

CROFTERS

indigenous people of the Highlands & Islands


Scottish Crofting Foundation
rooted in our community



**PARALLELS BETWEEN
HIGHLAND CROFTERS
AND NORWEGIAN SAMI**



**SOME POLITICAL IMPLICATIONS
OF INDIGENOUS STATUS**



DEFINITION OF INDIGENOUSNESS

The decline of the small-scale landholding system of crofting in the Highlands and Islands of Scotland – and a belief among crofters and their supporters that elements within government have encouraged this decline – has prompted the **Scottish Crofting Foundation** to look at whether and how United Nations legislation for indigenous peoples could usefully support the crofting way of life.

Within the United Nations system there is no single description of indigenous peoples or single definition to determine which groups qualify as indigenous peoples.

One commonly cited definition comes from J Martinez Cobo, who, in the 1980s, conducted a groundbreaking study for the United Nations into discrimination against indigenous groups. He wrote:

“Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems.”

This historical continuity, Cobo said, may consist of occupation of ancestral lands, common ancestry, common culture, language, or other relevant factors. On an individual basis, an indigenous person is one who identifies themselves as belonging to such a group, and who is accepted by the group.

In a 2007 report for the United Nations Permanent Forum on Indigenous Issues argued that a fundamental criterion of indigenous status should be “self-identification” by members of the group themselves. The report continued:

“The question of who is or is not an indigenous group has been difficult to address. There are some countries that say they have no indigenous peoples living within their borders, while groups of people living in those countries who have distinct languages and cultures consider themselves indigenous to the lands on which they live, and are actively seeking to protect their cultures and their right to their lands and resources.”

Although the United Kingdom has signed up to UN legislation on indigenous rights, it has refused to ratify that legislation, arguing that there are no indigenous peoples in the UK.

Yet, in 2001 the UK ratified the European Charter on Regional and Minority Languages which recognised Gaelic, among others, as an indigenous language of the UK.

As a result the Highlands finds itself in the unusual legislative position of having a protected indigenous language which has survived despite having no indigenous people to speak it.

It is important to stress that the SCF consider that indigenousness is an inclusive concept, and is primarily to be regarded culturally, rather than racially or genetically.

Regardless of their family background, if a person has chosen to adopt and promote elements of the traditional culture of the Highlands and Islands then they should be considered indigenous. This is in accordance with Highland tradition – as the Gaelic proverb puts it: “The bonds of milk [*nurture/culture*] are stronger than the bonds of blood [*nature/race*].”

Whether from elsewhere in the United Kingdom or beyond, at some point in history these crofters are likely to have been affected by the vast enclosure movement of common land that took place throughout the United Kingdom and beyond.

Any new rights and responsibilities that flow to crofters should take account of this fact as further social turmoil – in an already damaged community – could otherwise result.

OUTLINE OF THE DOCUMENT

One of the groups who have been most influential in the indigenous people movement are the Sami of northern Europe. The Sami are of particular relevance to the Highlands and Islands because they were subjected to ‘internal colonisation’. Most currently recognised indigenous peoples (such as Australian Aboriginals and Native Americans) had their territories invaded by external aggressors. However, the Sami (like Highlanders) found themselves inside the boundaries of newly formed, aggressive and acquisitive nation states, which soon took steps to try to wipe out their way of life.

This report will examine the history of the Sami people and look at parallels between the Sami and Highlanders to suggest that similar historical processes have occurred to both peoples. It will then argue that the UK Government should respect the norms of international law and give realistic support to crofters, as indigenous people of the Highlands and Islands, in order to protect and nourish their traditional way of life.

The report will focus on the Norwegian Sami – who have been recognised by that country’s government as the indigenous people of the north of Norway – and on the Gaelic culture of the north-west Highlands and Western Isles. However, there is evidence that the other indigenous culture of the Highlands and Islands – that of the north-east Highlands and Northern Isles – was treated in a similar fashion by the governments of Scotland and the UK.

THE SAMI

For several thousand years the Sami people have lived in the north of what is now Norway, Sweden, Finland and Russia.

Over that period their way of life has changed – they were at times nomadic and at times more settled – but they retain a language, a culture and agricultural practices which are distinct from the nation states within whose borders they found themselves in the 18th and 19th centuries.

In the far north of Norway the Sami are now settled in small communities both inland and on the coast – but the inland reindeer herders still move with their herds during the summer months in a migration which seems similar to the transhumance of the ‘sheiling’ culture that existed in parts of the Western Isles of Scotland until around fifty years ago.

In fact – in much the same way that parts of Perthshire and Moray were once Gaelic speaking – the Sami’s traditional territory covers a huge area, extending further south than Trondheim in mid-Norway.

Ole Henrik Magga, the first president of the Sami Parliament, says that nobody knows how many Sami there are in Norway. He believes the best estimate is around 40,000 with perhaps 25,000 speakers of the language.

The relationship between the Sami and the four nation states into which they were increasingly assimilated during the 18th and 19th centuries has been of regional variations within a uniform process of oppression.

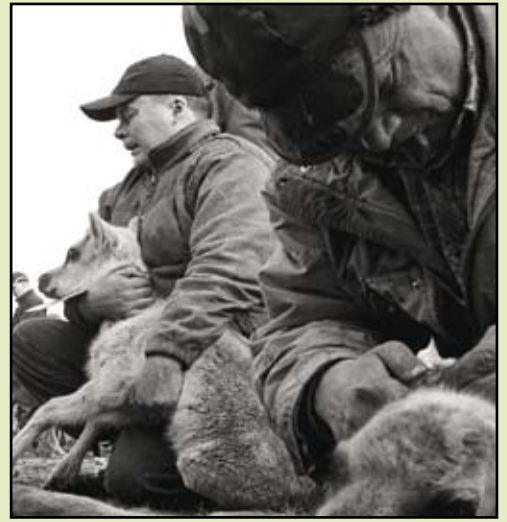
For example, in the early 20th century the Swedish government divided the Sami population within its borders into those the government believed were living a “genuine” Sami lifestyle and those the government believed were not. Those who were not had to assimilate to Swedish society; those who were “genuine” were forced to live in a way that the Swedish government decided was the traditional Sami lifestyle – a policy that split and separated families, as the Swedish Sami lawyer and academic, Johan Strömberg has pointed out.

In Norway the Sami people were left largely alone until Norway gained a level of autonomy from Denmark in the early 19th century. During that century the Norwegian government introduced a series of policies called ‘fornorsking’ (‘Norwegianisation’) which were designed to undermine the Sami’s language, culture and way of life.

These policies were formed in a climate where ethnic groups around the world who did not conform to the normative standards of Western European states were routinely ‘inferiorised’ as part of an ideology that has become known as ‘scientific racism’.

These beliefs found strikingly similar expression in the attitudes of the authorities of Norway and the United Kingdom towards their own indigenous peoples – the Sami (or ‘Lapps’ as the Norwegian authorities called them) and the Gael (whom the centralised authorities often called ‘Celts’ or ‘Irish’ – *the picture from a 17th century German propaganda sheet which is on the cover of this report, is an example of this*).

“The few individuals who are left of the original Lappish tribe are now so degenerated that there is little hope of any change for the better for them. They are hopeless and belong to Finnmark’s most backward and wretched population, and provide the biggest contingent from these areas to our lunatic asylums and schools for the mentally retarded.”



The words in the previous paragraph were written by Norway’s chief inspector of Norwegianisation between 1923 and 1935. A similar attitude prevailed towards the Highlander.

“Ethnologically the Celtic race is an inferior one, and attempt to disguise it as we may, there is naturally no getting rid of the fact that it is destined to give way to the higher capabilities of the Anglo-Saxons. In the meantime, a part of the natural law which has already pushed the Celt from continental Europe westward, emigration to America is the only available remedy for the miseries of the race, whether squatting listlessly in filth and rags in Ireland, or dreaming in idleness and poverty in the Highlands and Islands of Scotland.”

These words were written by Sir Charles Trevelyan to The Scotsman in the 1850s. Trevelyan was in charge of emigration and corn distribution in Ireland and in Scotland during the famine years of the 19th century. Trevelyan added that the incoming Anglo Saxons would more readily “assimilate with our body of politic”.

These statements are indicators of how Gael and Sami were regarded in the unequal relationship they had with those who governed their interests within the framework of the nation state.

The attempts of Norway and the UK to wipe out their indigenous peoples have been described in martial terms. Dr John MacInnes of the School of Scottish Studies has called it “ethnocide” while one Norwegian scholar has noted: “The policy of norwegianisation was introduced in the field of culture “with school as the battlefield and teachers as frontline soldiers”.”

EDUCATION AS THE AGENT OF 'ETHNOCIDE'

The education system was key to assimilating both groups and the methods used by both states to enforce cultural assimilation were also similar in some respects, although in the United Kingdom they were perhaps a little more brutal.

In the 1990s the Tromsø University researcher Henry Minde interviewed Sami people in north Norway about their experiences in education. Minde discovered that many Sami found it hard to talk about what had happened to them. He wrote:

"One intermezzo during an interview with an elderly couple from Skånland in South Troms gives a good indication of this. When the wife had said that her teacher "laughed at" and "mimicked" them because they knew only the Sami language when they started school (in the 1920s), her husband interrupted her with the following reminder: "Enough has been said now. Let me tell you, your story has been so thorough and correct that you need add neither A nor B." It was obvious that a subject had been broached in which they soon reached a pain threshold."

In James Robertson's 'Memories of Rannoch', written in 1925, he recalled a time some 70 years previous when children in one of the many busy primary schools of Rannoch who had been caught speaking Gaelic in class were forced to wear a chain around the neck to which a human skull was attached. The files of School of Scottish Studies in Edinburgh attest that this sort of 'inferiorisation' was a commonplace occurrence in the Highlands for many years.

Per Fokstad, a Sami and Labour Party politician – speaking in 1970 at the age of 80 – gives eloquent testimony of the psychological damage caused by the inferiorisation of his culture during his school years.

"Sometimes when I think about this, it is such a great pain that I can't sleep. I stay awake at night, I feel I have to speak up. Tell this story to someone, everything that causes pain, that has been trampled down. There is something inside me that shouts: "Don't suffocate me! Something that needs air, that wants to rise, that wants to live. But we were branded. We were trampled down and I can never forget it. Never forget what it was like. Everything was taken away from us. Our native language we were not allowed to speak. Nobody listened to us."

Others believed the process of assimilation was a form of spiritual abuse perpetrated on children. This claim was made by another Sami, a teacher called Anders Larsen who lived between 1870 and 1949. In 1917 he wrote:

"I cannot remember anything of what my teacher said during my first years at school, because I did not understand him, and I was certainly not among the least gifted. I profited sadly little from school. I was intellectually malnourished. My soul was damaged. These are the most barren and fruitless of my learning years. They were wasted, so to speak, and a wasted childhood can never be made good."

The achievement of the kind of social policies that 'Norwegianisation' represented was to "mark one's self-image, undermine one's self-respect and self-esteem, and at worst cause self-contempt and an exaggeratingly critical attitude towards other members of one's own group".

This process can be found among colonised peoples worldwide. In Africa Franz Fanon described it as 'inferiorisation' while in South

America the educator Paulo Freire called it a 'cultural invasion' where the invading group ignore the potential of those invaded and impose their own world-view upon them. For Freire cultural invasion is:

"always an act of violence... that leads to cultural inauthenticity of those invaded as they begin to respond to the values, standards and goals of the invaders."

This process also has its parallel among Highland Gaels. Citing Fanon's work, Professor James Hunter, director of history at the University of the Highlands and Islands (UHI), has argued that the enforced acceptance of the inferiority of their own culture can help to explain why so many Gaels opposed the beginnings of Gaelic language broadcasting and condemned the emergence of Gaelic medium education.

RESISTANCE AND SELF-DETERMINATION

While there are some parallels in the educational treatment of Highland and Sami culture, there are fewer obvious similarities in the removal of the people from the land and of the land from the people.

In 17th and 18th century Scotland the rights of the Highlands' traditional leaders, the clan chiefs, were circumscribed and the kin based system of land holding was gradually supplanted by a system premised on individual private property rights. The chiefs' assimilation to southern society resulted in them losing contact with their clansmen. They came to regard their land as a resource to be exploited for material, rather than social, wealth. This process, the historian Allan MacInnes has argued, led to the clearances of the 19th century.

In Norway, by contrast, all land had been proclaimed state land in the mid-1800s, and from the mid 1800s until 1965 only those who had a Norwegian surname or who could speak Norwegian were allowed to own land in Norway. In this way the Sami were marginalised in their lands.

It was, in the early 1980s, a residue of this policy that led to the revitalisation of Sami culture today.

The Norwegian government wanted to flood a valley at Alta in Northern Norway as part of a hydro electricity project. This original proposal would have submerged a Sami village; the revised proposal was to result in the inundation of traditional Sami reindeer grazings.

The Sami protested with hunger strikes and by blowing up bridges in the north of Norway. The Norwegian government felt concerned enough by the civil unrest to mobilise the armed forces.

Although the dam project went ahead, the protests had led to a new awareness and appreciation in Norway of the Sami society in the north of the country. Combined with pressure from the international community, this led to the founding of the Sami Parliament in 1989.

The first president of the Sami Parliament, Ole Henrik Magga, said that it was formed in agreement with the Norwegian government because, in the wake of the Alta Dam controversy, the Norwegian government said to the Sami activists that although they wanted to listen to the Sami they could not be sure that the activists spoke for the Sami people. The response of the Sami activists was to call for an elected body to represent their views.

He said the fundamental aim of the parliament is “not to protect a racial group – the main issue is to protect the culture and the language, the community, the people”.

After the embarrassing headlines that Norway suffered during international media reporting on the Alta Dam case, the country made sure they were the first to ratify to 1989 UN legislation which ensured that national governments would provide means for indigenous peoples ‘to freely participate...at all levels of decision making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them’.

Such plans for the Sami had already been put in place in Norway and the Sami Parliament was instituted by the King of Norway in 1989.

It has an advisory role in policy formation and since its formation the parliament has taken over responsibility for several aspects of Sami related programmes – including in 2000 the previously government run Sami Education Board which gives it responsibility for

educational material published in Sami. This was handed over to the Parliament as part of the Norwegian government’s policy to make the parliament the “primary agent in developing the Sami society”. Nevertheless the Sami Parliament is still campaigning for the Norwegian government to extend the right to education in Sami.

The Parliament’s budget is provided by the Norwegian parliament and in principle it is free to spend that money as it chooses, although in practice most of the funds are earmarked for the existing programmes for which it is now responsible. As of 2005 there were 43 members in the Sami Parliament, elected by 12,475 registered Sami voters.

It also acts as a united and powerful voice for the Sami people in disputes with the Norwegian state – as in the education example already cited, and also in an ongoing disagreement over the rights to oil and gas resources in the Norwegian area of the Barents Sea.

Self-determination and the development of crofting

The story of the Sami Parliament – which, as well as having a role in policy formation, has taken over responsibility for aspects of Sami education and culture from the Norwegian government – relates to a pressing issue in crofting at the moment.

That issue is the future of the Crofters Commission, and particularly the call to have it democratised.

Indigenous status was discussed in the 1990s by the old Scottish Crofters Union. This time around it was raised by Alastair Mearns from Rogart who felt it might increase crofters’ ability to develop policy rather than, as at present, having to constantly react to civil service led proposals which crofters believe are intended to unravel the crofting system.

The process of empowerment on issues which are intrinsic to their way of life is a central feature of the growing body of international law on indigenous peoples which regards self-determination as a fundamental right of indigenous peoples.

In his textbook, ‘Indigenous People and International Law’ S James Anaya, who is the professor of Human Rights Law and Policy at Arizona University, outlines how, as a result of colonisation, indigenous peoples lost their right to self-determination the world over.

His work broadens this argument from the particular cases of the Sami and the Gael to argue that European ideals of ‘civilisation’ informed a legal framework that was used to justify destruction of the integrity of indigenous peoples’ ways of life throughout the world.

By the early 20th century this had evolved to become the ‘Doctrine of Trusteeship’ by which Western states would take care of the rights of indigenous peoples. Anaya writes:

“Although it represented an element of humanistic thought towards indigenous peoples...trusteeship doctrine was rooted in the same Western philosophy that underlay the positivist construct of international law which viewed non-European aboriginal peoples and their cultures as inferior...the objective of trusteeship was to wean native peoples from their ‘backward’ ways and to ‘civilise’ them.”

Here Anaya provides a global perspective. To set the ‘Doctrine of Trusteeship’ in a Highland context, consider the words of Robert Urquhart, who in 1955 became the first chairman of the Crofters Commission.

Evidently, Urquhart was keen for crofting to continue and to be a success. But for Urquhart – as for the Swedish trustees of Sami culture of Sweden – crofting's success could only be achieved if it fitted the state's definition of what crofting ought to be.

At a conference organised for business and industry leaders in 1960, Urquhart appealed to them to try to win over crofters to the market economy.

Although the overt language of 'inferiorisation' that Trevelyan used has gone from his words, the residue of its prejudice remains in Urquhart's complaint that crofters acted with 'characteristic awkwardness' when confronted with the government's plans for betterment of the crofting system along farming lines.

Urquhart, was one of a long line of government appointed trustees of crofting whose adherence to the demands of state policy implementation made them blind to the human ecologist Frank Fraser Darling's fundamental definition that "a croft is not a farm" and is as much a social as an agricultural unit.

The inferiorisation of the crofting system is with us still. Last year a paper by the Department for Environment, Food and Rural Affairs (DEFRA) on food security claimed that the root causes of food insecurity are poverty and subsistence farming. They offered as evidence for this fact the Irish and Highland potato famines of the 1840s. DEFRA baldly state that it was the reliance of the Highland people on this one crop which failed that was the cause of starvation.

However, this interpretation of Highland history fails to note the long previous process of dispossession from their most productive lands of the Highland communities who suffered famine in the 1840s.

It fails to note that while those communities faced starvation and death in the 1840s, at the same time food was being exported south from farmlands which had been taken from those communities – farmlands that now constitute the bulk of agricultural land in the crofting counties.

It fails to note that the monoculture of potato production had effectively been enforced on those communities by rapacious landlords and indifferent governments whose past economic policies – for the kelp and fishing industries – had demanded a large population on as little ground as possible.

"The most important cause of such subdivision, however, is to be found in landlords putting whole areas under sheep. In 1847, for example, it was calculated that some 6,000 of the 16,000 arable acres in Skye were held by just 30 sheep farmers. Almost all this area had been converted from tillage to pasture – leaving Skye's remaining 10,000 acres of arable land to support over 4,000 families. Of course, they could not."

(from James Hunter; 'The Making of the Crofting Community'; 2000; p92)

CROFTERS COMMISSION FAILING ITS MANDATE

Contrary to what DEFRA say, in the cases of both Ireland and the Highlands in the 1840s, the "root" cause of poverty and hunger was never subsistence farming at all. It was, in fact, the emerging agri-industries which were feeding off the social injustice that defined the state of the Highlands and Islands at that time.

Yet this outdated and unjust interpretation of Highland history is still being offered by government to justify a policy whereby, rather than supporting sustainable local agricultural systems, they intend to replace unsustainable agri-industry in the UK by exporting unsustainable practices (and their environmental consequences) overseas.

The **Scottish Crofting Foundation**, with a handful of staff and a group of dedicated volunteers, have been struggling against this underlying hostility to the very idea of crofting.

Such hostility has had many children. Among them:

- The Less Favoured Areas Support Scheme, where civil servants at the Scottish Executive's Environment and Rural Affairs Department (SEERAD) drew up a system of payments which enabled the fertile arable lands of East Lothian to be supported at a higher real rate per hectare than the rocky slopes of Harris.
- The efforts to remove the bull hire scheme for crofters – a retrograde move which was allegedly initiated by civil servants from the same department proactively approaching the European Union in an effort to kill off the scheme.
- The Crofting Reform Bill, drawn up by SEERAD officials, which attempted to legitimise the free market in croft land by arguing that government could do nothing to stop it.

Yet, in all these cases, while the **Scottish Crofting Foundation** struggled to get the crofting voice heard against the state, the Crofters Commission – a body with sixty paid staff and seven remunerated commissioners – sat on its hands in Inverness.

Such has been the Crofters Commission's disinterest



in standing up for the crofting interest in such matters, it seems out of place even to suggest that they might have such a responsibility. Yet they do. Their governing legislation states:

“The Commission shall have the general duties of promoting the interests of crofters and crofting communities”.

This makes it quite plain that, with the right leadership, the commission could provide a vital service to the people it represents by vigorously promoting the crofting interest on a whole range of issues.

However, the current state of the commission begs the question: How can the Crofters Commission be expected to promote the interests of crofters against the repeated attacks of the Edinburgh based civil service when the Crofters Commission is currently mandated by those same civil servants who choose, for example, to regard **East Lothian** as a less favoured area than **Harris**?

The Crofters Commission as a body is demoralised, and in an impossible position. Their hardworking staff members and commissioners who are committed to crofting must find it difficult to be constantly attacked by the very people whose interests they are supposed to be there to promote.

The emasculation of this essential part of the remit of the Crofters Commission parallels – and, indeed, may be an important cause of – the decline of the crofting system itself.

The empowered Sami Parliament and the emasculated Crofters Commission represent two poles described by the French pilot and soldier Andre de Saint Exupery. He wrote:

“Victory is an organiser, victory is a builder, with every man carrying bricks until he has no breath left. But defeat soaks men in an atmosphere of incoherence, of tedium and above all of pointlessness.”

The Sami elder Magne Ove Varsi is an organiser. He heads ‘Galdu’, an organisation designed to disseminate information about the Sami and other indigenous groups worldwide. He argues that there are three ways that ethnic minorities can relate to the states of which they are a part.

He explained that they can assimilate (or rather, be assimilated); they can integrate (or become integrated);

or they can follow the model of ‘ethnic incorporation’.

By this final option, he explained, the ethnic group remain a part of the wider state but have their own institutions, mandated by the group themselves, to represent their own interests. The model of ethnic incorporation is now generally accepted as the route forward for indigenous groups within nation states.

Magne Ove Varsi sees the establishment of institutions that work for, respect and – crucially – are mandated by the bearers of Sami culture as vital for the Sami’s future well-being. While he is grateful for the support his people receive from dedicated academics at Tromsø University, he points out that this institution, while situated in the heart of Sami territory, is not mandated by Sami people themselves. He said:

“We need institutions that build up Sami society that are owned by the Sami and are controlled by the Sami – and we also need pan-Sami organisations to connect with Sami in other states,”

For this to work in a crofting context it becomes imperative that the civil service changes the way they think about crofting. Crofting must cease to be considered as only a subsistence agricultural system or as an unusual system of tenure and be understood as the physical basis of distinct, valuable and valued way of life founded on community – a word derived from an Old English word also meaning fellowship, union, common ownership.

The Carnegie Foundation have recognised that confident and resilient communities can provide a range of social and ecological goods that will stand them in good stead for the challenges of the 21st century.

In their recent Charter for Rural Communities, Carnegie single out crofting areas as examples of community development for the rest of the country to follow. They conclude:

“Some of the most inspiring examples are in the Western Isles of Scotland,”

By viewing crofting in this holistic, rather than narrow, manner, it becomes a vital element in the cultural integrity of the Gaelic and Nordic peoples of the Highlands and Islands, whose distinct social structures have been undermined for generations by UK government policies which were designed to assimilate them into the state’s mainstream mono-culture.



CONCLUSION

Professor James Hunter, director of history at UHI, noted in his inaugural address: "What's marginalised the Highlands and Islands is not their location but the way the world began to be organised in post-medieval times – when power, decision-making and, most of all, people were drained away from here and concentrated elsewhere. Today, thankfully, this process is reversible."

Through the Sami Parliament and other bodies, the Sami have, over the last twenty years, begun to move towards greater self-determination over their own affairs. This has been a psychological development as well as a material development.

Among crofters, the culture, with its distinctive languages, outlook and practices, has suffered such denigration that for some it can seem at times beyond repair. This, in turn, can create negative feelings towards aspects of traditional culture. However, if structures of power and influence can be employed to create such negative feelings they can also be employed to replace negative feelings with positive ones.

The democratisation and devolution of the Crofters Commission to become accountable

to the people and the distinct cultures that they represent would be an important step in the regeneration of Highland culture and society.

Such an Assembly of Crofters would be a powerful advocate for a way of life in which, as one elderly woman brought up on a croft put it, people "lived for one another, worked for one another and cared for one another". It is to values such as these that our society must look if we are to meaningfully overcome the great challenges of this century. In a time when the tenets of individualistic consumer society are increasingly being called into question, the fundamentally cooperative nature of crofting communities provides a template that, if nourished, can produce a social and environmental harvest that will spread throughout the land.

The **Scottish Crofting Foundation** calls on government to: recognise crofters as indigenous people of the Highlands and Islands; respect the growing body of international law on indigenous peoples; and devolve power and decision-making on indigenous issues to the people who maintain the indigenous cultures of the Highlands and Islands.

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