

GATT AND CROFTING THE URUGUAY ROUND AROUND ULLAPOOL

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The negotiations of the Uruguay Round of the General Agreement on Tariffs and Trade (GATT) were finally completed on the 15 December 1993. Peter Sutherland, director general of the GATT, announcing the close of the round, said that the accord was 'a momentous and historic achievement' which would bring 'more trade, more investment, more jobs and a larger income growth for all' (**Financial Times** 1993). The **Financial Times** leader (op. cit.) welcomed the conclusion of the round as a 'triumph in adversity' and claimed that the inclusion of farm trade will 'reinforce market-based agricultural reforms and [give] developing countries a chance of exploiting their comparative advantage as food producers'. Others are less optimistic about the effects of the GATT. The most publicised concerns have focused on agricultural production in the third world, such as in India where over half a million farmers gathered to protest against GATT, especially the power it gives to multinational companies to enforce intellectual property rights on scientifically improved seeds (Schwarz 1994). Nearer to home it is claimed that GATT will have a negative impact on farmers - especially small farmers - in France (Rowe 1993).

In this paper we look at the possible impact of the GATT on the crofting communities in Scotland. Crofting represents only a tiny sector of Scottish

Since this article was completed, the GATT has been replaced by the WTO, the World Trade Organisation.

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agricultural output. But in terms of cultural and ecological significance it arguably represents, as Prince Charles told the 1993 Scottish Crofters Union conference in Stornoway,

a model which many other communities throughout the world would do well to emulate ... [having] something to teach mainstream European agriculture at a time when over-production is an ever-embarrassing problem, when at least some governments are seeking environmental benefits within European agricultural policies, and when there is increasing concern to protect our remaining rural communities (**The Crofter** 1993).

It is our finding that, in the short term, crofting - unlike vernacular livelihoods outside of European Common Agricultural Policy protection - is not likely to be threatened by GATT. However, in the medium to long-term it is imperative that policy makers take account of the GATT constraints if subsidy regimes by which the rest of society supports this valued aspect of European heritage are to be maintained.

CROFTING

Crofting is a form of feudal agricultural smallholding whereby, in law, the crofter is 'vassal' to a 'feudal superior'. It has two roots. One is in the traditional usufructural resource-use systems - that is, systems with overlapping rights to usage - which depended on the pre-seventeenth-to-eighteenth century clan or family. The other is in the processes of effective land enclosure which intensified following the breaking of the power of the Highland chiefs in the 1746 Battle of Culloden. As with the process of enclosure throughout Britain, land became a commodity to be bought and sold without reference to resident communities, and valued, not for the number of people it could support, but for its profitability and sporting potential (McIntosh et al 1994a,b).

In the 1880s growing indigenous land rights awareness led to riots and rent strikes. These resulted in gunboats, police and troops being sent to such places as Skye and Lewis to suppress communities protesting against the usurpation of their traditional land-use rights, lack of secure tenure, summary evictions and a history of ruthless clearances to the newly industrialised cities and colonies abroad.

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Aided by the growing communicative power of the press locally and in London, the crofters organised politically through such bodies as the Highland Land League. In 1886, following the Napier Commission's enquiry into the plight of the crofters, the British government passed the Crofters Act which met a number, though not all, of the demands of the Land Leaguers. This effectively gave crofters their own native reservations. It did not return the land to those who had been formerly dispossessed of it; thus, 'whereas most states keep their people in the country and their animals in reserves, Scotland seems to do things the other way round' (Nelson 1994). Nonetheless, through providing heritable security of tenure usually through inheritance by the eldest son from his father, the 1886 Act meant that tenancy could stay in the family. Croft rents were now outside the laws of private contract and were subject to judicial scrutiny. They have now become peppercorn. The Crofters Act of 1886 has been largely responsible for the survival of the crofting way of life and the cultural landscape which it maintains as a significant indigenous European vernacular way of life of the 1990s.

A survey for the Scottish Crofters Union (Kinloch & Dalton 1990) gives a picture of the typical croft at the end of the 1980s: average area of land tenanted by the croft is 19 hectares (45 acres), while common grazing rights give crofters access to a further 67 ha (164 acres), most of the latter being poor quality rough grazing. The average area of grassland and cropped land is 14 ha (34 acres). Sheep are the predominant stock (occurring on 85% of the crofts surveyed, with an average of 107 head per croft) while cattle are less prevalent (63%, 7 head). Only one third of the crofts surveyed grew crops - mainly oats and some barley, both grown primarily for use as livestock feed on the croft.

Crofters and their families have traditionally derived only part of their income from crofting. Other sources of income have included employment and self employment outwith the croft, fishing, weaving and increasingly tourist-related activities. Indeed, only 5% of the crofters surveyed relied solely on the croft as a source of income. Table 1 shows average incomes from different activities - although the variation between crofts in the survey is wide. Agricultural production on the croft accounts for only 4% of the income of crofts in the survey, although on the larger crofts with over 151 ewe equivalents the average net income from this source is £1880 pa.

While an initial reaction to these figures might be that crofting is hopelessly uneconomic and that crofts should be amalgamated to form larger more viable agricultural units (as has often been advocated in the past), it can be

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strongly argued that crofting can provide a diverse rural economy with a high population density. Angus Macleod, one of the founders of the Scottish Crofters Union, pointed out that 'the important thing about crofting is that it kept people on the land while farming, on the other hand, has been emptying the countryside' (Hunter 1991). Hunter (op. cit.) contrasts the crofting areas of Scotland - such as the harsh Atlantic coast of Lewis - where you pass 'not just the occasional modern house but dozens, even hundreds', with Morven - an area cleared in the nineteenth century - where 'you will find few people; see little in the way of habitation; observe practically no recently constructed homes.' Hunter suggests that crofting is 'a perfectly rational way of organising the occupation of land in a part of Britain where the returns to agriculture are...severely limited by unalterable climatic conditions.'

Table 1

Sources of Income for Crofters and Spouses

| | £ per croft pa | % |
|--------------------------|----------------|-----|
| Crofting | 326 | 4 |
| On Croft (non-crofting)* | 241 | 3 |
| Outwith Croft** | 6218 | 72 |
| Unearned ⁺ | 1886 | 22 |
| Total | 8671 | 100 |

Notes:

* includes bed & breakfast, cottage letting, weaving

** includes employment, self employment

⁺pensions, benefits, investments

from: Kinloch, M and Dalton, G. (1990)

It must also be asked whether the viability of crofting might be substantially improved were crofters freed from their native reservation status and again given access to the bulk of the land, which is currently tied up in estate farms and shooting grounds. Scotland's feudal heritage leaves it with one of the worst patterns of land distribution in the world - worse than most Latin

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American states. 80% of private land is owned by the equivalent of just 0.08% of the population. A 1976 study showed that 35 companies or individuals possess one-third of the Highland's 7.39 million acres of privately-owned land. Just one family, that headed by the Duke of Buccleuch, owns a land area four times the size of the European Union's smallest state, Luxembourg (McIntosh et al 1994a,b, Nairn 1994). Accusations of crofting being 'uneconomic' must therefore be tempered with the historical perspective of a form of internal-colonial disempowerment, dispossession, and the clearance of half a million people, and from forward-looking appraisals of how things could be if mounting demands for community land restitution are achieved.

Crofters are eligible for subsidy support and grants in relation to their farming activities in the same way as other agricultural producers in Scotland. Crofters can also take advantage of other grants and loans for undertaking agricultural improvement that are available to them alone. The value of such subsidies to those in the Scottish Crofters Union survey is shown in table 2. The survey also showed that the average gross income from grant among the 17 crofts which received a production grant was £839 (Kinloch and Dalton 1990). Given the low level of income derived from crofting activities (see table 1) it is evident that sheep and cattle subsidies are important to maintaining the viability of agricultural production on the croft. Some of the crofters in the survey received other types of grants or payments for managing their activities in accordance with Environmentally Sensitive Area and Nature Conservancy Council requirements. It is likely that such payments will become increasingly common as statutory and voluntary bodies seek to work more closely with farmers and crofters to maintain and enhance environmental quality and biodiversity by influencing agricultural practices.

Table 2

| | Gross Income from Livestock, including subsidy | | | | |
|--------|---|-------------|------------|-------------|----------------------|
| | No. of crofts | No. of head | Income (£) | Subsidy (£) | *Income per head (£) |
| Sheep | 55 | 107 | 1499 | 1575 | 29 |
| Cattle | 41 | 7 | 1813 | 641 | 351 |

* including subsidy

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from: Kinloch, M and Dalton, G. (1990).

In the light of GATT, such subsidy regimes raise a number of questions about the future of crofting. Will GATT, which promises to reduce subsidies for agriculture, affect it? Will GATT constrain the development of new funding mechanisms for sustainable agriculture and conservation in the Scottish Highlands and Islands? How might such constraints affect future changes in the physical, biological, economic and cultural landscapes of the area?

INTRODUCING GATT

The Final Act Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations is the latest version of the General Agreement on Tariffs and Trade, originally established in 1947. According to its own publicity (GATT, undated) GATT seeks to establish trade liberalisation, stability and predictability in trading conditions along with non-discrimination and fair trade. The Uruguay Round brings a number of new sectors within the aegis of GATT, most notably services, intellectual property and agriculture. At the start of the Uruguay Round, the original intention of the US and other agricultural exporting countries, with the exception of Europe, was to completely eliminate agricultural protection and support in ten years. In the course of negotiations this goal was moderated, and the final Agreement on Agriculture aims to achieve its goals through three key mechanisms. Firstly by improving market access, secondly by reducing levels of domestic support and lastly by limiting export subsidies:

- Improved market access will primarily be achieved by converting non-tariff barriers to tariff equivalents, which will then be reduced by 36% by 2001.
- With the exception of certain types of support deemed to have a minimal impact on trade (the so-called 'green box' policies), the total level of domestic support - production subsidies - is to be reduced in aggregate by 20% by 2001.
- Export subsidies are to be reduced to a level 36% below the 1986-90 base period, and the quantity of subsidised exports reduced by 21% by 2001.

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GATT AND CAP

The European Union (EU) participates in GATT as one entity rather than as individual countries, and most of the effects of GATT on European agriculture will be felt through the EU's Common Agricultural Policy (CAP). The original form of CAP was agreed by the six founding members of the European Community at the Stresa conference in 1958. The underlying objectives of CAP, laid down by the Treaty of Rome and developed at the Stresa conference, included the keystone policy that prices would be fixed above the world market level, reflecting the higher production costs within the community. This was - and still is - achieved in three ways:

- direct central intervention in the market;
- a system of variable levies to prevent imported goods undercutting EU production;
- and export refunds which allow traders to sell on the world market without making a loss in comparison with the domestic market.

While CAP has been successful in achieving one of its key objectives - increasing food production - this has been at the price of ever-increasing expenditure, declining farm incomes, increasing costs of storing surplus stocks and increasing damage to the environment caused by intensive farming methods. In recognition of these problems - and of impending conflict with the GATT - a reform package was agreed on 30 June 1992. The main elements of the package are more direct payments to farmers and significant cuts in support prices, moving them closer to world prices. The following objectives have been set for the reformed CAP:

- maintain the EU's position as a major agricultural producer and exporter by increasing the competitiveness of its farmers;
- reduce production to levels closer to market demand;
- focus support for farmers' incomes where it is most needed;
- encourage farmers to remain on the land;
- protect the environment.

CAP REFORM IN PRACTICE

The aspects of the CAP reform which most directly affect crofters are the support systems for sheep and beef production, as these have the greatest

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impact on their incomes from agriculture. The following schemes are the primary means of EU support for sheep and beef producers in Scotland: the Sheep Annual Premium (SAP) Scheme, the Suckler Cow Premium (SCP) Scheme, Beef Special Premium (BSP) Scheme, and in certain areas the Hill Livestock Compensatory Allowances (HCLA) Scheme. Changes have already been made to these schemes following the 1992 CAP reforms and further changes will be phased in over the next few years up to 1996. The main changes are as follows (Cook 1993):

- Quantities bought into intervention will be halved over the period 1993 to 1996 and intervention prices will be reduced by 15% over the same period.
- Farmers will receive compensation for the resulting fall in market prices:
 - Beef Special Premium (BSP) and Suckler Cow Premium (SCP) will increase: an 'extensification' premium will be paid on top of BSP and SCP where stocking rates are low.
- This compensation is not open ended:
 - a maximum 'claim rate' per hectare of forage has been introduced;
 - BSP is limited to 90 head per farm and a limit to the total number of BSP allowed in Scotland has been introduced;
 - Individual farms have been allocated SCP and SAP quotas based on past stock numbers.

It is difficult to analyse how the changes to CAP will affect crofting for two reasons: firstly crofters and croft holdings do not form a homogeneous group: a croft in Orkney, where the predominant stock is often beef cattle, and where crops form a significant output, is very different from a croft in the Western Isles where sheep predominate. Secondly, the 1992 CAP reforms include significant changes to the support mechanisms for arable products which, combined with the livestock sector reforms, will result in changes to agricultural systems throughout the United Kingdom and the EU which will impact on animal feed prices, breeding stock prices, lamb and calf prices, and indeed land prices. How these effects will filter through to the crofter is difficult to predict. The Scottish Agricultural College has developed computer models (Cook 1993) which examine the possible effects of CAP reforms once they are fully established in 1996. Unfortunately the farm types analysed by the model are much larger than the typical croft, and

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Cook emphasises that each farm must consider its own unique position. However the model predicts that, in general, livestock farms in Less Favoured Areas (such as most of the Highlands) with relatively low stocking densities will benefit financially from the reforms. The main reasons for the improved financial performance are:

- low stocking density means the farms benefit from the extensification premium;
- the livestock numbers on such farms are below the quotas for any one holding;
- increased SCP, and the fact that cattle are finished at 24 months, mean that each animal receives two BSP payments.

Without further analysis of the specific situation of crofters it is difficult to say how crofters will be affected by the CAP reforms; however it appears from Cook's analysis that crofters might - on average - benefit from the reforms.

LOOKING AHEAD

The first question we asked in this paper was 'will GATT, which promises to reduce subsidies for agriculture, affect crofting?' We have tried to answer this above and our tentative answer - paradoxically - is that crofters may in fact benefit from increased subsidies as a result of CAP reform, driven in part by the need to conform to GATT. It should be noted that this outcome is a result, primarily, of the EU's stance in the negotiations, and its success in placing a number of support mechanisms in the 'green box' where they are excluded from support reduction commitments.

The other questions we asked were: 'will GATT constrain the development of new funding mechanisms for sustainable agriculture and conservation in the Scottish Highlands and Islands?' and 'how might such constraints affect future changes in the physical, biological, economic and cultural landscapes of the area?' The answer to the former is undoubtedly 'yes'. Any new funding mechanisms that involve agriculture will have to conform to GATT, mainly by meeting the green box criteria, and will have to take account of likely changes to GATT in 2001. Although the exact effect such constraints will have on the physical, biological, economic and cultural landscape is impossible to assess we attempt to suggest some areas where these constraints will impact.

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THE 'GREEN BOX'

The criteria which domestic support policies must meet in order to be exempt from GATT's reduction commitments are laid down in Annex 2 of the **Agreement on Agriculture** (GATT 1993) - the so-called 'green box'. The rationale for the green box is that the exempted policies have no, or minimal, trade distortion effects or effects on production. For this reason the fundamental criteria are that the support must be provided through a publicly-funded programme, not involving transfers from consumers, and the support must not have the effect of providing price support to producers. Detailed policy-specific criteria and conditions are laid out, but a selection of the constraints of most relevance to the future development of support mechanisms under CAP or other methods of support are:

- Payments to producers under an income support programme must:
 - not be related to type or volume of production, or to livestock numbers, unless an agreed, historical, base period is used;
 - not be related to prices applying to any production after the base period;
 - not require any production.
- A 'resource retirement' (set aside) programme must not specify any alternative use for the land that involves agricultural production.
- Investment aids through a structural adjustment programme must not be dependent on the recipient producing any specific product.
- Payments under an environmental programme must not exceed the costs - or loss of income - incurred by complying with the programme.

In addition to these green box policies, programmes of support meeting the following criteria need not be included in the support reduction commitments:

- product-specific support which does not exceed 5% of the total value of production of the product during the relevant year;
- non-product-specific support which does not exceed 5% of the value of total agricultural production.

All of the above criteria will have to be met when further changes to the Common Agricultural Policy are made, and when any other support mechanisms are proposed - whether at a European, UK or Scottish level.

THE CROFTING LANDSCAPES

The areas where crofting occurs can be considered to consist of a number of interlaced landscapes: physical, biological, economic and cultural. In the past, rural policy has often treated these in a fragmentary manner. However, as the Norway and Scotland report of Reforesting Scotland (1994, p. 19) suggests, the concept of 'cultural landscape' might provide an integrative principle for future rural policy:

Cultural landscape is a useful concept which acknowledges the long interaction of humans with the landscape - the links between human use, traditions and skills. It is used in Norway as a means of preserving certain cherished landscapes which represent particular associations and land use practices which are in danger of disappearing. In Scotland, the concept of cultural landscapes may be a useful way of synthesizing the past with the present, the social with the natural, to build a new, more integrated, productive and diverse landscape. As a concept it has been used widely in archaeology but has much to offer rural communities in understanding the past and planning for the future.

This is consistent with the Scottish Office's important, even visionary, **Rural Framework** (1992) policy document, which, in addition to asserting sustainability, affirms that, 'diversity, once a common feature of rural communities, needs to be re-established and pursued.'

Certain keystones of the cultural landscape, such as a 'diverse rural economy' and 'keeping people on the land', are addressed by economic development programmes, and to an extent by agricultural support. Less tangible aspects contributing to the maintenance of cultural landscape include the hefted relationship between a crofter and the land, the daily and seasonal rhythms associated with tending livestock, and the cooperation between crofters within a township as sheep are gathered in from common grazing for shearing. Derived benefit from cultural landscape includes the milking songs and other songs of the past and music industry of the present, high quality tourism, clean waters and 'green' product images, poetics of global significance, a reservoir of people (mostly elderly) who have actually lived the sustainable livelihoods others now aspire to (albeit thankfully augmented with high-tech communications, medical advances and contraception), and the considerable psychological satisfaction to be observed, for instance, in retired people daily tending a few sheep. In such respects, it might even be argued that micro-agricultural support helps substitute for social costs such

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as old folks' homes and other welfare services. It contributes to that most essential characteristic of a purposeful life - meaningfulness. The anecdote of an old woman on Lewis who would not move into a state-provided home (with no byre!) until her cow had died, is but one of many such cases in point (McIntosh 1994, p.58).

This is not to paint an unrealistically romantic picture of crofting. Both authors are well aware from personal experience of the tensions and stresses can occur within such communities, but the fact remains that it is to a large extent the individual and collective ways of life of crofters and others in these communities that make the crofting areas of Scotland characteristic and contribute to their value. Although such intangible features can never be supported directly, it is important that they are taken into account and, if not enhanced, at least not eroded when new support mechanisms are developed. It should be noted that part of the EU's insistence on the green box in GATT was to enable CAP to support smaller agricultural producers and hence maintain rural communities.

There are a number of mechanisms the UK government and the EU use to promote rural development and to protect the environment. These include the Guidance Section of the European Agricultural Guidance and Guarantee Fund, the European Regional Development Fund and the European Social Fund. The EU recognises that these funds will become increasingly important as the total agricultural support provided by CAP decreases. These three funds are directed primarily at projects to protect the environment, large scale infrastructure projects, provision of industrial sites, services for small businesses, training, and job creation programmes. While such assistance may play an important role in maintaining the rural economy of the Highlands and Islands of Scotland, it is important that the impact of agricultural activities on the 'landscapes' described above is considered. Many traditional agricultural activities can provide habitats rich in species, while a crofting community without cattle or sheep would be culturally impoverished. It is important therefore that agricultural support that promotes environmentally sensitive agriculture and contributes to the cultural landscape continues, albeit in parallel to the other forms of support such as the Social Fund. While GATT will not directly affect these other sources, it will be an important factor in the development of any funding mechanisms that seek to encourage particular farming practices.

There are many traditional, but artificial, environments that are created and maintained by agricultural activities and which provide valuable species-rich environments, including the machairs of the Western Isles, traditionally-

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managed oat fields and traditionally-managed hay fields. The machairs are grasslands rich in flowers created on coastal sand dunes by the placement of seaweed, dung and soot-impregnated roofing material for the growing of potatoes, while the late cutting of hay, as distinct from the modern early cutting for silage, allows the birds to finish nesting. These habitats (like the old hay meadows in parts of England), which depend by their very nature on particular crops being grown and specific production techniques being employed, are already much reduced as a result of changes in the agricultural market and farming practice. If a decision was made to use public funds to encourage crofters to continue to farm in this way, or indeed to re-adopt other such practices that are no longer widely practised but have environmental and other benefits, what difficulties does GATT put in the way of those charged with developing a funding framework?

One of the aims of the reformed CAP is to focus support for farmers' incomes where it is most needed - primarily small farmers working in difficult conditions. It is possible that crofters will be recipients of such funds. If that were the case a neat solution would be to pay crofters to farm in those traditional ways described above. This would not be allowed under GATT because payments under an income support programme can only be related to the type of production carried out in a historic base period, not current production, and indeed such a programme can not require that any production is carried out as a condition of payment.

Another method of encouraging and supporting crofters to meet the above objectives would be to establish an environmental programme that paid crofters to farm particular crops using specific methods. This would conform to GATT only if payments did not exceed the costs, or the loss in income, incurred by complying with the programme. While such a programme might be attractive to crofters who were motivated to achieve these objectives for other reasons, it is difficult to see how a programme of this sort could have any significant effect in encouraging the widespread adoption of the farming practices proposed if there is no financial reward associated with it.

It must not be forgotten that GATT does not require the abolition of subsidies for agriculture, only their reduction, and that with the current reforms of CAP the target set by GATT have already been achieved. So long as that limit is not exceeded most forms of support can be used, and because the reductions apply to the aggregate support across the EU, not support for individual products in each country, there is room for considerable flexibility. This flexibility is enhanced by the exemptions given to support for specific products that does not exceed 5% of the total value of production

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of the product, and support not related to a specific products that does not exceed 5% of total agricultural production.

How these exemptions and the available flexibility is used within the Common Agricultural Policy will depend largely on the European Commission and member governments. However, the majority of funding programmes will have to meet the requirements of GATT, and the examples discussed above illustrate how GATT will have a significant effect on the development of future funding regimes, and how the effect of this unprecedented global agreement will be felt, in one way or another, in the crofting communities of Scotland.

Because of CAP shielding, the crofting communities are potentially in a much better position than other small farmers in the world who, arguably, face growing competition from those forms of industrial agriculture most willing to work on the lowest common denominators of soil and labour exploitation. However, the protective provisions of CAP and GATT will be capable of being used to sound effect only if recognised and strategically planned for now. This might represent a significant agenda for such bodies as the Scottish Office and the Scottish Crofters' Union.

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