



Global Land Forum 2015

Scotland: Winning progress in land reform and community land rights

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Scotland, UK





Scotland

- Largely autonomous nation within UK
- Parliament (1999) with legislative competence over land
- Population: 5.2 million
- Land mass: 77,900 sq km
- Most land privately owned
- Agriculture: 5.6 million ha (73% of land mass)
Agricultural types:
Farming (medium to large scale)
Crofting (small scale: ave 5 ha)
- Forestry: 1.4 million ha
State owned (34%)
Private owned (66%)



Crofting areas map of Scotland, Scottish Crofting Federation





History of land struggles

- Land `grabbing' in centuries past by wealthy elite
 - “The poor had no lawyers.”
- Less than 0.01% of population own 50% of private land
- Largest private owner: owns 100,000 ha
- Large scale private ownership = control, power and wealth concentrated in few hands
- 1800s - mass evictions of crofters from the land by owners
 - Riots
 - Land occupations (raids)
 - Political action
 - Independent Commission
 - 1880s - first legislation to protect individual crofters
 - security of tenure/ fair rents/succession
- Early 20th century – some state compulsory purchase to create new crofts



Land as a privately owned asset

- Owners protected their interests through political networks
- UK Parliament - House of Lords - for centuries landowner controlled
- Individual property `rights' protected by law
- Much ownership `hidden' in overseas companies
- 19th century to today:
 - Land traded between rich elites
 - Much land for private pleasure, eg, hunting
- Some land bought for conservation
- Communities had no land rights
- Significant economic and population decline in many rural areas



Land ownership – a cause of discontent

- Throughout 20th century
 - Political activists wrote about the need for land reform
 - Minority interest
 - Little action toward change
 - Few realised how Scotland was different in land ownership patterns
- Rural economic and population decline was increasingly linked to the land ownership
- Communities wanted different things than land owners
- Communities wanted sustainable futures
- A few private owners having great wealth, while communities declined, increasingly highlighted
- Pressure for land reform - a cause of the left - grew toward end of 20th century



Then communities organised...

- Assynt crofters campaigned to buy their land from bankrupt owner
- Achieved first community purchase of land (10,000 ha)
- Inspired others to follow
- 1997 Labour Government elected in UK (including land reformers)
 - developed policy on land reform
 - established a community land unit and land fund
- Created the Scottish Parliament (1999)
 - significant devolved legislative powers
 - House of Lords no jurisdiction
- Scottish Parliament passed a Land Reform Act (2003)
 - giving first community land rights



Scottish community land rights

- Rural policy – communities under 10,000 people
- Community can register an interest to buy land
 - properly constituted
 - if the community agrees in referendum
- If land comes on to market, they have the right to buy that land
- Crofting communities have a compulsory right to buy land if
 - that would be in the public interest (Minister determines)
 - furthers sustainable development
- Separately the state forestry agency offers some forest land to communities
- A community land fund is available to help purchase
- A community land unit supports communities in their actions to buy
- Today 210,000 ha in community ownership
- Many communities now want to buy



What communities do with the land

- Managing and planting forests
 - Creating new agricultural or forest tenancies
 - Making land available for housing
 - Building and renting homes
 - Generating hydro, wind and PV energy
 - Providing broadband
 - Investing in tourism
 - Local food processing
 - Operating shops and hotels
 - Creating work spaces
-
- They are multi-functional economic and social development agents
 - All profit is retained and re-invested
 - Economically out-performing previous private owners/more jobs
 - Democratically elected governance structure



But progress still limited, so more action was needed

- 2003 Land Reform Act complex
- Only 2% of Scotland in community ownership
- Depended on a willing seller, and much never comes up for sale (except for crofting areas)
- Only for smaller rural communities
- Dedicated community land fund ended (2006)
- Growing awareness of need for more diversity in ownership, to deliver greater social justice
- Community Land Scotland formed in 2011 to:
 - Encourage joint work by community owners
 - Influence public policy for further land reform
- Communities owning land was attracting great political interest
 - early results promising
 - delivering improvement and more sustainable communities
- Scottish Government policy was developing
 - indicated they wanted to see more done to empower communities



Communities lead the debate for more empowerment and land reform...

- Raised the profile of the issues in Parliament and media
- Used Parliamentary devices to encourage debate, lobby for change
- Secured commitment to review the Land Reform Act
- Secured a Government appointed Land Reform Review Group to make recommendations for longer term change
- 2012 Government committed to introduce a Community Empowerment Bill
 - simplify the Land Reform Act 2003
 - create new community rights to take over state and local government land
- Proposals initially modest – campaign for more significant change
- Human Rights thinking - land reform to progress human rights to better standard of living
- Community Land Scotland started to engage with International Land Coalition



What has been won, so far...

- Community Empowerment Bill to become an Act this month
- New community rights to transfer state owned land and property into community ownership
- New rights for communities to influence the delivery of state services to their community
- The community right to buy private land extended to all communities in Scotland
- All communities will have a compulsory right to buy land when the land is:
 - abandoned or neglected, or suffering environmental harm
 - with effects on the sustainability of the community
 - the purchase would be in the public interest (Minister decides)



What has been won, so far...(cont)

- Duty on Government Ministers to have regard to human rights (ICESCR) in making decisions on community land purchases
- New powers to Ministers to support mediation between communities and owners in land transfers
- Community land fund re-established and increased to 12 million Euro per year
- A Government policy to double land in community ownership by 2020
- A 'land agency' to be established to support communities in land purchases



Further commitments

- A second Land Reform Bill later in 2015 to:
- Deliver wider recommendations from Land Reform Review Group
- Land ownership to be viewed as a public interest matter to provide for the common good – no longer just private interest matter
- Create a Land Reform Commission to keep land policy under review
- New measures to open up transparency on who owns land
- Government required to have a policy on land rights and responsibilities in pursuit of:
 - human rights
 - greater social justice
 - more diversity of ownership
- New intervention powers for Ministers over land ownership when the ownership is not acting in support of sustainable development



Land reform – a journey, not an event

- Further land reform now firmly on the political agenda
- More reforming steps have been taken, but more will be needed
- Community land rights in pursuit of human rights now more firmly established in policy and in law
- Happy to share our experience, but want to learn from you

Thank you for listening!

Community Land Scotland - www.communitylandscotland.co.uk/