Scotland’s Constitutional Status Revealed as Legal Fiction: Experts Confirm Basis for UN Decolonisation

Sunday 1 June, 2025

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DUNFERMLINE, SCOTLAND – A distinguished panel of legal experts and scholars gathered at the landmark *"Next Steps for Scottish Sovereignty"* conference in Dunfermline (16–18 May 2025), unveiling significant constitutional findings: the historical union of 1707 between Scotland and England, forming the legal foundation of the United Kingdom, is effectively inoperative. This revelation provides compelling legal grounds for Scotland’s international recognition as a Non-Self-Governing Territory (NSGT)—in other words, a colony—under the United Nations decolonisation framework.

The panel—comprising Sharof Azizov, Executive Director of the Geneva-based human rights NGO Justice pour Tous Internationale; Professor Robert Black KC FRSE, Emeritus Professor of Scots Law at Edinburgh University; Professor Alf Baird, scholar and author specialising in colonial studies; Craig Murray, former British diplomat and ambassador; and Sara Salyers, Director of the civil society organisation Salvo—presented rigorous legal arguments and historical documentation demonstrating that the constitutional arrangement underpinning the United Kingdom may never have been lawfully established.

Core Findings Presented:

The panel concluded that:

- The 1707 Treaty of Union and its ratifying Acts were never effectively implemented. Scotland did not become a partner within a new, unified British state; rather, it was annexed into an unchanged English constitutional framework, concealed by the symbolic renaming of England as the *"Kingdom of Great Britain."*

- Consequently, Scotland was territorially subsumed, its sovereignty extinguished, and its institutions dissolved or subordinated. This has led to enduring consequences, including cultural suppression, economic underdevelopment, demographic distortion, and constitutional subordination.
- The 'union' between Scotland and England is a legal fiction.

Professor Robert Black KC FRSE, renowned for his pivotal role in the Lockerbie trial, made a groundbreaking statement challenging established legal narratives:

"No conscientious and impartial lawyer reviewing the events surrounding the 1707 arrangements could reasonably conclude that Scotland and England created a new, united sovereign state. The objective evidence indicates that Scotland ceased to exist as a sovereign state in international law and was annexed into an extant England, merely cosmetically renamed. Scotland’s contemporary status, therefore, is not that of a partner in a union, but rather a territory absorbed and governed externally—subject to exploitation by the larger power for its own purposes."

Sara Salyers, Director of Salvo, clarified the legal implications:

"Negotiating withdrawal from a treaty and union that never legally existed is impossible. It is not Scotland that must withdraw—it is England, as the administering power, that must withdraw from Scotland. This crucial distinction highlights that the only viable legal pathway to Scottish independence is through a formal decolonisation process supervised by the international community."

Professor Alf Baird, referencing extensive research documented in his book *"Doun-Hauden,"* provided compelling evidence of Scotland’s colonial condition through persistent indicators including economic subjugation, cultural marginalisation, demographic engineering, and psychological suppression:

"The forensic evidence overwhelmingly supports Scotland’s classification not as a willing partner, but as a colonised nation - precisely matching the United Nations’ established definitions and criteria for Non-Self-Governing Territories."

Craig Murray, former British diplomat and ambassador, reinforced the case by highlighting Scotland’s distinct international identity and diplomatic history, underscoring the legitimacy of its claims under

international law. Drawing from extensive personal diplomatic experience, Mr. Murray affirmed that Scotland's quest for decolonisation aligns entirely with established international legal precedents and practices. He called upon the international community to acknowledge Scotland's right to self-determination, emphasising that recognition of its colonial status is not only legally justified but morally imperative, ensuring Scotland's voice is heard clearly at the United Nations.

Sharof Azizov, Executive Director of Justice pour Tous Internationale, outlined the legal criteria and procedural steps currently pursued through the UN Special Committee on Decolonization (C-24):

"Decolonisation is not an act of protest - it is an act of justice. It affirms that no people shall be denied the right to determine their political status or pursue their economic, social, and cultural development free from external domination.

Scotland has waited long enough. It is time to follow the legal path to freedom."

Legal Basis Under International Law:

The experts confirmed Scotland meets all conditions established by UN General Assembly Resolutions 1514 (XV) and 1541 (XV), clearly outlining the right to self-determination and criteria for Non-Self-Governing Territories:

- Geographic distinctness from the administering power (England);
- Cultural and linguistic uniqueness, including the indigenous Scots and Gaelic languages;
- Absence of full self-government, evidenced by Scotland's lack of sovereign control over foreign policy, defence, and monetary affairs.

These facts conclusively establish Scotland's position not as a voluntary partner in a union, but as a territory administered externally, warranting formal recognition and protection under international law. The United Kingdom, as the administering power, has clear obligations under the UN Charter - obligations it has historically neglected.

Justice pour Tous Internationale, along with Liberation Scotland, Salvo, and international allies, will now advocate vigorously for Scotland's formal classification as a Non-Self-Governing Territory within the United Nations framework, ensuring the UK government adheres to its international obligations and supports an internationally supervised decolonisation process.

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