

Unit 2 ⓘ

It's Our Right! Land Rights in Scotland and the Wider World

Landless: *adjective* (especially of an agricultural worker) owning no land.

Many people have become landless as traditional systems of land ownership have been replaced by state and private ownership. Traditionally, in most societies land was held communally, and the rules about the use of the land were made by the communities who lived there. The introduction of private ownership and titling has resulted in ownership of land being very unevenly distributed between the rich and poor, with many groups being discriminated against when it comes to owning land. Without legal titles to the land which they depend on, communities are becoming increasingly at risk of losing the land which they depend on for their survival.

'No man can make a grain of sand, so how can he say he owns the land?'
Robert J.C Stead.



Land, its ownership and distribution, have been central issues in Scotland's history and have been at the forefront of political debate. Scotland's experience in many ways is no different to developing countries which have experienced colonialism, land dispossession and continue to struggle with land reform today.

Land Rights in Scotland

Traditionally in Scotland, most land was held in common by the people who lived there. Control over land started to become concentrated when the **Feudal system** (an early form of colonisation) was introduced, which meant that the Crown took ultimate power over all land. Over time, traditional systems of community ownership which existed under the clan system were replaced by private ownership, and as a result, most people living in rural areas effectively became landless.

The breakdown of the clan system

The clan system in Scotland developed from an earlier indigenous Celtic tribal society. Clan members lived in the same area and often had the same second name. They lived on the same land that had belonged to their forefathers, and their culture, language and identity were closely tied to the land on which they lived. The people were subsistence farmers and depended on the land for their food, fuel and building materials.

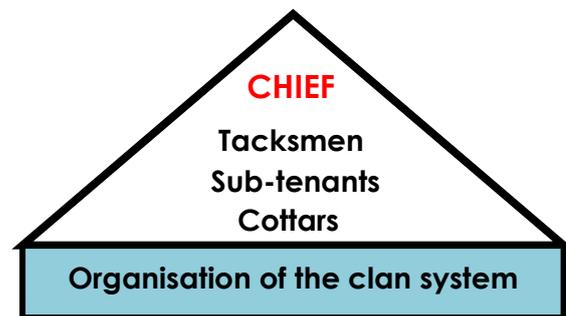
Each clan had a chief whose duty it was to protect the clan. The clan system was organised along military lines and the clansmen formed a private army in times of conflict.

The clan chief controlled the land and leased it to the **tacksmen** often as a reward for their military service. They then sublet the land to **sub-tenants** who then employed **cottars** to work the land for them. The land was divided into strips called 'rigs'. The system of land use was called **runrig**, and it helped to make sure that everyone had access to a fair share of the land. Under the system nobody owned the land and everyone was free to farm and graze livestock in order to live.

The clan system worked effectively until the beginning of the 18th century when political and economic forces created change. It was at this point that thousands of people in the Highlands lost secure access to the land which they had lived and worked on for generations.



Highland Clan Chief



In **1707**, the **Union Treaty** was signed between Scotland and England. Up until then, Scotland had been independent with its own parliament and monarchy. Now a new parliament was to be based far away in London. Many of the clans were against the Union and took up arms with Charles Edward Stuart (Bonnie Prince Charlie) in the **Jacobite Rebellion of 1746**. The rebellion failed, and ended up in a bloody battle at Culloden. The Rebellion alarmed the British Government, who then took steps to break down the traditional Clan society of the Scottish Highlands and disarm the clansmen they viewed as a threat to the expansion of the British Empire.



An incident in the rebellion of 1746. by David Morier

In **1746**, the government passed the **Act of Proscription**, which banned the owning of arms, wearing of tartan, the playing of bagpipes, the speaking of the Gaelic language, the gathering together of Highlanders, along with many ancient Highland ways and traditions which dated back to the early Celts.

In **1747**, the **Heritable Jurisdictions Act** was passed which stated that clan chiefs who did not accept British rule would have their land taken away from them. The clan chiefs were encouraged to take control of the clan lands as private landowners, and it was at this point that the traditional system of land ownership broke down.

The new system of private land ownership undermined the pre-existing land rights of the communities living there. The people of the clans became paying tenants to private landowners, many of whom were absentee, preferring to live in the cities of Edinburgh and London.

To fund their increasingly lavish city lifestyles, many of the landowners began to look for more profitable activities for their land, and were free to charge higher rent or evict the tenant farmers to make way for new agricultural projects which would bring in greater income.

Land Distribution Today

Although steps have been taken to address inequalities in Land ownership through new legislation, Scotland still has the most unequal pattern of land distribution in Western Europe - two thirds of Scotland is owned by approximately 1250 landowners, many of whom are absentee. Some of the private estates have remained in the hands of the same families for centuries, being handed down from generation to generation, whilst other estates have been sold to wealthy individuals, private companies and trusts ,with a number of estates now being owned by individuals overseas or offshore trusts (Wightman 2013). In many cases it is unclear who owns some of the estates in Scotland, because they have been sold privately.

Five Biggest Private Landholdings in Scotland		
	Property Owned	Acres
1	Buccleuch Estates	241,887
2	Glen Feshie & other estates	159,274
3	Atholl Estates	124,125
4	Invercauld and Torloisk Estates	120,685
5	Alcan Estates	117,249

Source: Wightman 2013



Land Rights in Developing Countries

The way in which land has come to be owned and distributed in developing countries is in many ways similar to that in Scotland. Vast areas of land are controlled by governments and large private landowners. As a result, one quarter of the world's poorest people do not legally own their land and are considered to be **'landless.'**

Some of the most extreme patterns of unequal land distribution can be seen in Brazil and Guatemala, where a small number of wealthy landowners own most of the agricultural land. As demand for land has increased, many communities have become increasingly at risk of losing the land they depend on to survive.

The unequal distribution of land in many developing countries today can be traced back to **colonialism** when traditional systems of shared ownership were ignored and new systems of state and private ownership were introduced. Land which had belonged to indigenous communities for many generations now came under the control of governments and European settlers.

Indigenous Land Ownership

Indigenous people were the first people to live on the land before any other settler arrived. Traditionally, in most indigenous communities the idea of private property did not exist and land was shared by the people who lived there. Control over access to natural resources which were needed to live was more important than direct ownership of the land.



Many indigenous communities have become landless as a result of colonialism. Colonisers from Europe were in search of new lands in Africa, Asia and Latin America where natural resources could be exploited for profit. They

brought with them European ideas of private land ownership. Legal titles were drawn up and handed out to the European settlers, ignoring the indigenous people's claims to the land. Indigenous communities all over the world are struggling to have their rights to the land recognised, and have become increasingly at risk of losing access to their land as pressure on resources increases.

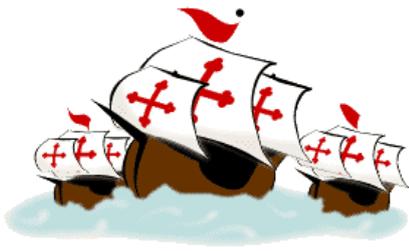
Indigenous Maya - Guatemala

The indigenous Maya were the first people to live in Guatemala. The Mayans call themselves 'sons and daughters of the Earth' and their culture and religion is linked closely to the land. In Mayan culture land is not viewed as a commodity which could, or should be divided up, sold, or privately owned. It is much more than a means of production and material gain. For them, land is a living thing and a sacred space.



The indigenous Maya were the first people to live in Guatemala

Traditionally, in Guatemala no one owned the land; it was shared by the communities who lived there, this ensured that community members had access to good soil for growing crops and to shared forest areas that were used for hunting, fishing, collecting water and gathering of resources.



Indigenous Mayans lost their rights to the land during the Spanish Conquest.

During the Spanish conquest, the best land was seized from the indigenous Mayan people. The land was divided up and land titles were granted to the colonisers who wanted the land to grow products such as sugar and cacao for export to Europe. The Mayans were forced off the flat, fertile land and on to poor land in the Highlands where they barely scraped a living off the land; others were forced to work on the colonisers' plantations. Over time, Mayan land continued to be handed to European settlers who came to set up coffee

plantations. Today, most of the land in Guatemala is still owned by descendants of European settlers. Since colonisation, the Maya have been struggling to get the land back which they believe belongs to their people.

Even though they make up around 45-50% of the population, most Mayans do not own the land that they live and grow food on. As land in Guatemala is now in high demand to grow palm oil and sugar cane for export, Mayan farmers are now increasingly at risk of losing the land they depend on to survive.



The Mayans were forced off the best land and into the Highlands by the colonisers.

For more information on land grabs for palm oil and sugar cane production go to:

[!\[\]\(8bba887393ca45b761e5cb49e755e762_img.jpg\) **Background Information 2 – Land Grabs**](#)

Women and Land Ownership



Women farmers, Tanzania, East Africa

Women and girls produce up to 80% of the food in developing countries, and over half of all food grown in the world. Secure access to land for women is a basic factor in food security. However, customs and common practices often prevent women from owning, accessing or inheriting land. As a result, women's voices are seldom heard and they are often left out of the decision-making process at all levels. As land and the resources within it increase in value, they are often forced off their land without consultation.

Some indicators of inequality in land distribution today

- Guatemala** 8% of the population owns 80% of all agricultural land. 17% of all land in Guatemala is owned by just 13 families. Most indigenous Mayans are landless.
- Brazil:** 3% of the population own more than two thirds of all arable land, the most uneven distribution of land in the world.
- India:** 40% of the rural population is landless.
- Philippines:** 1% of the population owns one fifth of all agricultural land. 70% of rural farmers are landless
- South Africa:** 85% of the land is owned by just 55,000 white farmers.
- Sub-Saharan Africa:** Women make up less than 15 % of all land owners.

Sources: UNDP, IFAD, Trocaire

Resource Box:

Scotland

Land Ownership

- Wightman, A. 2013, The Poor Had No Lawyers-Who Owns Scotland (And How They Got It) Birlinn, Edinburgh
Facts and figures about distribution of land in Scotland

The Clan System

- www.highlandclearances.co.uk/clearances/precleanances_theclans.htm
- www.bbc.co.uk/learningzone/clips/the-clan-system/7033.html

The Jacobites

- www.bbc.co.uk/scotland/education/as/jacobites/std/
- www.bbc.co.uk/history/scottishhistory/union/features_union_jacobites.shtml

The Wider World

- The Gift of Togetherness: A Resource on Poverty, Community and Land Rights for the Post Primary Classroom - This resource looks at land rights in Honduras (RME) www.trocaire.org/sites/trocaire/files/resources/edu/land-rights-honduras.pdf
- Land Rights: Action Aid - This briefing looks at protest songs written about land rights disputes in India (Music) www.actionaid.org.uk/schools/free-teaching-resources/india



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- UNDP (2005) Human Development Report: The Limits on Pro-Poor Agricultural Trade in Guatemala:Land, Labour and Political Power
- Viscidi, L. (2004) A History of Land in Guatemala- Conflict and Hope for Reform, Americas Program of the Interhemispheric Resource Centre

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