

CWA DRAFT response to the consultation on the Land Rights and Responsibilities Statement

I Have we captured the range of policy areas to which you think the land rights and responsibilities statement should be relevant?

Yes

2a) Do you agree with the Scottish Government's proposed "human rights based approach" to the Land Rights and Responsibilities Statement?

Yes

b) Please give any further thoughts on the best way to ensure that the Statement is based on human rights or gives full consideration to human rights.

We agree with the proposed approach however we note that human rights are not explicitly referenced in the vision or principles, nor is there any reference to accountability or remedy.

3. Do you agree with the Vision of the Land Rights and Responsibilities Statement?

No

We suggest the vision be amended to read:

The ownership, management and use of land and buildings in Scotland should **be in the public interest** and contribute to the collective benefit of the people of Scotland. A fair, inclusive and productive system of land rights and responsibilities should deliver greater public benefits and **fulfil** economic, social and cultural rights.

The 2014 draft statement for consultation which received very strong support referenced the public interest and this should be retained.

"Promote" is weak and should be replaced with "fulfil" which more accurately reflects an aspiration to deliver.

4. Do you agree with Principle 1 of the Land Rights and Responsibilities Statement?

No

This principle should explicitly reference the fulfilling of human rights as follows:

The overall framework of land rights, responsibilities and associated public policies governing the ownership, management and use of land, should contribute to building a fairer

society in Scotland and should promote environmental sustainability, economic prosperity, social justice, **and fulfil human rights**.

The accompanying text should recognise that the most effective lever for delivering this principle would be the alignment of Government fiscal (grant, subsidy and tax) mechanisms, and contain a commitment from Government to progressively do so.

5. Do you agree with Principle 2 of the Land Rights and Responsibilities Statement?

No

Principle 2 should be amended to read:

There should be an increasingly diverse pattern of land ownership and tenure, which properly reflects national and local aspirations and needs.

We support the principle that there should be an increasingly diverse pattern of land ownership, and believe that the phrase “and widely dispersed” should be deleted – the meaning is unclear and could be understood by saying that the ownership of Scottish land should be further distributed around the globe.

6. Do you agree with Principle 3 of the Land Rights and Responsibilities Statement?

No

This principle should be amended to read:

More local communities should be supported to own buildings and land which contribute to their community's wellbeing and future development'

We strongly support the intention of this principle but believe the current wording is weak, as communities do now have the “opportunity” to own buildings and land.

7. Do you agree with Principle 4 of the Land Rights and Responsibilities Statement?

No

This principle should be amended to read:

The holders of land rights should **exercise these rights in ways that** recognise their responsibilities to meet high standards of land ownership, management and use, acting as the stewards of Scotland's land resource for future generations.

The draft version of the Statement consulted on and widely supported in 2014 contained “*exercise these rights in ways that*” as shown above. The removal of this phrase has weakened this principle significantly and it should be restored.

The terms “high standards of land ownership, management and use” require effective definition, and if this is intended to merely mean meeting current minimum standards such as Good Agricultural and Environmental Condition then this should be explicitly stated.

8. Do you agree with Principle 5 of the Land Rights and Responsibilities Statement?

Yes

We agree with this principle, but note that a great amount of information on land is not currently “*publicly available, clear and detailed*” and believe that this principle needs to be understood as requiring that more information is made available, not simply that what is already in the public domain should be clear and detailed.

9. Do you agree with Principle 6 of the Land Rights and Responsibilities Statement?

Yes

10. We would like to hear real life stories about the relationship between Scotland’s land and people. Please provide any case studies which you feel illustrate the vision or principles.

No comment

11. Do you have any further comments?

CWA is very strongly supportive of the principle of there being a Land Rights and Responsibilities Statement but believes such a statement will only be of value if it clearly states the context within which land rights and responsibilities will be exercised, the expectations being placed on those with responsibilities, and actually delivers change and improvement.

The amendments proposed above are intended to strengthen and clarify the Statement, to ensure that it does indeed deliver greater public benefits and fulfil economic, social and cultural rights.

Impact Assessment

12. Please tell us about any potential impacts, either positive or negative, that you consider the proposals in this consultation may have.

13. Please tell us about any potential costs and burdens that you think may arise as a result of the proposals within this consultation.

14. Please tell us about any potential impacts, either positive or negative, that you consider that any of the proposals in this consultation may have on the environment.