

REFLECTIONS ON THE CLS CONFERENCE 2024: OWN YERSEL SCOTLAND: REIMAGINING THE FUTURE

By Atenchong Talleh Nkobou[1] & Josh Doble[2]



Community Land Scotland Annual Conference 2024 venue, the Perth Theatre buzzing with conference participants taking their seats for the conference keynote

This year's [Community Land Scotland Annual Conference 2024](#) (CLS 2024) took place in the city of Perth, Scotland from the 10-11th of May 2024, with opportunities to reimagine the future of community land reform in Scotland. The conference's theme '*Own Yersel Scotland: Reimagining the future*', invited participants to be introspective, learn from other community landowners through conversations and to propose reimagined futures for community land ownership and land reform in Scotland.

With over one hundred participants at this year's conference, the venue was buzzing with activities and ideas, including contributions from community landowners, politicians, artists, activists and academics. Multiple breakout sessions enabled a sense of open dialogue, with peer-to-peer discussions around 'ideas about creating a legislative, funding and policy environment that genuinely enables and achieves change' in community-led development in Scotland.

The Scottish Parliament is currently scrutinising a much-needed Land Reform Bill to help address the challenge of Scotland's extreme concentration of landownership, with fewer than 500 people owning half of Scotland's rural land. Yet, it was the view of many participants at this year's conference that the Bill does not provide any meaningful regulations or laws to reform land ownership patterns for the 21st century. These shortfalls and how they might be collectively addressed, were a common topic at the conference as delegates discussed what a reimagined land reform might actually look like.

[1] Senior Lecturer International Rural Development, Royal Agricultural University and Principal Investigator Reversing the Gaze: Knowledge Stories and the Struggles for Community Land Rights in Scotland. ESRC New Investigator Grant ES/X010872/1. Atenchong.tallehnkobou@rau.ac.uk

[2] Policy Manager at Community Land Scotland, Honorary Fellow at University of Edinburgh and Community Land Expert on Reversing the Gaze: Knowledge Stories and the Struggles for Community Land Rights in Scotland – josh.doble@communitylandscotland.org.uk

Certainly, the need to rethink land distribution and land use in Scotland is particularly important at a time when there are increasing calls to alter unequal property rights regimes across the world. This urgency is compounded by loss of biodiversity due to unsustainable land use practices, geo-political and climate crises, and the resultant 'cost of living crisis'. These crises have impacted public and household finances, increasing concerns about equitable access to basic rights such as housing, water, education and food across the globe. It was evident from this year's conference that many people still regard land reform in Scotland as '*unfinished business*'.

Michael Russell, Chair of the Scottish Land Commission, eloquently highlighted some of these challenges and opportunities during his keynote address by providing a review of Scotland's progress towards land reform. He had this to say: '*...individual and community prosperity, enhanced well-being, and more organised and coordinated climate and biodiversity action remain central to the land reform agenda today*'. Michael Russell served as a Scottish Government Minister and Member of the Scottish Parliament at various times between 1999 and 2021. Whilst Scotland has made some strides in the introduction of progressive legislation in land reform, '*it is also true that the benefits of such progressive changes have been restricted to a comparatively small number of communities, and the lessons from those communities...including concrete evidence about economic and social [benefits of community land ownership] have not been disseminated widely enough*'.

Hence, a reimagination of the future of land reform in Scotland can be enriched by 'looking back to see forward', and situating Scotland's land reform journey within broader debates about community land struggles around the world. By reflecting on the CLS 2024 conference, we aim to answer the following questions: First, what themes emerged from the conference, and how do they relate to longstanding historical issues that contributed to calls for progressive land reform legislation in Scotland? Second, as Scotland begins to reimagine the future of land reform – can global examples and the push for more equitable, community-led development elsewhere provide answers to some of Scotland's challenges?

LOOKING BACK TO SEE FORWARD:

Whilst the transfer of private estates to community ownership is still being pursued as a 'rural development strategy' by some communities, as a means of shifting the focus away from market-driven/individual wealth creation and towards a recognition of the importance of community-based approaches[3], the supporting legislation, funding and political appetite are seemingly at a low ebb. Clearly, the history of 'power' struggles within Scotland's land debates continues to reproduce these re-emergent issues within land reform and land use discourses. For example, the objectives set by the Land Reform Policy Group (LRPG) in 2001 were to:

- Decrease the concentration of land ownership and management
- Increase diversity in land ownership and use across Scotland
- Increase community involvement in land ownership and use, including improved involvement and participation of communities in decisions that affect their everyday lives, including land use.

[3] Hoffman, M. 2013. "Why community ownership? Understanding land reform in Scotland." Land Use Policy 31:289-297.

The LRPG was established in 1997, by the (then) Scottish Office to identify and assess proposals for land reform in rural Scotland[4].

This year's conference keynote relied on a range of historical resources and references to reflect on the progress of land reform in Scotland. One of those cited was the 5th John McEwen Memorial Lecture, Land Reform for the 21st Century, by Rt Hon Donald Dewar MP (1998). Dewar argued that whilst there was continuity of both policy and commitment to the land reform process in Scotland, there was also a need for '*greater urgency and a wider support base to achieve*' equitable land reform in Scotland. This sense of urgency results from the recurrent concern about the concentration of land ownership in Scotland, which has increased since 2012[5], and was described by Michael Russell as a '*curious, unique pattern of land ownership*' in the Western world. Other themes which emerged from both the plenary and breakout sessions of this year's CLS 2024 conference included:

- Putting in place a better and more progressive regulatory framework, including planning, housing and financing/funding, and improved local place plan regulations;
- Greater participation and involvement of community concerns and values in land use governance and management;
- The re-examination of what constitutes 'best-value' in land valuation and wider social or community impact;
- Government agencies, bureaucracy and their lack of alignment with or accountability to local communities;
- Housing (shortages) and the 'right to live in your community';
- Gentrification;
- Food security;
- De-population and (limited) employment in rural communities;
- Climate change mitigation and adaptation;

Of note, however, was a tone of caution in the keynote address on the risk of bringing '*emotions*' into debates about land reform and the need for 'solutions that are reasonably fair to all parties.' Parties here include private landlords or landowners who mostly resist the call for greater community land ownership and reform. For example, participants were called upon to seek solutions '*...informed by a firm factual basis, including more detailed information on the benefits of land reform for communities and citizens, and some practical demonstration to them that [it] is indeed worth pursuing*'. The reason for such a 'cautious' approach to land reform, according to Russell (citing Donald Dewar), '*is to find solutions which stood the test of time*'. Land reform '*could not be used merely to settle old scores... we must let the past go and look to the future*.' Such an approach, which seems to disregard the deprivations or '*emotions*' caused by old scars can be particularly difficult. Past wrongs are inscribed on the land, in the ways it is owned and curated, sometimes in ways that make it inaccessible to some. These '*old scores*' are also inscribed on people's lived realities, leaving scars on cultures, and memories of lives blighted whilst putting opportunities beyond reach. Surely, we need to look to the past to seek justice.

[4] Lloyd, M. G. and W. Danson (2000). "The Land Reform Policy Group in Scotland." *Local Economy* 15(3): 214-224.

[5] Who Owns Scotland 2024 (a preliminary analysis) - Land Matters (andywightman.scot)

As we rethink Scotland's land futures two key questions emerge– (1) what forms of practice or information are valuable for informing land reform change in Scotland? (2) What does 'fairness' mean, especially if it has to be 'reasonable to all parties', including urban-dwellers in Scotland and future generations i.e. intergenerational justice?

The question about fairness was particularly salient in debates about 'best value' during the Q&A session after the Keynote. Whose value is 'best value', and can it be 'fair'? A member of a community land trust had this to say: '*...we need to change what the definition of best value is so that the community's [diversity of] interests are the best value, not the market price ... it's our land, it's not your [i.e., private landlords and landowners] land*'. The emphasis on ensuring that 'community value' is embedded in any definition of 'best value' moves away from what Prof Bryan MacGregor in the [inaugural lecture of the John McEwen Memorial Lecture](#) called the 'individual rights perspective' of land tenure to a 'social rights perspective' (1993). Here, a landowner's rights are circumscribed by society for the public good' [3]. It must be noted that MacGregor advocated for more state control over land tenure and land use; an approach that would raise further questions about demands to democratise the land tenure system – including community ownership, governance, management and land use.

Likewise, a session on storytelling and intangible cultural heritage highlighted the significance of a different approach to data and information gathering. Participants raised concerns about project impact requirements (the positivist, bureaucratic nature of project proposal forms) which fail to capture intangible cultural values and undermine the social and identity-laden significance of community practice. These cultural practices, values and experiences are not translatable into positivist interpretations of data or impact. So, how do we capture such practices and ensure that they are '*worth pursuing*'? The [100 years of community ownership](#) project run by CLS is an example of how to humanise the experience and knowledge of community owners, and to '*encourage politicians to care on a human level*'. Hence, further questions need to be asked on what constitutes data to support 'community value' – whose voices count in the definition of 'community value'?

Contemporary debates about land reform and ideas about inequitable land distribution, social (in)justice and vestiges of 'poor' legislation and land tenure in Scotland are contingent on readings of history. Scotland, in resonance with many postcolonial nations around the world, is dealing with a landownership system designed to extract wealth at scale. It does so whilst ensuring the majority of rural folks struggle to make a living from the land but are forced to rely on the largely urban wage economy. Certainly, land reform is not about returning to an idealised agrarian past, but instead about making sure landownership meets contemporary cultural, economic, environmental and social challenges. However, to know how best to restructure landownership we must interrogate and recognise the historical processes that brought us to this point. We cannot know the best and most equitable and 'sustainable' path forward if we do not know where we have come from.

Any approach to land tenure must consider the economic, social and political contexts and interpretations of the past, including the motivations, concerns and experiences of individuals and community members. Such an approach necessitates a kind of social-democratic process that responds to the demands of communities and also provides feasible alternatives to organising land use at the community level[3]. According to McGregor, *'Land tenure systems are not absolute, rather they are socially and historically contingent..., and tenure systems [adapt] to meet society's changing requirements.'* Society's, including community needs are incontestably informed by people's sense of injustice, and fairness, and how these impact their everyday lives, including the multifarious uses they make (or wish to make) of land. This sentiment was expressed by participants with concerns about housing; one participant said that there is *'a greater need for community involvement in housing...because communities take that holistic picture... whereas centralised funding regimes fail to capture community priorities'*. Could other approaches, case studies and experiences around the world provide insights into alternative approaches to community-led development in Scotland?



"A place for Gaelic to expand (increase in use) and revitalise"

A murky history of community land reform in Scotland

REIMAGINING SCOTLAND'S LAND REFORM FUTURE WITHIN A GLOBAL CONTEXT

As Scotland reimagines its land reform future, it must note that its struggles for community land reform are not isolated from political and economic dynamics happening elsewhere in the world, including the global tide of 'land grabbing'[6] (see below). Land reform cannot be separated from the question of 'power' and 'politics' in society at large. As reflected in Andy Wightman's work in Scotland[7], these points have already been made by Prof. Issa G. Shivji of Tanzania[8]. The vision for land reform, as expressed by the Land Reform Policy Group in their 1999 recommendations for action to the then Scottish Parliament, "is to remove the land-based barriers to the sustainable development of rural communities" (LRPG, 1999).

[6] Davis, K. F., M. C. Rulli, and P. D'Odorico. 2015. "The global land rush and climate change" *Earths Future* 3 (8):298-311. Also, see De Schutter, O. 2011. "The green rush: The global race for farmland and the rights of land users." *Harv. Int'l LJ* 52:503.

[7] Andy Wightman delivered the 6th John McEwen Memorial Lecture in 1999. The John McEwen Memorial Lectures on Land Tenure in Scotland are sponsored by the Friends of John McEwen. Wightman's lecture was entitled, "Land Reform: Politics, Power and the Public Interest". He has been a prominent critic of the unequal land distribution in Scotland.

[8] Issa Shivji was chair of the Tanzania Presidential Commission on Land Matters in the early 1990s, also a time when Scotland was contemplating changes to Land Reform. See Shivji, I. G. (1997). *Contradictory perspectives on rights and justice in the context of land tenure reform in Tanzania*, Centre for African Studies, University of Cape Town. As part of their brief, the Land Commission visited during the course of 'date' to 'date', all districts of Tanzania Mainland (except two) and held some 277 meetings in 145 villages and 132 urban centres which were attended by over 83,000 people.

At the time, Wightman did not approve of this statement because it did not really address the politics and power at stake in land reform. Andy delivered the 6th John McEwen Memorial Lecture on Land Tenure in Scotland (1999). He turned to examples in Scandinavia and Western Europe to suggest a social democratic property-owning society with strong mutual and cooperative institutions as an alternative to contemporary land politics and ownership in Scotland.

We contend that the struggles for community land ownership and community-led development in Scotland are not and should not be isolated from cognate struggles in other regions of the world. This connection between the need for land reform in Scotland, and those in other postcolonial countries like Tanzania, South Africa, and Brazil, is highlighted, for example, by an increase in large-scale land acquisition by private investors - which have been termed 'land grabs' in both academic and popular literature. A more recent example seems to be brewing in Kenmore, Loch Tay with the acquisition of over 8,000 acres of land by an American corporate entity[9]. Likewise, the controversial acquisition of 63,000 acres of land in Wester Ross[10] finds its uncanny parallel in the Maasai community's struggles in Loliondo, Tanzania, impacted by the acquisition of over 98,000 acres of land by an associated UAE-based investor[11]. As in Tanzania, Scotland's long and complex history and its multi-layered institutional politics of land tenure and ownership complicates a 'fair for all parties' resolution based on the concerns and priorities of local community members. The extraction of wealth on a grand scale, something which accelerated towards the close of the twentieth century, demonstrates the interconnections between struggles for land justice in Scotland and other areas of the world.

This year's CLS conference accentuates a need by land activists, academics and communities to look elsewhere across the globe to find common causes and to build coalitions towards formulating strategies and solutions to community land struggles and community-led development in Scotland. For example, during the COP26 conference in Scotland, Indigenous leaders from the Global Alliance of Territorial Communities, a coalition of indigenous and local communities from the Amazon Basin, Brazil, Indonesia and Mesoamerica and members of the Kilfinan community in Scotland exchanged ideas about community approaches to sustainable land practice. At this year's conference, the Japanese hometown tax 'Furusato Nōzei' was proposed as a possible solution to Scotland's depopulation and rural funding crisis by Ewen McLachlan, Development Officer of the Assynt Development Trust. According to McLachlan, '*...in 2008 at the height of the Global Financial Crash, rural Japan suffered a depopulation crisis as workers fled to the cities in the hope of finding employment. Aware that with less tax being raised in the rural areas, infrastructure would suffer, the Japanese government created a tax break aimed at those folks in urban areas from rural areas, to contribute funds directly back home. If we think of this in a Scotland context, it's an opportunity for our young people who head off to higher education and jobs ...to help fund their home communities and perhaps be able to return there one day*'.

[9] <https://www.tickettailor.com/events/lwa/1277525>

[10] <https://www.scotsman.com/heritage-and-retro/heritage/family-devastated-as-sheikh-gets-backing-to-build-luxury-lodge-next-door-3037432>

[11] <https://landportal.org/node/112519>

These international connections appear to justify the relevance of projects such as Reversing the Gaze. This project uniquely employs knowledge and experiences from the global South as a fresh lens to review community land rights activism as a central means for interrogating sustainable and equitable development in Scotland. With project partners from the Royal Agricultural University, Community Land Scotland (CLS), the James Hutton Institute and the University of Reading, this project will see scholars and community activists from Tanzania, South Africa and Scotland generate new and critical insights into the future of community-led sustainable land reform and management in Scotland. The project will work with communities in Scotland to examine contested concepts such as 'sustainable development', the land-use outcomes of the 'just transition' and questions of inclusivity within Scottish land legislation and debates. The project aims to achieve the following:

- To progress a critical understanding of the role of community land rights as a route to sustainable development.
- To contribute to theoretical perspectives on progressive property rights.
- To support a community of practice working towards strengthening South-North research cooperation in relation to equitable land ownership and land use rights.
- To contribute to policy development on sustainable and inclusive land policies in Scotland, the UK, and broader international contexts.
- To raise public awareness on the viability of and the need for land reform specifically on community land ownership as an alternative to private property ownership

We are convinced that synergies between Scotland's community land struggles and those in the global South can be established through a shared, critical understanding of the importance of progressive, equitable and sustainable land-use practices as we advance in what promises to be a tumultuous 21st century.