

LESSONS FROM SCOTLAND



ANDY WIGHTMAN, Green MSP, long-time land campaigner and author of *'The Poor Had No Lawyers: Who Owns Scotland (And How They Got It)'* on what England can learn from Scotland about land reform.

Land reform is the process of changing the relationship between land and society. This relationship governs how land is owned and used across terrestrial and marine environments and across urban and rural land. From the Law of the Sea to compulsory purchase powers, from property taxes to wildlife law and from housing tenure to inheritance law, land governance is a vast topic. This relationship is one of power. It is about legal power (reform of land tenure), economic power (fiscal reform), and political power (law-making and land use decision making).

Across the world, land reform has been the means by which power has been redistributed from elites. Whether in Latin America, Africa or Europe, most countries have had their land reform moments when - as a result of decolonisation or revolution - the deep structural rules that monopolised land were overthrown and land was redistributed, tenure strengthened for marginalised populations, and women's rights improved.

The United Kingdom never had such a moment, but its history is littered with all the ingredients that led to reforms in countries across Europe. The reasons for this are rooted in the unreconstructed power of elites in the UK: in particular, the stranglehold of landed power in the UK Parliament's House of Lords until very recently. It is important to note that in large measure the laws that govern land relations across Britain were framed by male landowners.

Scotland's land reform journey began in the late 19th century, when political agitation by insecure crofters led to security of tenure for small-scale farmers. This continued after the war with wider security offered to all tenant farmers. Post-war reform also included the introduction of planning controls to govern the change of use of land.

But given the history of large scale private ownership of land and an international speculative market, pressure grew through the 1970s and 1980s for reforms to ensure that rural communities in particular could have greater certainty and security about rural development in the context of large-scale, often absentee landownership. A number of celebrated 'community buyouts' took place in the 1990s, most famously the acquisition by the community of the Isle of Eigg, the Knoydart Estate and the buyout by crofting tenants of the North Lochinver Estate in Sutherland.

By the mid 1990s, it was simply a matter of time before a Labour government was elected on a commitment to establish a legislature in Edinburgh. The United Kingdom comprises three jurisdictions and the UK Parliament never provided adequate time for the passage of Scottish legislation. Thus reforms such as the abolition of feudal tenure, which was first proposed in the 1950s, never became reality until the establishment of a Scottish Parliament with direct accountability to the voters of Scotland, and with no hereditary House of Lords to block such proposals.

Intensive and Ongoing

On the 5th of January 1999, the future First Minister of Scotland, Donald Dewar, unveiled the recommendations of the Land Reform Policy Group and announced a wide-ranging package of land reform proposals - including tenement law reform, agricultural tenancies, national parks, public access, community land rights and the long-delayed end of feudalism. It led to the most intense period of Scottish legislative reform ever. Lord Sewel, who chaired the committee that drew up the proposals said at the time that it was "crucial that we regard land reform not as a once-for-all issue but as an ongoing process".



Given the deep structural factors embedded in any land governance system, it was vital that this momentum be continued. But it stalled from 2007 to 2014, and impetus was only regained following the appointment of a Land Reform Review Group that reported in May 2014 with a wide-ranging agenda for reform. This was followed by a new Land Reform Act passed in 2016. Perhaps one of its most enduring legacies was the establishment of the Scottish Land Commission (SLC), an independent body with a statutory remit to review, research and report on any matters concerning the ownership and use of land.

The SLC has just published its first Strategic Plan and Programme of Work and will provide a forum and a vehicle to understand the land question, undertake research and analysis, and publish material that can inform further land reform.



Fundamental alterations to the distribution of land and power will mean that lairds will no longer get to keep their castles in the same family hands for generations...

Mainstream

Land reform now forms part of the mainstream political discourse in the Scottish Parliament. There is a Cabinet Secretary for Environment, Climate Change and Land Reform and a Parliamentary Committee of the same name. There remains a significant problem in that land reform tends still to be defined in fairly narrow terms as predominantly a question of the ownership and occupancy of rural land and of the rights of communities. In reality, it is equally a question of land and fiscal policy, the planning system, inheritance law, housing tenure and wildlife law.

In the wake of the Scottish independence referendum campaign and the political awakening of large numbers of people, there is an unprecedented interest in the topic. From young people seeking secure rented accommodation, to tenant farmers and local community groups, people want a commitment to fundamental change in how land is owned, occupied and used across Scotland.

Land reform is about changing the legal, administrative and fiscal relationship between society and land in order

to deliver public policy in areas such as housing, development, the environment, agriculture and forestry. The potential gains are immense and a radical programme of reform over the next decade and beyond could fundamentally alter the nature and distribution of power in Scotland.

The challenges that remain include: reforming inheritance law to give rights to all members of the next generation to inherit land; reforming land taxation; fixing the land market in relation to housing; providing land assembly powers including compulsory sale orders; tackling the scourge of short-term lets; allowing councils to acquire land at its existing use value; reform of agricultural subsidies; further reform of the private rented sector; strengthening local governance of land use; and opening up the Scottish Land Register.

This will take more hard work, more research, more analysis, more lobbying of politicians and more campaigning. But having tasted what some progress looks like in the democratisation of land relations, too many people are now hungry for more.

If Scotland has any lessons for those in England keen to pursue a similar agenda, it would be as follows. You need a responsive and accountable legislature. You need local activists and networks to build a coherent campaign. You need a manifesto and programme of reform across a number of areas that links diverse issues, such as housing needs, food growing and public access to land. You need to rediscover the traditions of English radicalism. You need to build broad alliances that can campaign for concrete and detailed proposals.

It helps that Scotland is a relatively small country with a legislature broadly in tune with the electorate, elected by a system of proportional representation and with no second chamber of unelected elite power. Land reform is not easy but it has the capacity to fundamentally change power structures and accountability. Once people realise the potential, they will slowly but surely embrace the need for reform.



... and the neglect of centuries can be replaced with new life on the land.