

What follows is the text created by Peter Peacock from which he drew his contribution to the debate in memory of the late Allan MacRae held in Assynt on the 4th July 2018 during the 25th anniversary celebrations of the Assynt crofters taking ownership of their land. The motion for debate was:

"Land Reform measures in Scotland to date have done little to further their primary objective of greater social justice."

It is a great privilege to have been invited to take part in today's debate in memory of Allan MacRae, during a day of celebration of Allan's life and contribution to this community. Today's debate is on one of many matters on which he had views – land reform.

I only met Allan a handful of times, yet his presence, his words, the example of his actions, have been with me on many, many occasions over the years. Allan's voice, that resolute voice, didn't only carry within Assynt, it did then and has since echoed often through the corridors of power.

The example of what happened here in Assynt when you, the people of this land, took back control – the day *"It seems we have won our land"* - as Allan put it; those events have had profound influence in the land laws and rights of communities in Scotland, crofting communities and more widely.

What happened in Assynt in 1993 cannot be overstated in the influence it has had in shaping recent land reform policy and law and, within the struggle for the land that was fought with guile and tenacity, Allan MacRae's role also cannot be overstated.

I know very well that what happened here depended on more than Allan MacRae alone, with Bill Ritchie and John Mackenzie in particular playing key roles. But I also know that both Bill and John believe that without Allan they would have no role to play.

It was Allan's conviction that the cause was right and just. His resolve and ambition for a better future for his community and its young people, freed of the uncertainties of ever changing ownerships; his ability to engage with,

listen to and lead his community; the eloquence and power of his oratory; the resolute voice; the passion; this made the route to victory possible.

The passion he could bring to debate was informed by his understanding of this land and its history, and more widely the history of Scotland's land. But also the history of his own family having been cleared a few generations previously by a privileged elite, the rich and powerful of their day.

Allan and others being driven in the actions they took by the need to take control of the economic future of this community once again facing a change of ownership and great uncertainty. No longer should the community be a cork on the waves of ever changing circumstance, they needed a sail and a rudder, they needed control.

This was land reform at work, in practice. Local people leading to a future be less subject to the whims and actions of others, rectifying the power imbalance that has conditioned for centuries the nature of the opportunities available to people, holding back all too many communities. Allan MacRae understood that power imbalance and it was, I suggest, part of his motivation for what happened here in Assynt.

When Allan MacRae spoke the language of land reform this was the authentic voice of a man of the land speaking, a man deeply connected to the land, a man representing a community of people of the land. This wasn't the voice of the professional politician, which by that time I was. The political voice so easily dismissed by the vested interests as pursuing a political agenda, a Marxist dogma, the politics of envy, as some would have portrayed it. No, this was the authentic voice of the people, passionate and committed to bring about change. *"It is our land, and we intend to have our land"*, Allan said to a shocked liquidator at the time, and Allan's voice couldn't be dismissed, the voice of Assynt couldn't be dismissed.

The actions here were driven by the needs of this place and the circumstances of that time and while it was a contribution to a long held cause of land reform, symbolizing just what could happen, this was not being pursued for wider political effect.

But the need for change in Scotland's land ownership, the Scottish land question, was a cause long cherished by a great many and understood well by Allan MacRae. Land reform in Scotland is a cause born of what are, internationally highly unusual and, in my view and the view of many others, unjust land ownership patterns. Those land ownership patterns, where very few people own the vast bulk of our land has long concentrated wealth, influence and power into very few hands. Those land ownership patterns act against social justice and entrench inequality.

The oft quoted figure is of just 432 people owning 50% of the private rural land in Scotland. Another way of expressing the inequality is that less than 0.0002% of Scotland's population own 60% of the land. How can that be just?

Our land – and for me it is our land – is historically and increasingly, today the commodity of choice for many of the rich and powerful. The safe haven for their capital, for growing their wealth, through the appreciation of land values and access to significant public subsidy and tax breaks. If you believe in greater social justice - a fairer Scotland - which many, many Scots would claim then for me you cannot succeed in that aim without significant land reform.

Can it be socially just that so few own so much land; that so much of the Highlands and Islands remain devoid of people two hundred years after the vile acts of the clearances; that so many young people in their own place cannot find or afford housing; that the whims of some landowners can see population decline accelerate; that so many people in our urban realm are consigned to live their lives next to vacant or derelict land with no environmental quality; that our land markets operate in ways that only privileged and wealthy elites can participate in; that the land uses and environment of vast areas is decided by only one or two people; that a community can be denied the right to a sustainable future by virtue of the control others can exercise? All of these matters, rural and urban, and their solutions, are rooted in questions of land ownership, who owns the land and who has rights and interests in the land. In land reform policy it is the cause of social justice which is the root motivation for reform.

Since the Assynt buy-out in 1993 Scotland's land laws have begun to change quite significantly, preferring rights on crofting and indeed all communities. The Transfer of Crofting Estate Act of 1997 – the last Scottish Act of the then Tory government was inspired in Assynt. What happened in Assynt inspired belief in the then incoming Labour Government that the talk of land reform for generations could give way to a new order in land ownership, it was possible. The policy makers asked themselves the question of whether what happened here could happen everywhere? It was clear the odds were stacked heavily against communities in financially and legally.

That is why in the report of the Land Reform Policy Group in 1998 directly informed by the Assynt experience introduced the policy thinking that was to become the Land Reform Act of 2003, one of the first Acts of the new Scottish Parliament. If any rural community wished to buy their land they could seek register an interest in the land and from that moment on it could not be sold to any other without the community having the first right of purchase. Crofting communities were given the right to buy their land even when the owner didn't want to sell.

The work of the Land Reform Review Group in 2014 shifted the focus further and it talked about land needing to be owned and used - in the public interest and for the common good. This shifted the focus debate on land up to that point from being about private land rights, to focus on the public interest and the common good. In a Scottish context the public interest, the common good, is inextricably caught up in questions of fairness, questions of social justice.

The Community Empowerment Act of 2015 and the Land Reform Act of 2016 amended the original 2003 Act. Now all communities, of all sizes, in rural and urban Scotland have a right to seek to register an interest in land. In addition all communities now have rights to seek to purchase land even when there is not a willing seller if they can show the land is abandoned, neglected or detrimental. A new provision will come into force next year and will allow communities to seek to buy land even if there is not a willing seller, to further their Sustainable Development. This is about creating potential through the support of the law to take at least some steps to rebalance

power in our society, seeking to deliver greater social justice, from a community perspective.

Increasingly these Acts of Parliament show that, explicitly, social justice is at the heart of land reform policy. For me and many others social justice is about greater fairness, greater equality of opportunity and in outcomes, it is about the fulfillment of human rights to a home and employment, to food and clean water, to good mental health, to a cultural life, to live in decent environmental conditions. Those Acts of Parliament now require Ministers to have regard to human rights questions: to have regard to the International Covenant on Economic, Social and Cultural Rights in land questions, and other recognised international guidance.

In drawing up the Land Rights and Responsibilities Statement required by the 2016 Land Reform Act, Scottish Ministers must have regard to: promoting respect for, and observance of human rights; encouraging equal opportunities; furthering the reduction of inequalities resulting from socio-economic disadvantage; supporting and facilitating community empowerment; all matters, to me, about furthering social justice.

And that Land Rights and Responsibilities Statement itself explicitly references the achievement of greater social justice as the cause of land reform. It talks of land policy as a means to greater fairness where more people and communities can benefit from the land, to securing equality and wellbeing, explicitly, to helping achieve social justice. The Cabinet Secretary for Land Reform at the first Conference of the Land Commission last year made clear land policy is about, *“a fairer Scotland... about economic and social justice”*.

Looking back over that thread of the development of recent land policy, the origins lead back here, to Assynt. How to more clearly empower communities to seek to do what was done here, in the cause of furthering greater social justice. Land policies *“for the many, not the few”*, as the First Minister recently made clear to parliament. A right to a more sustainable future is an act in pursuit of greater social justice.

And yet, and yet, and yet.....

Despite all the apparent legislative progress, despite the welcome funding now available, progress to alter the status quo in land ownership is both painfully slow and has been marginal to Scotland being more socially just overall.

I applaud all that has been done here in Assynt and among the increasing numbers of communities which own their land. They are doing remarkable things in their own communities, providing some of the social justice that was so absent for so many generations by their daily actions in creating workplaces and jobs, providing land for and building houses, managing their land in the public interest and for the common good, and much more.

There is now over 560,000 acres of land in community ownership in Scotland and that is welcome, very welcome, but it is less than 3% of Scotland's land.

Every acre of land that has come into community ownership is a welcome acre but, at the current rate of progress, in 100 years' time the vast majority of land in Scotland will still be within the same types of ownership as today. Without much more significant change how can it be argued that what has been achieved to date goes anywhere near bringing about the change needed to truly strike a blow for greater social justice.

It is why I advocate that whatever we have done to date, we need to do much more. That there should be limits to how much land can be owned unless it can be shown to work in the public interest and for the common good. It is time for a powerful land regulator to examine whether existing ownerships serve the public interest the common good, help fulfil human rights, deliver greater social justice. Powers are needed so that if that cannot be shown actions can be taken to change ownerships, to democratise the land, to create more opportunities for more people and communities.

I believe Allan MacRae were he with us today would also celebrate the progress – as he did on a visit to Eigg when the islanders there took over their land. But he would also lament the fact there had not been greater progress, particularly on the Highland mainland, let alone the rest of mainland

Scotland. He would have been frustrated about a great deal more too I imagine; about the plight of crofting and whether crofters are becoming an endangered species; about the distorting effects of tourism on the Highland economy and the pressure it brings to prioritise the interests of tourists; about the North Coast 500 route and its impacts. He would be agitated about so much of the Highlands and Islands land portrayed as “wild land” to serve particular interests when that attribution cannot be legitimately made for much of it.

For me Allan MacRae understood very clearly the implications of land ownership patterns in Scotland on the ability to greater secure social justice. He understood the importance of empowering people, of letting local people lead on the matters that affect their lives. Taking control of the land was the way to protect what the community valued, and to effect change that may be necessary, re-ordering the power balance in favour of the people. Re-ordering the power balance in land questions is the cause of delivering greater social justice.

But it is a cause yet to deliver its promise. We continue to live in a Scotland where overall little has yet changed, where the land is still predominantly owned and being bought up by wealthy elites in a market place where the ‘rules’ are stacked in their favour. It needs to change, it needs more radical action.

Chairman, for the reasons I have set out I move that – *“This house agrees that Land Reform measures in Scotland to date have done little to further their primary objective of greater social justice.”*

Closing contribution:

I want to finish where I started, with Allan MacRae.

Among many glowing tributes when Allan passed away one friend said that – “A light had gone out in the glen.” This was a major light, a beacon that had shone so brightly for this community in so many ways. But he was, as I explained earlier, a beacon for the whole of Scotland too.

Today, the opportunities that are being taken by communities, to own their land, such as that in Ulva in recent weeks, are using the laws informed by what happened here in Assynt. The Ulva buyout simply would not have happened without the laws that can now be used in favour of communities and which Allan MacRae and others here in Assynt inspired.

Ulva has seen its population decline from nearly 800 over a century ago to only six today. But there is an island within its wider community determined to fight back and with a strong sense that the social injustices of the past can be rectified through winning the right to own and control the land, to provide opportunity for future generations, to provide for a more sustainable future. Those matters, for me, are matters of social justice.

And much as there was a sense that the light went out in the glen when Allan MacRae passed away, my sense is that in so many ways that light still shines. Allan MacRae remains a light of inspiration for many, a light that shows what grit and determination can do in even the most difficult of situations.

It is fitting that his community, this community, should celebrate his memory 25 years after the victory that saw Allan declare rather modestly, “*It seems we have won our land.*” He also said the victory in Assynt was “*an historic blow for people on the land throughout the Highlands and Islands.*”

In those words I think Allan revealed his understanding that the power imbalance that existed between people and the private land-owners had to be ever more widely challenged. But there is so much more still to do.

Others can still take inspiration from Allan's words and deeds. *"It is our land, and we mean to have our land."* Those determined words can still inspire many a community across Scotland. They need to inspire more, as more, much, much more is needed. We have to date travelled only a little further down the road of striking a blow for greater social justice in Scotland's land ownership patterns. The journey has only just begun.

It has been a privilege to play a small part in today's celebrations of Allan MacRae's life. I hope we can all dedicate ourselves in his memory and in the cause of delivering greater to do much, much more. Delivering the social justice that would come from land justice.

Thank you for listening.