



SCOTTISH LAND COMMISSION  
COIMISEAN FEARAINN NA H-ALBA

# What are our land responsibilities?

CLS Conference 2017: Sharing the  
Knowledge

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# Who are we?

- Established 1<sup>st</sup> April 2017
- 5 Land Commissioners and 1 Tenant Farming Commissioner – single integrated board
- Flexible functions and powers
- “Arms length” from government
- 2017 is an establishment year – stakeholder engagement, planning and research

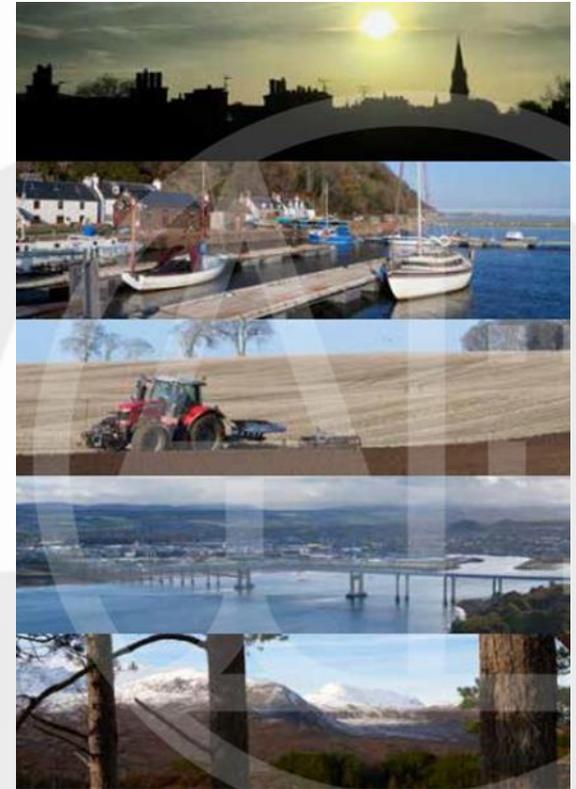




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# Long Term Objectives from Government

- Focus on productivity and benefit for all
- More diverse/disaggregated ownership
- Flourishing and engaged communities
- Disputes minimised
- Emphasis on both urban and rural





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# Land Rights and Responsibilities Statement

*“A set of principles intended to both guide public policy and inform the practices of all those who own, manage and use land”*

## Land Commission and the LRRS:

- Commission function to review the impact and effectiveness of any law or policy
- Land Reform Act requires Commission have regard for the LRRS in exercising our functions
- Commission anticipates role in monitoring the implementation of the LRRS (eg. setting baselines, time series assessments, engaging with stakeholders and making recommendations)
- Made a short submission to the Government on their draft LRRS



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# Land Commission Recommendations

- Could it more closely reflect the four key land reform themes?
  - Collaboration
  - Diversity
  - Social justice (sustainable development and human rights)
  - Urban/rural focus
- Could it make more explicit and detailed reference to human rights?
- Could it provide more detail about reciprocity, rights and responsibilities?
- Could the language be more concise and less ambiguous?  
Could it be road-tested first?
- Could more depth be provided about implementation (across different stakeholder groups) and monitoring?



# Human Rights in the Statement

- Takes a “human rights approach”
  - promoting respect for ECHR as well as economic, social and cultural rights (eg. right to food, adequate housing and work)
  - promoting respect for internationally accepted principles and standards – Voluntary Guidelines on Governance of Land
- Ground breaking
  - First articulation of rights and associated responsibilities in relation to land in Scotland
  - First direct reference to the Voluntary Guidelines on Governance of Land
- But ... is this expressed clearly enough in the Statement?



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# Land-related responsibilities

- Principle 4 *“The holders of land rights should 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”*
- Relevant existing tools already used in Scotland:
  - Good Agricultural Environmental Conditions
  - Scottish Outdoor Access Code
  - ISO 26000 Guidance Standard on Social Responsibility
- International human rights instruments:
  - Voluntary Guidelines on Governance of Land “responsible investment”
    - Doing no harm, respecting human rights and not causing environmental damage
  - Guiding Principles for Business and Human Rights “human rights due diligence”
    - Policy commitment to respecting human rights
    - Periodic assessment of impacts and changing behaviour
- Land-related responsibilities need to be clearly defined before LRRS can be implemented by different stakeholders and its effectiveness monitored
- Leadership now will set the future direction of the LRRS



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