

Land Reform Review Group

Evidence from Jamie McKenzie Hamilton. Jan 2013.

Author: I was co-founder and Managing Partner of online research software and service provider, OQ Solutions (trading names: Nqual / Netfluentia), where I acted as consultant and solutions designer for global customers including Microsoft, Google, HTC, Nokia, Samsung, Tesco, VISA, RBS, ITV and the NHS. I have an honours degree in Psychology and a Masters in Systems-Based Environmental Decision-Making. Since exiting OQ in early '11, I moved to Scotland to pursue a PhD thesis exploring relationships between experiences of nature and the development of language and creativity in Early Years. In my free time, I work with a number of community development projects and maintain a blog on socioenvironmental systems and interventions.

My Vision for Scotland entails a thriving economy and natural environment which are diverse, productive, stable, and sufficiently resilient to adapt to the imminent challenges of heavy fossil fuel rationing and a chaotic climate. There is now an overwhelming body of evidence (historical, economic, social, scientific, cybernetic) to demonstrate that such a scenario is dependent on the equitable distribution of wealth and opportunity, and an enterprising, untrammelled cooperation between local communities and their immediate environment. Underpinning all is land ownership.

Barriers: I've always considered Scotland my spiritual home. My father was Scottish, half of my family live here and I've spent many a holiday enjoying her beautiful mountains, forests and beaches. I was overjoyed when, 2 years ago, we finally came to settle in a cosy wee 'tenant's' cottage in the Perthshire wilds. Nevertheless, since our arrival, three documents have considerably darkened my optimism about Scotland and her future. Together these cover the barriers to my long-term vision.

The first was Andy Wightman's "The Poor Had No Lawyers", which is essential reading for all Scottish citizens. It tells the long and tragic tale of how Scots were cheated out of their sovereignty, commons and livelihoods by a powerful elite. The pattern mirrors the dispossession of indigenous peoples around the world, particularly, in the use of legal agreements incomprehensible to those they affected, the abuse of power to legitimise and enforce them, and the wholesale rewriting of historical narratives in order to conceal the misdeeds. Patriotism-stirring moments in Scottish history, notably, Bannockburn and The Scottish Reformation, are revealed to be little more than public relations exercises in covering up chicanery and land grabbing.

The end result of these shenanigans is an insufferable embarrassment for any self-respecting democracy. Of all countries in Europe, Scotland has the most concentrated patterns of land ownership, with 100 'entities' owning half the total land area (the primary motivation for the '53 Cuban revolution was that 48% of Cuba was owned by only 1% of the resident population, here it is owned by around 0.02%, many of whom are non-residents!); and of private forest ownership, with 93% of holdings over 100ha, and around a quarter owned by offshore investment companies; and the least democratic local government framework, with countries of comparable populations having between 3 and 6 times as many local councils. Prior to the Clearances, around 50% of Scots underpinned a prosperous Highland economy, now 70% of Scots occupy the overcrowded,

overexploited and over-polluted Midland Valley and, as a general rule, the availability and affordability of land in the rest of the country means they've little option but to stay put.

The other documents were Fraser Darling's 'West Highland Survey: An essay in human ecology' and 'The Natural History of the Highlands and Islands'. Contrary to the commonly held idea of Scotland as an unspoilt and pristine wilderness, these works (particularly, the first) set out the evidence for a native ecosystem where once responsible community stewardship had played an integral role, but which now was suffering terribly from centuries of large scale neglect or profit / leisure motivated abuse by large estates. An impoverished and ailing shadow of the world it had once been.

The wholesale degradation of Scotland's native ecosystem is a perilous blindspot. Biodiversity is critical to the ability of her natural environment to maintain integrity in the face of Climate Change and agricultural productivity as fossil fuelled fertilisers and horsepower grow prohibitively expensive. Food security is an issue of the utmost urgency: the average age of UK's dwindling farmers is around 60 years old, and a rare few will be acquainted with methods that are not oil dependent.

The magnitude and the fine-grained detail of an effective restoration and agricultural solution are quite simply out of scope for big landowners. Moreover, their drive to maximise quick-win profitability from huge holdings, for minimum cost and effort, inevitably exacerbate pressures on the land, as well as their tenants, economic dependents and neighbours. Scotland's empty spaces are a golden economic and environmental opportunity, but most of them lie dormant, degraded or dying. The only conceivable path to a full recovery is an exercise in community ownership, stewardship and decision-making on a grand scale.

To give an illustration from a personal perspective: last year, an estate notified the local community that they intended to do some routine felling in a wood bordering the village. The application included a large 75yr old Scots Pine stand. This was a beautiful and biodiverse little universe, home to red squirrels and a dazzling array of native flora and fauna. It was replete with berries and mushrooms for foragers, cherished by dog walkers, and was soon to form part of a green cycling route for schoolchildren. The plans claimed it would be treated sensitively due to its proximity to people's houses, and a large copse of pine and the mid-layer of oak, rowan, holly and birch would be preserved to maintain its character and diversity.

Despite these assurances, this area, post operation, gives the impression of having been cleared by a chain tied between two heavy vehicles. It is to be replanted with yet more densely-packed non-native conifers, which, whilst more profitable than native species, have had an incalculable toxic impact on Scottish biodiversity. Thus, a rich native ecosystem that for a community had represented wellbeing, an educational resource, and could have provided an abundant, renewable supply of food and wood, was transformed into a 'Passchendaele' overnight: devoid of all life, value and opportunity. The estate had every right to act as they did: it was a commercial stand that

belonged to them. However, I also believe strongly our village will feel the value and urgent need of such resources well before the 75yrs it would take to replace them. For this reason, I would have objected more vigorously were it not for the fear of eviction. The situation emphasised for me the helplessness of individuals, communities and the natural world in the face of the 'power over' wielded by landowning giants.

Solutions: The interventions I propose for overcoming these barriers, and their rationale, are as follows: -

Resolving Unfair Concentrations of Land Ownership

1. Abolish stamp duty, land tax, council tax and business rates, and the replace business rates with land value tax. Without fiscal constraint on the amount of property owned, it is evident that people will continue to maintain, increase, or invest in, vast holdings. Furthermore, without a direct taxation on these holdings, owners will persist in channelling business profits via offshore accounts at a huge, and unnecessary loss, to the national economy.

2. Reform the law of succession so that all children, of whatever age or gender, inherit in equal measure all heritable property. Without this law, large landowners will continue to bequeath their property to a single heir. This behaviour serves no purpose other than to maintain historical concentrations of power and wealth. It also significantly constrains economic opportunities and productivity, democratic freedoms, social mobility, and reinforces a host of ills stemming from an unequal society. This intervention already has a proven track record in many European countries.

3. Cease financial support for 'absentee' ownership. In short, by incentivising absentee, overseas or corporate land investors, Scottish Government is squandering its land, economy and national identity.

Fair Redistribution / Administration of Land and Restoration of Local Economies / Environment

1. Re-establish local 'parish' powers. Without a formal framework for governance below the level of the current Councils, the locally-focussed, democratic processes vital for Scotland's economic and environmental future are unlikely to flourish. In the present time, many believe strongly (as myself) that community decision-making and endeavour are central to transition and responsible environmental stewardship, but have neither the time, resources nor bandwidth to volunteer in a way that can ever be truly effective (as myself).

The absence of this Governmental level is an astonishing weakness in the Scottish political system, both from a democratic and an economic perspective. If unaddressed, it is certain to grow increasingly problematic, as local level adaptability and self-sufficiency will surely underpin national prosperity, stability and productivity in the volatile post-oil decades to come.

Accordingly, all responsibility for local natural resources currently administered by centralised agencies should be delegated to this new level of Government, as should the maintenance of detailed records of local land ownership (see 4. below), and the powers necessary to enable communities to obtain land they require to prosper, including rights of pre-emption and, in exceptional circumstances, compulsory purchase orders.

2. Provide a statutory definition of common good, a statutory register of common good assets, a legal right for communities to manage common good assets and a statutory right to take back title to common good land and assets. Local communities should have the right to know clearly what common good is under their stewardship; to hold all decision-making powers with respect to its administration; and to have all common land and assets returned to them that were taken unjustly, covertly or forcibly.

3. Financially support 'resident' ownership and local sustainable enterprise. All resources currently employed to incentivise absentee, overseas or corporate investment should be directed solely at making property available and affordable for community groups, working farmers and other residents. Such investment could also be bolstered by the additional revenue generated by a land value tax. Priority should be given to locally-focussed enterprises that promote the sustainable and self-sufficient provision of food, energy, housing and other services, and which provide restorative ecosystem services.

4. Create a comprehensive online resource detailing Scottish land ownership. Without a full audit of land ownership, all of the above interventions would be unachievable or severely hampered. It also seems judicious for any credible democracy to make transparent information regarding ownership of its fundamental asset freely and easily accessible to its politicians and public.

In summary, the redistribution of land ownership and governance powers is fair, good, democratic, and *essential* if Scotland is to have an economic and environmental framework sufficiently stable and resilient to endure the impending challenges of a post peak oil world and a wildly unpredictable climate. Without these interventions, such factors could well see a country with inordinate potential devolve into a bleak rerun of lords and serfs. Moreover, preparing for a storm is easier and wiser than refitting whilst it rages. Lastly, as Wilkinson and Pickett have demonstrated unequivocally in 'The Spirit Level', by reducing social inequities and satisfying basic material needs, such reforms would also deliver a host of other win-wins for Scottish society, including reducing national indebtedness, crime and illness, and increasing community wellbeing, cohesion and innovation. This is a Scotland it would be a privilege to live in, and one which would provide a beacon for the rest of the world to follow.

Do not hesitate to contact me for clarifications or further assistance.

Yours Faithfully, Jamie McKenzie Hamilton