

Land Reform and the Pavarotti Effect

Alastair McIntosh

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History's witnesses are waiting

An "irreversible shift" has taken place "in public policy towards the issue of land ownership in Scotland," Brian Wilson MP told the London Committee of the Scottish Landowners' Federation in June 2000. "Land reform has now become a litmus test by which the Parliament and Executive would be judged."

It gave me considerable satisfaction to quote these words, not only in *Soil and Soul*, my recent book about Scottish land reform and globalisation, but also, in this month's *Le Monde Diplomatique* – Europe's most influential political newspaper, which prints 1.2 million copies worldwide. In these writings I've also quoted Alasdair Morrison MSP. Speaking around the same time as Wilson's magnificent speech, he said: "Notice has now been served on rapacious landowners who have abused wealth and privilege. An unstoppable reforming process has begun."

Brave words, but as Wilson and Morrison know, the challenge facing Parliament over the next few weeks is to pass the litmus test without being forced to drink vinegar. That's why some of us are doing our damndest to make sure that the eyes of the world are on Scotland. History's witnesses are waiting. If our elected representatives fail us, disappointment and anger will be felt far beyond the Scottish Highlands.

Pattern and example for elsewhere

What's happening with land reform in Scotland is being seen as a pattern and example for elsewhere. That is why Gigha was even on French television last week. And why the 1997 campaign on Eigg succeeded due not only to one big donation of a million pounds, but also to 10,000 smaller contributions, totalling £600,000. I remember seeing one letter in the interim Trust office – Maggie Fyffe's kitchen on Eigg. It was from 'unemployed' of London and contained a £2 donation. The covering note simply said, "It gives me hope," and countless other letters expressed similar feeling.

Today, only a powerful, concentrated, well connected and richly resourced lobby stands between the residual legacy of feudalism and that hope. Their own language

betrays them. Consider, for example, this splendid statement, quoted in *The Herald* of 17th September 2001, from David Cotton of the so-called Crofting Counties Fishing Rights Group: “*We are a totally independent body, representing grassroots salmon and sea trout river workers, including ghillies, bailiffs, fishery scientists, managers and hatchery operators. We also represent their wives who may work in the fishing lodges or the wee local shops and their families.*” Analyse the role of women in that one, and you see the name of the game – all the way through to “*the rich man in his castle, the poor man at his gate.*”

The ‘Pavarotti Effect’

As Calum MacDonald MP told a conference organised by Land Reform Scotland earlier this year, the crofting right to buy, with sporting rights, is the forthcoming Land Reform (Scotland) Bill’s most vital reform. However, it is the basis by which land will be valued that will determine whether the Bill makes much difference. The draft Bill envisages land transfers taking place at market valuation. Apart from the ethics of having to buy back what was once, in effect, stolen property, or what can already be bought back individually for a mere fifteen times annual crofting rental, this could be positively dangerous. What makes it regressive could be called, “*the Pavarotti Effect.*”

In the last days before the fake *Professor* Maruma, successor to Keith Schellenberg, was forced to sell the Isle of Eigg, a mysterious outfit materialised – the Pavarotti Foundation. This threatened to buy the island like a giant floating Mod – turning it into an “*opera college*” for three thousand aspiring crooners! The Foundation’s smarmy and ever-smiling be-suited consultants went to meet with Highland Council to discuss the plan, allegedly patronised by the Italian tenor, Luciano Pavarotti. But the mirage evaporated when Pavarotti disclaimed sponsorship. The Foundation’s manager was exposed as being one and the same as Maruma’s principal creditor – Hans-Dieter Kals – desperate to recoup the money put in by himself, a retired scientist called Willy Hermann, and a Stuttgart hotelier by the name of Zimmerman. It was, seemingly, all just a ruse to up the ante in the bidding stakes. It was an effort to frighten the newly-formed Isle of Eigg Heritage Trust into paying over the odds.

Eigg wasn’t fooled, but how do we know that Gigha hasn’t been taken in? We’re given to understand that Derek Holt, the erstwhile laird, altruistically accepted £4 million in the face of higher bids of £5 million, or was it £7 million – the figure fluctuates. How do we know that these were genuine? After all, would any millionaire in their right mind want to buy a reclusive retreat where the residents have just voted for revolution?

Market valuation, manipulation and perfect anonymity

If the Land Reform (Scotland) Bill goes through on the basis of “*market valuation,*” and if there’s no qualification of what that means, what is there to stop landowners from manipulating market values? The existence of secretive companies like *Vibel SA*, owners of Durness show that corporate power can operate from behind a curtain of perfect anonymity. Set in this light, it becomes apparent that legislation permitting community buy-outs at market valuation could actually work against land reform.

This is because prominent buy-outs like Eigg and Assynt happened not at market valuation, but because of *market spoiling*.

There was nothing new about this idea. Those of us instrumental in establishing the original Isle of Eigg Trust got it not from our own brains, but rather, from James Hunter's book, *The Making of the Crofting Community*! Hunter tells how the perpetrators of the 1887 Pairc Deer Raid were not just trying to satisfy their hunger. They also hoped that "*the sporting value of Park forest would be so drastically reduced that its tenant would give it up, thus forcing Lady Matheson to [hand it] over to the crofters.*" In modern parlance, the name of the game had to be to wipe out what Keith Schellenberg called the "*collector's item*" premium in Scottish land values.

Need for market value based on economic value

Land reform legislation stipulating market valuation, without any qualification of what that means, could actually damage the future use of this tactic. It could set a price higher than the market might bear given the "*perfect market information*" that, quite frankly, a new laird would be an unwelcome neighbour! Simple market valuation could play into the hands of landed power by setting the "*market value*" at whatever some trumped-up Pavarotti might sing for. That is why our MSPs need to consider specifying a realistic market value – ***market value based on economic value***. That way, communities would be taking on loans no greater than what the well-managed economic output of their place could sustain. Land reform legislation would protect them from the siren-call of the *Pavarotti Effect*.

Further Information

Alastair McIntosh is author of *Soul and Soil: People versus Corporate Power* (Aurum Press, 2001)

For further material on land reform and discussion papers on other related topics visit www.AlastairMcIntosh.com