

SCVO - Human Rights Speech – Land Ownership      26<sup>th</sup> June 2012

Thank you for the invitation to be with you today.

Before I get to my main theme, just a word about Community Land Scotland. We are relatively new kids on the block, being created less than two years ago. We represent the interests of the new generation of community land owners in Scotland, places where the local community have taken full ownership of their land. They have taken large tracts of land out of private and public ownership, and into community ownership. They have been encouraged and empowered by the law to do so, and so far, they have done so with the ultimate consent of the private and public owners concerned.

In Scotland some 500,000 acres of land is now community owned. That ownership is bringing new economic and social opportunities to entire communities so long blighted by decline. These new community owners are entrepreneurs, they are fashioning a powerful new way of tackling age old problems. They are providing an environment in which private enterprise is welcome and flourishing. I want to see more community owners, many thousands more acres, indeed millions of acres, come under local community control. But there are impediments in the way, impediments Scotland needs to address.

My interest today is in property rights, where ownership confers enormous rights and privileges and where that ownership has some measure of protection as a human right, even where it may be argued that that ownership is not suited to the wider interests of the community, "the common weel".

Let me be very clear, I am talking here not about your average home owner, crofter or farmer, but about the vast holdings of land in Scotland owned by very few people indeed, and all too many of them absentee owners. It is a feature of Scotland that it has a land ownership pattern that it is wholly at odds with the norm in Europe. Indeed, much of the world. It is the pattern that gave rise to the 7/84 Theatre Company, so called because the Economist highlighted the fact that in 1966, 7% of the UK population owned 84% of the wealth of which land is a significant element. The proportions in Scotland were probably more extreme than that. 7/84 toured the celebrated play – "The Cheviot, The Stag and the Black Black Oil" – a radical production of the early 1970s, highlighting the need for land reform. Some 50 years later, little has changed, despite some remarkable progress in some places in more recent times.

If one charts the history of land ownership in my part of the world – the Highlands and Islands – is it just a co-incidence, or is it that the 200+ years of decline coincided with the intensification of the private ownership of vast estates. A time when the notion of clan lands gave way to personal ownership, with the title, rights and power going to those individual owners. Those who owned the land, very often and still today, had different objectives to the communities that lived there and depended on various land uses to sustain their community long term. For all too many there was no living to be had, so they left.

Although some complain that we Highlanders dwell on it too much, frequently it was the pattern of large scale private ownership by the few which visited one of the most savage episodes of our history, the clearances, on the many. By no means only confined to the Highlands and Islands where thousands and thousands of honest folk were forced from their lands, their homes burned, as they were dispersed to poor ground or to foreign lands.

It is why huge tracts of the Highlands to this day contain almost no people.

But owning, buying and selling vast acres of land is not just a matter of history – take the Property Section of last week's Press and Journal regarding the sale of a Sutherland Estate. I quote:

"The estate will appeal to the international super rich"

"The asking price for this exceptional property is offers over £8 million, but for that you get a traditional Highland estate with more than 6,000 acres of sporting ground, 2,000 acres of commercial forestry and a spectacular sporting lodge"

"As a playground of the rich, the sale of Gledfield Estate in Ardgay, Sutherland, is expected to attract a lot of interest, not just from locals but from international buyers keen to get their hands on one of the Highlands' most splendid sporting lodges"

I cannot see many local people having the "over £8 million" to put in an offer. It could be that the existing owners of this part of Scotland might have the same objectives as the local community but even if that were so, who knows who the next owners are and what their values might be.

In a wider context, looking to the future Scotland, it seems to me Scots have deep in our collective being the cause of bringing about greater social justice – it seems part of the DNA. The oft used Scot's phrase, we're "aw Jock Tamson's bairns" has within it a sense of common interest, common cause and the notion of equity. Is it possible for Scots to conceive of a future Scotland that does not, explicitly, have greater social justice at its heart? I think not. It is that context that gives just one reason why further land reform must have its place? Can it ultimately be socially just, in looking to Scotland's future, that in 10, or 20, or 50 years, that we will still largely have the land ownership pattern we currently have, and have had for many generations? Should access to our natural resources and economic opportunity not be shared more widely? Shouldn't our land assets be more equitably managed and controlled, more of it owned by local communities and accountable to those communities?

It seems to me inconceivable that the status quo can pertain in an ever more socially just Scotland. This is not about fighting battles of the past.....land reform remains a cause of present and the future. For those who argue we should move on from such ideas, that somehow Scotland has done land reform, we did it in the Land Reform Act shortly after the new Scottish Parliament was formed and there is nothing more that should -be done - they must be wrong.

Despite the very welcome and exciting progress toward change that has been made by the new generation of community owners, it still remains modest by any standards. One can make land reform a principled argument about the landownership pattern being fundamentally inequitable and unjust, limiting opportunity and leaving unaccountable power with a few, over so many aspects of life for so many people. Those, and wider arguments of principle, have been honorably advanced by many campaigners for land reform down the generations, because it is for generations that the cause of land reform has been argued. This is not to say there is no community benefit deriving from the current large scale private ownership, of course there are examples of progressive, enlightened private owners. But to make that a defense of the status quo is rather to miss the point.

I believe all those benefits can come equally from community ownership, indeed they can be exceeded and shared more widely through community ownership and where the objectives of the land use are agreed by local people. But let me set aside arguments of principle that can be made about the need for change in Scotland's land ownership pattern. The practice I have witnessed in recent years is cause enough keep the flame of land reform burning and to be seen by more and more people – like some Olympic torch making its way round Scotland! Through community land ownership I am witnessing the most remarkable change for the better. Communities held back, significantly because of past land ownership, have developed new confidence, are taking responsibility, -and are providing the leadership and initiative to develop – surely more of this can only be good for the future Scotland.

I see population decline being halted and in some cases beginning the long climb back. I am seeing school populations rise, workspace for private enterprises develop, harbours and pontoons being created, old and poor housing being made habitable, land supplied for new housing, new houses being built and occupied by young families, new crofts being created, giving more people a stake in the land. I am seeing renewable energy being generated for local use and for export, and the benefits being invested into further local social and economic advance.

In a community that owns the land and develops the resource, the community wins the proceeds. Looking to the future, the question for me is when individual and public ownership rights need to give way to community rights – the basic human rights for a community to be able to provide housing for its people, to access land for the development of economic opportunity and social advance for the future of their community, their culture. Issues determined by the community, not to serve the interest of a single owner.

Important movement in the law has taken place, notably in the last 12 years. It is now time to examine the lessons learned, what has changed as a result, and what has stayed the same. From my perspective one is inevitably drawn to the conclusion that there needs to be a further re-balancing of the rights of the individual and the rights of communities. No doubt there are many options of how that might be achieved, and the debate on the specifics of that is still to come.

For today, in the context of this discussion about human rights and the future of Scotland, I am content to say that the cause of advancing community rights to own land is unfinished business. It is unfinished business Scotland needs to address if we are to live in a more socially just and collectively prosperous Scotland.

Thank you