

Land reform is a fight for power

JOHN DIGNEY reports on the McEwen lecture, delivered in Edinburgh on August 27 in what was the final opportunity for people to discuss land reform with politicians before the Scottish Parliament resumed business in September.

The success of the McEwen lectures in bringing land reform onto the political agenda was acknowledged by the Government last year when Donald Dewar, now First Minister, delivered the lecture and launched the land reform consultation document *Identifying the Solutions*.

AN AUDIENCE of 400 heard Andy Wightman, recognised as Scotland's foremost independent commentator on land reform, expound his vision of a landowning democracy. His talk was called "Land Reform: Politics, Power and the Public Interest".

The creation of the Scottish Parliament, he pointed out, now removes the two obstacles to genuine land reform – the shortage of time at Westminster, and the influence of the House of Lords with its many landowning members determined to preserve their power base. Land reform of the wrong sort, he noted, has been going on for centuries with "the evolution of law and practice dedicated to the preservation of the landed hegemony". Half of the privately held land in Scotland is currently in the hands of 343 landowners.

He argued that there was no coherent set of political principles driving the Government's land reform agenda. He quoted one commentator's opinion that policy-making was simply "a series of modest adjustments dressed up to look like major initiatives". Evidence for this can be found on examination of the land reform White Paper published in July. Its centrepiece is the painfully muddled "community right-to-buy", whose objectives, noted Wightman, are still unclear. He argued it will do little to empower communities and change the pattern of ownership.

OF CRUCIAL significance to the public interest, however, will be the outcome of the debate over the Scottish Law Commission's proposals for feudal reform. As Wightman explained, these proposals involve abolition of the Crown's role as Paramount Superior, in which is vested ultimate ownership of the land on behalf of the people. He stressed the importance of retaining "a direct proprietorial interest in the

land tenure system by us the people".

The central purpose of land reform involves the redistribution of property rights. To swing the balance in favour of the private, rather than the public interest, could in future give the landowners grounds to challenge that redistribution under the European Convention on Human Rights.

There is now widespread concern over this crucial aspect of the proposed legislation. It does seem bizarre to strengthen the rights of property in land by abandoning the conditionality inherent in the feudal system in favour of a system of outright ownership, as pro-

posed, while simultaneously preparing to limit the landowner's right to dispose of his land as he chooses, as in the terms of the White Paper. There appears to be a distinct contradiction here.

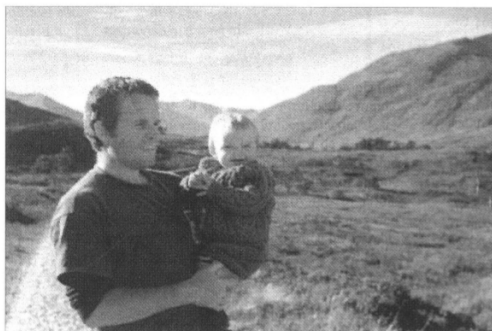
buy, access, and National Parks. Roseanna Cunningham, Convener of the Justice and Home Affairs Committee (SNP), agreed with the principle of a right of responsible access and noted the need for better information on land. However, she questioned the community right-to-buy proposal. Some communities do not want to buy their land but want core control over how it is managed. The SNP proposes local Land Councils.

For the Conservatives, Alex Johnstone, Convener of the Rural Affairs Committee, argued that there are only a few bad landlords and that the landlord/tenant system is the only way for some farmers to get started if they cannot afford to buy land. He dismissed the right-to-buy and, under pressure from Roseanna Cunningham, admitted that a Conservative administration would not have introduced land reform legislation.

Scotland's only Green MSP, Robin Harper, explained his party's long-standing commitment to land-value taxation, which is way down the list of the Scottish Executive's priorities. He supported the right of access, and urged a residency condition to deal with absenteeism and a ban on private trusts owning land.

One subject the politicians agreed on was the need for feudal reform, but Robin Harper alone noted the need to retain the principle of conditionality of tenure. The fact that the politicians seem generally unaware of the dangers lurking in the feudal reform Bill is worrying.

It is a major achievement that land reform has become a priority for the new Parliament, with ministers eager to prove their commitment to it. However, we must be certain that it takes off in the right direction and, in Andy Wightman's words "ensure that the ultimate ownership of all private land remains in the hands of society as a whole".



■ Andy Wightman and his daughter Isla