in the US marked the 20th anniversary of the Lockerbie disaster at a special ceremony at the Arlington National Cemetery Picture: Getty Images

diplomacy prepared the way for the trial of two accused, Al Megrahi and Al Amin Khalifa Fhimah, in a Scottish criminal trial in 2000 relocated to Holland. Fhimah was acquitted.

The two sides – Mr Duggan and the campaigners in Scotland – have become bitter adversaries. It is not uncommon for opponents in a long-running and infinitely complex dispute to develop something of a relationship. A connection can begin to develop through their common history of opposition in radio or TV discussions. Not in this case. They have never actually met face to face and neither side can think of a single instance in which they thought. "actually, that's a good point" made by the other and amended their position accordingly.

Ms Grahame and Prof Black refuse to comment at all on Mr Duggan, preferring general statements of regret that the manifest anger in the US following the release of Al Megrahi is rooted in a false narrative of events.

Mr Duggan tends to be less circumspect. He calls them "deniers" and can't understand why they continue to pick at a case that had as good a trial as Scotland could muster and had the conviction upheld on appeal. He is unimpressed by the issues raised by the Scottish Criminal Cases Review Commission.

"Al Megrahi had the opportunity to clear up some of the questions but chose not to testify and then dropped his next appeal when he got sent home," he contends.

That's not much of an argument for a (retired) lawyer to make, given that in both the US and UK the accused has a presumption of innocence that the prosecution has to overcome.

"That's right, of course," he says. "But we hear he has an agent in London now looking for a publisher of his side of the story when he never wanted to give it under oath."

Is all that is left to Mr Duggan and the Victims of Pan Am 103 a never-ending prospect of beating out brushfires casting doubt on the investigation and verdicts?

"We still have friends in Congress who keep in touch with us. I was asked whether the families want a congressional committee to take hearings on the Scottish compassionate release. I would love to say this case is over, and it is over in court, but the bombing of Pan Am 103 will be fodder for lots of stories and theories. There doesn't seem much we can do about that, but I for one am through trying to reason with Prof Black or MSP Grahame," he says.

Only one thing is guaranteed: the angry, hurt and hostile e-mails will continue to fly.

that there is still a need for charity at home

Mr Bennett explains: "I sit as convener as a mutually acceptable choice to both societies – we get on very well, there is no undercurrent!"

Last year, donations to the fund totalled £23,535, including £10,000 from the Tod Foundation, which provides an annual ringfenced sum to assist solicitors who are stressed to take a break in Scotland. The money also helps to pay for a locum to run small firms during this break. In the year to October 2009, the fund made 21 grants to 11 individuals in Scotland. That was broadly the same as in 2008, when 12 individuals benefited from 22 awards. The ringfenced section from the Tod Foundation presented five grants to four people.

"The funding has gone down, largely because we rely on individual donations, and that has gone down with the recession," said Mr Bennett.

Aside from annual donations, the fund benefits from investment income and has a healthy balance sheet built up over the years. But Craig Bennett sounds a note of caution about its ongoing viability. "The fund has had its heights, and we are worried it is on the slippery slope," he warns. "One of the problems is, people are not aware of it. If you mention it to lay people, they end up falling around on the carpet laughing, so it is a very difficult to try and communicate. Solicitors understand why it is required, but if you ask a lay person, they think that all lawyers are rolling in it."

It is this problem that Mr Bennett is keen to rectify, upping the profile of the fund, not just to increase donations, but also in an effort to generate a broader spectrum of applicants.

He says: "We have tried to market it with varying degrees of success. The donations are not down to a trickle, but it is less than we would like, as far as money coming in is concerned. We are keen to publicise it. There will be people out there who don't know about it but could get money too."

He adds: "There is ignorance in the profession that this fund actually exists, particularly among young lawyers. We need to help all lawyers that have a problem."

Legislation not the only way to secure crofting's future

CALUM MACLEOD AND NICOLE BUSBY

THE recent introduction of the Crofting Reform (Scotland) Bill to Parliament marks the latest instalment of the Scottish Government's increasingly fraught efforts to provide a legislative basis for crofting as a driver for sustainable rural development in the Highlands and Islands.

Policymakers have traversed this terrain before – and fairly recently. The 2007 Crofting Reform Act – touted by the then Labour-Liberal Democrat Scottish Executive as preserving a "unique way of life" – emerged from a stormy passage through committee as a set of largely administrative provisions that did little to address absenteeism, neglect of crofts and free market speculation on croft land, issues commonly held to imperil the future of crofting.

It was all supposed to be different this time round. Collective, inclusive and increasingly devolved decision-making provides the template for much of contemporary rural development and this approach underpins key recommendations contained in the 2008 report of the government-initiated Committee of Inquiry on Crofting (known as the Shucksmith Inquiry). The radicalism of that report was reflected in the draft Crofting Bill issued for consultation earlier this year.

The draft bill proposed that crofting governance be devolved. A renamed and reorganised Crofting Commission, comprised of up to six area committees (each containing a majority of crofters, elected by crofters) would assume responsibility for regulatory decision-making in their geographical areas.

The draft bill also sought to shift crofting regulation onto a proactive footing by requiring the Crofting Commission to take action on absenteeism "unless there is good reason not to" and empowering it to take enforcement action against any crofter misusing, neglecting or not putting their croft to any purposeful use, without requiring a complaint to be made or the consent of the landlord.

Meanwhile, a new and definitive Crofting Register, to be administered by the Registers of Scotland, was envisaged as providing a definitive and up-to-date record of the extent of and interest in crofts. However, there was a financial sting in the tail in that crofters would have to fork out up to £250 to complete the necessary paperwork.

Two proposals contained in the draft bill provoked considerable controversy.

One related to the introduction of "occupancy requirements", recommended by the Shucksmith Inquiry as an antidote to absenteeism and "second home syndrome" by tying croft houses to residency.

The other related to support for croft housing by making specific provision to enable a crofting tenancy to be used as security to obtain loans through private finance for croft-related improvements. Both proposals were overwhelmingly opposed by respondents who addressed these issues during the bill's consultation.

The Crofting Bill now before Parliament has had its radical edges considerably blunted. Faced with claims that the occupancy requirement was unworkable in practice, the government blinked first and duly withdrew it from the revised bill. Gone too is the proposal to use a crofting tenancy as security for private finance, widely criticised as a threat to the ethos of security of tenure upon which the crofting system is founded. And the brave new world of a democratised and decentralised Crofting Commission looks somewhat more prosaic in the cold light of day.

Instead of six area committees, it is proposed that the commission consist of up to nine members, six of whom it is intended

> "The Crofting Bill now before Parliament has had its radical edges considerably blunted"

would be registered crofters, elected by crofters, with the remainder comprised of ministerial appointees. The Crofting Register remains in the redrafted bill, albeit with a reduction in anticipated fees from £250 to £130. However, it's doubtful that crofters will view that news as an early Christmas present.

The revised bill does promise a more proactive approach to managing absenteeism and neglect of crofts, although caveats have been inserted within these provisions which suggest room for regulatory discretion.

With opposition parties lining up to give the legislation a "bumpy ride" as it passes through Parliament, an already diminished Crofting Reform (Scotland) Bill may soon find its emasculation complete. However, it would be misguided to place excessive emphasis on legislation as the only path towards crofting's future sustainability. The real challenge for government is to provide a clear strategic framework for crofting, together with an appropriate range of policy instruments (regulatory, financial, informational) and resources to put that strategy into practice.

● *Dr Calum Macleod is senior research fellow within the UHI Centre for Remote and Rural Studies in Inverness. Dr Nicole Busby is senior lecturer in law at the University of Stirling.*