

## No Route to Self-Determination

The UK government has declared that Scotland is not a colony or dependency by virtue of the fact that it is a partner in the union. But Scotland never entered the union with England in 1707 as it is described in a Treaty which remains unrealised. Instead, it was swallowed by the state of England.

Scotland is a colony. There is no other possible characterisation. And this has huge implications. Because it remains unrealised, the Treaty of Union is inoperative and because the treaty is inoperative, there is no authorising instrument for the union, defining Scotland's rights, obligations and status within this thing called the UK. Nor is there:

- Any remaining legal effect for a treaty that has never been implemented
- Any binding, mutual contract to dissolve.
- Any right of secession from a treaty whose terms cannot be broken or violated because it has never come into effect.
- Any legal framework within which secession could be negotiated
- Any continuing principle of mutual consent, (because substituting annexation for the terms of the treaty disposed of the mutual consent principle three centuries ago)
- Or any legal mechanism to force the administering Power to permit Scots their right to self-determination.

This is a practical and fundamental obstacle to independence for Scotland via a 'negotiated withdrawal' based on dissolving the Treaty of Union and seceding from the union. It is not possible to dissolve a treaty which has never come into effect. It is not possible to negotiate secession from a union that has never existed. It is not possible for the people of Scotland to exercise their right to self-determination by negotiating an end to a legal fiction.

No matter what kind of democratic event might be organised in Scotland, so long as the constitutional fairytale of the partnership state continues, it will always result in the contradiction of trying to negotiate with a mist, a fog of language behind which there is nothing solid. Where there is supposed to be a partner, Scotland has an administering Power. Should the people of Scotland wish to end this condition, the negotiation that follows a democratic event must be for the withdrawal of the administering Power from Scotland.

Meanwhile, with its never-implemented Treaty in hand, the Anglo-British state continues to treat Scotland as exactly what it is, a territory under its control. More than 60 former British colonies have achieved independence, every one unique, yet every one sharing a common core of devastating colonial impacts. Liberation was their route to freedom and recovery and it must be Scotland's.

This is now urgent: we are not merely a technical colony. Scotland is being stripped bare, impoverished for the benefit of the elites while our people remain among those Fanon called 'the wretched of the earth'. We are in a race to save our people, our future, our nation and everything that makes Scotland Scottish not British, before Scotland and all it could offer its own people and the world, is erased for good.