

Community Land Scotland - Scotland's community land story, in shorthand...

- Private land ownership dominates
- 'Land grabbing' by wealthy elites in past centuries
- Many small holders (crofters) evicted from land in 1800s
- The poor had no lawyers!
- Today 0.02% of population own over 60% of the private land and forests
- Largest single owner has 100,000ha
- Land ownership patterns concentration power and wealth in few hands
- Communities had few land rights – private individuals and corporations had clear rights
- Significant State forests (approx. 8% of all rural land)

Movement for change ...

- 1800s - riots, land occupations and political actions by ordinary dispossessed people
- Last quarter of 1800s - security of tenure for crofters won
- 1900s - Some State purchases of land to provide land for new smallholdings
- Late 1900s – Assynt crofters collectively buy their land from bankrupt owner
 - Inspired others
 - Injustice of private ownership patterns rises as a political cause
 - Writers exposing who owns Scotland, civic and media campaigns draw attention to need for more land reform
- 1997 – Labour Government elected, with land reform pledges
- 1999 – new Scottish Parliament created with powers over land laws
- 2003 – First Land Reform Act approved, granting
 - right to roam
 - first community land rights
- Today 200,000 ha in community ownership
- More and more communities want to purchase their land

Scotland's Community Land Rights

2003 Land Reform (Scotland) Act

- Grants land access rights – an effective 'right to roam' responsibly - on any land in Scotland
- Grants a Community Right to Buy land, for communities of under 10,000 population, when
 - Community 'register an interest' in land
 - Community approve purchase in local vote of all voters
 - Requires a 'community body' to be formed, with open membership to all residents
- If and when land comes for sale – the democratically mandated community body has the first right to buy the land
- Crofting communities have a '**compulsory**' right to buy land, if
 - The purchase would further sustainable development
 - Is in the public interest
 - Ministers decide on whether to approve application to buy

- Separately, State forestry agency offers some forest land to communities voluntarily

But not enough change happening and law complex for communities...

- Communities campaign for changes to law, empower communities, extend land rights
- Government establishes a Land Review Group which makes significant recommendations for changes in thinking about land and specific recommendations
- Policy thinking about land begins to move from considerations completely dominated by the rights of private owners and the peaceful enjoyment of their land, to recognition that land is a finite and crucial resource that needs to be owned and used in the public interest and for the common good

Community Empowerment Act 2015

- Grants new rights to communities to take over State and Local Government land in particular circumstances
- Requires a 'community body' to be formed and get democratic consent for purchase
- Extends 2003 Land Reform Act's Community Right to Buy to all communities (urban and all rural areas)
- Simplifies the 2003 Act in key respects
- Extends the '*compulsory*' community right to buy to all communities for land which is
 - Wholly or mainly abandoned or neglected, or
 - The management or use of the land is causing harm to the environmental well-being of the community, and
 - If the purchase would further sustainable development and would be in the public interest
 - Ministers decide whether to grant the right to buy upon application by a community body, and Ministers must have regard to the International Covenant on Economic, Social and Cultural Rights in deciding
- Powers to Ministers to support mediation between communities and private owners
- Many of the new rights and provisions of the Act secured after Community Land Scotland and other community based organisations proposed amendments to the Bill.

Further commitments...

- Government policy to **double land in community ownership** by 2020
- Land fund of 12,000,000 Euro per year to support community purchases
- Policy to promote community purchases and offer practical support to communities in purchasing land
- **Further Land Reform Bill** now before Scottish Parliament requiring:
 - Every future government to have a **Land Rights and Responsibilities Statement** - a statement of land policy objectives
 - Establishes a **Land Commission** to keep land laws and policy under review
 - Ministers can refer any land question to the Land Commission for consideration
 - Some minor matters to improve information on who owns Scotland's land (much land held by off-shore companies where beneficial owners not known)

- Guidance to landowners on need to engage with communities on land use and management questions
 - **Further extends the community right to buy land** in circumstances where the current use and management of the land may be an obstacle to sustainable development
 - **Extends security rights of tenant farmers** in certain respects
 - Re-introduces land taxation for “sporting estates”
- Community Land Scotland campaigning for a strengthening of the Bill to:
 - Give more transparency on who owns land
 - Give new intervention powers for Government Ministers over size of land holdings, with a power to issue a “compulsory sale order”

Some Key European Land Policy Issues – from a Scottish community land perspective

In European context, and specifically within Scotland, the effect of the interpretation of the European Convention on Human Rights (ECHR) and the protections it gives to owners of land through their property rights has in the past dominated land reform debate and has acted against or placed clear limits on attempts to bring about more radical land reform and redistribution of land. The debate in Scotland has only recently been widening to explicitly embrace land reform as one aspect of and a means to help deliver wider social and economic policy, potentially delivering greater social justice and fairness, greater equalities, and the progressive realisation of human rights.

There is a need at the European level to share inter-country experience of how land policy and law has been developing with respect to rights for communities and tenants, how ECHR is interpreted, and how to balance the ECHR protections for private land owners with wider human rights obligations which give rights to ordinary people and communities in relation to their need for adequate housing, for employment and economic opportunity, and so on.

Scotland can offer insights from its own experience of the effects of past ‘land grabbing’, of forced evictions, and the difficulty once private and highly concentrated patterns of ownership are established of regaining community rights to land and strengthening tenants’ rights. Scotland can also offer insights into contemporary initiatives, the development of land policy, and legal changes which are beginning to create new rights for communities and tenants with respect to land and the particular and, we understand, internationally fairly novel way Scotland has been giving community land rights.

About Community Land Scotland (CLS)

CLS is the representative organisation of Scotland’s new generation of community land owners. It campaigns for improvements in community land rights and helps to network its members in sharing their experience and expertise, and supports aspiring community land owners. It sees more diverse land ownership as a means to greater social justice and a more sustainable future for many communities facing economic and social challenges.

Our experience tells us **Land reform is a journey, not an event!**

Follow the journey in Scotland at www.communitylandscotland.co.uk