trading 'colonies' (*not* settler colonies), across Europe as far as Russia. (These evolved into the trade embassies of the modern world.) In other words, the norms of European treaty obligation and rights were fully recognised by both parties.

The Treaty of Union is the sole basis of the claim that Scotland entered a union with England as a partner *and not as a dependency*. But this treaty, the partnership agreement, is inoperative. Its primary effects remain unrealised. They have been replaced with the annexation of Scotland by England, legally and constitutionally, for which no authorising agreement exists.

#### The Treaty of Union of 1706 – 1707

The Treaty of Union 1706 – 1707 provided for the creation of an entirely new state, to be established through the voluntary amalgamation and dissolution of the two pre-existing ones, specifically:

1. The creation of a new, single kingdom of Great Britain which, because a kingdom is simply the territorial jurisdiction of crown, required a new, single crown to replace the two former crowns and kingdoms of England and Scotland
2. The creation of a new Parliament of the new kingdom of Great Britain in place of the two former parliaments
3. The creation of a new state, represented by a single conjoined Crown, Parliament and government
4. The preservation of the Scots constitution within the new state as codified, (in an abbreviated form), by the Scottish Claim of Right Act, 1689.

These are the principle and fundamental conditions, purposes, actions and effects of the treaty. However, Liberation Scotland can show conclusively and beyond any doubt that:

- No new, united, Crown and so no new, united kingdom was ever established.
- No new parliament was ever established. Scotland's parliament was abolished. England's should also have been abolished so that the new parliament could be established. It was not. It continued, unaltered except in name.
- The distinct, legal and constitutional event described by the Treaty and Acts of Union and by British constitutional lawyers has never taken place. The 'new state' as described by the Treaty and by British legal orthodoxy has not come into existence. Rather, the state of England has continued by the name of Great Britain, now the United Kingdom of Great Britain, constitutionally unaltered except by the addition of Scotland to its domains

Thus, the English 'partner' rendered the Treaty and Acts of Union inoperative from the outset. Without an operative treaty, the representation of Scotland as a partner in the UK, that is, a partner in the creation of a state through the voluntary amalgamation and dissolution of the two pre-existing ones - is unsustainable. Further, in place of the principle and fundamental purposes, actions and effects of the treaty, (1, 2 and 3), and of the conditions of the treaty (4):

- Scotland was added to the English Crown: ‘the English coronation oath was extended to Scotland’<sup>1</sup>. Thus Scotland became an English Crown dependency, an act of colonization represented as ‘unification’
- Although the Scottish Crown remains legally and constitutionally extant, conferring exclusive ownership of its territorial assets on the people of Scotland, England’s rule was extended over Scotland. The English Crown has ‘Administered’ the rights and assets of the Crown and people of Scotland since 1707
- The Scottish Parliament was abolished by royal decree in preparation for the new Parliament of Great Britain. The English Parliament, however, was not but continued under the name of the Parliament of Great Britain.
- The ratifying Acts of Union passed by the Parliaments of the ‘former kingdoms’ and which applied to England and Scotland respectively, could not apply to a new Parliament and kingdom of Great Britain. The new ‘British’ Parliament, however, did *not* adopt these two Acts as would be required of a parliament for a single, ‘merged’ or combined kingdom. Instead, demonstrating that the Parliament of the United Kingdom of Great Britain is that of England in all but name, it retained the two Acts of the two former parliaments. The ‘governing’ Act is that of the English Parliament as Scotland’s was abolished.
- Scottish representatives were added to the English Parliament instead of to a new Parliament of ‘Great Britain’, (in the manner of the addition of the representatives of colonized Ireland in 1800)
- English constitutional tradition is imposed on Scotland in violation of the constitutional provisions of the Claim of Right Act, guaranteed to Scots as a condition of the union
- Every article of the Treaty and Acts of Union is violated, demonstrating the true status and purpose of the Treaty of Union, always and only to add the nation of Scotland to England’s territories under the pretext of a ‘union’.

These alternatives to the treaty, actions which unambiguously replace the agreed terms and effects of the union and for which no agreement exists of any kind, establish beyond doubt that no partnership exists. The true relationship between Scotland and England-as-Great Britain, or UK, is that between a dependency and an Administering Power.

“We have catch’d Scotland and will bind her fast”, was how the Speaker of the English House of Commons responded to the signing of the Acts of Union. He spoke truth. After 318 years, it is time for Scotland to be set free.

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<sup>1</sup> House of Commons Library