

A HUMAN RIGHTS APPROACH TO RURAL LAND GOVERNANCE IN SCOTLAND

ILC'S DATABASE OF GOOD PRACTICES



LEARN, SHARE AND BE INSPIRED!

Country: **Scotland** - Principal Organisation: **CLS**

ABSTRACT

Community Land Scotland (CLS) has worked to strengthen a human rights approach to land governance through multi-stakeholder dialogue and advocacy. Previously, Scotland's land tenure system was oriented towards private property rights. This has changed, with CLS working with the Scottish Human Rights Commission to introduce a human rights based-approach to land governance. Through its

advocacy work, CLS convinced the Scottish Land Reform Review Group that there was a need for a land policy statement. CLS has worked with Scottish and international human rights organisations to develop human rights arguments as the basis for defending people living on community land. Its efforts have led the government to pass the Land Rights and Responsibilities Statement (LRRS).

ILC COMMITMENTS



**INCLUSIVE
DECISION-MAKING**

COMPETENCIES

AREAS

2

COMMUNITIES, INDIGENOUS AND RELIGIOUS INSTITUTIONS, AND RIGHTS PROTECTION OF HUMAN RIGHTS

SKILLS

ADVOCACY AND CAMPAIGNING LAND POLICY AND MULTI-STAKEHOLDER DIALOGUE

BACKGROUND

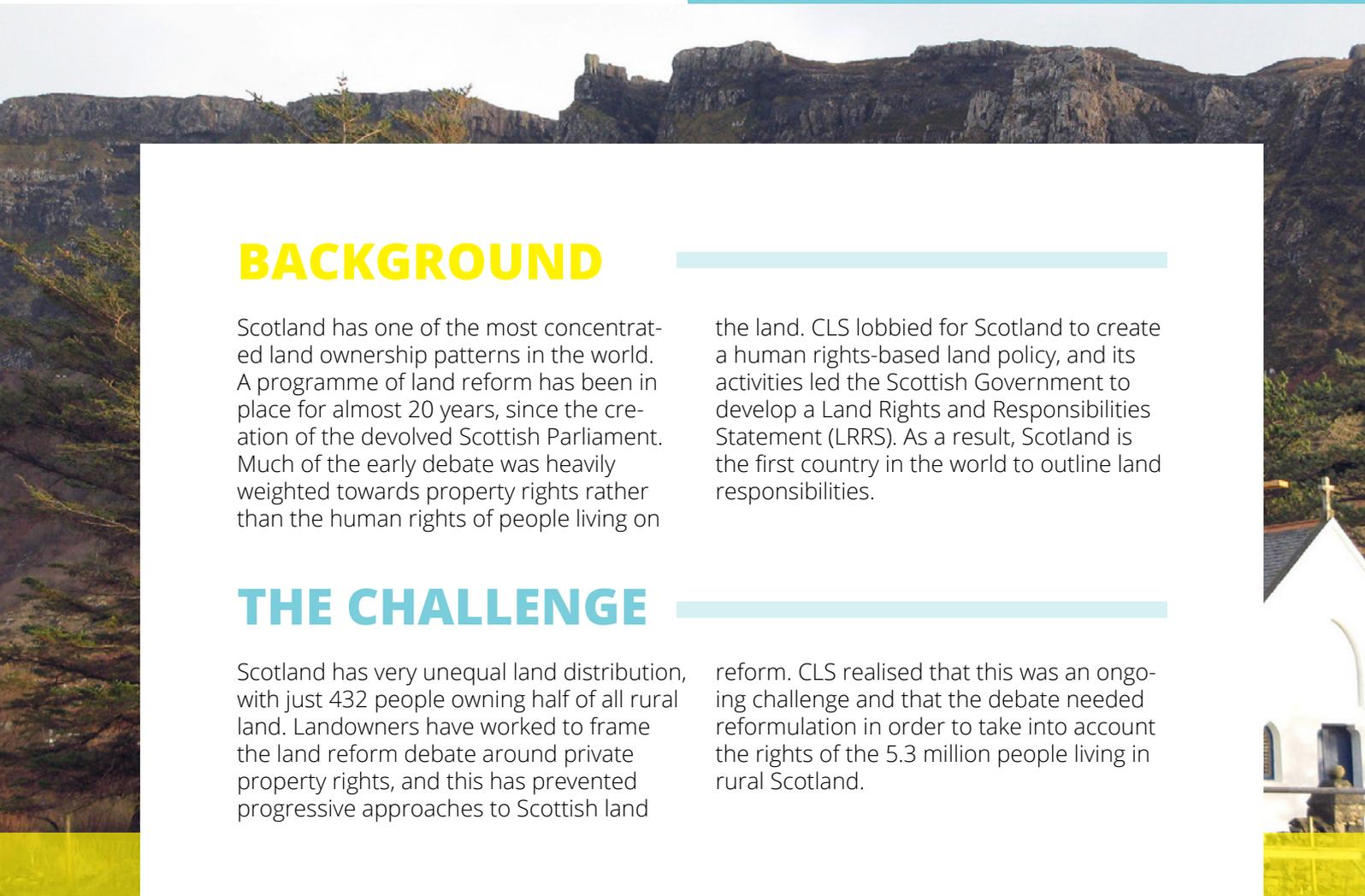
Scotland has one of the most concentrated land ownership patterns in the world. A programme of land reform has been in place for almost 20 years, since the creation of the devolved Scottish Parliament. Much of the early debate was heavily weighted towards property rights rather than the human rights of people living on

the land. CLS lobbied for Scotland to create a human rights-based land policy, and its activities led the Scottish Government to develop a Land Rights and Responsibilities Statement (LRRS). As a result, Scotland is the first country in the world to outline land responsibilities.

THE CHALLENGE

Scotland has very unequal land distribution, with just 432 people owning half of all rural land. Landowners have worked to frame the land reform debate around private property rights, and this has prevented progressive approaches to Scottish land

reform. CLS realised that this was an ongoing challenge and that the debate needed reformulation in order to take into account the rights of the 5.3 million people living in rural Scotland.





OVERCOMING THE CHALLENGE

In 2013, CLS convinced the Scottish Land Reform Review Group of the need for a Scottish land policy statement. CLS and Scottish and international human rights organisations conducted research on international human rights frameworks and developed human rights arguments on behalf of rural people. As part of its advocacy efforts, CLS held a national event explaining the need for a human rights-based LRRS. Building on this, it worked with the Scottish Government on the development of the Land Reform (Scotland) Act 2016, which requires the country to have a human rights-based LRRS. CLS also worked with civil servants to draft the LRRS.

MOVING TOWARDS PEOPLE-CENTRED LAND GOVERNANCE

In the introduction to the LRRS, the Scottish Government's Cabinet Secretary for Environment, Climate Change and Land Reform stated the following:

"The Scottish Land Rights and Responsibilities Statement, the first such statement in the world, will help shape the thinking on land issues in Scotland over the coming years. In keeping with the terms of the Land Reform (Scotland) Act 2016, the Statement adopts a human rights approach to land rights and responsibilities and it signals our determination to continue leading the way in ensuring that Scotland's urban and rural land contributes to inclusive and sustainable economic growth and to social justice."

Scotland is currently experiencing a shift in the land reform debate. There is a new focus on land rights as a route to achieving greater social justice, equality and human rights.

THE GOOD PRACTICE IN FIVE SIMPLE STEPS

1

Influencing the Land Reform Review Group: In 2012, the Scottish Government set up a Land Reform Review Group to plan and make recommendations for land reform. This group undertook research and produced an in-depth (263-page) report. CLS made the case to the review group that Scotland needed a human rights-based land policy statement.

2

Working with human rights organisations: CLS worked with the Scottish Human Rights Commission (SHCR), and later Global Witness, to advocate for property rights of land owners to be balanced with the human rights of people living in communities. CLS was able to present arguments in the context of international frameworks and agreements. By making an informed argument, it was able to influence the Land Reform Review Group.

3

Holding a national conference: CLS held a national conference in a venue next to the Scottish Parliament and invited key influencers and Members of the Scottish Parliament. It used the conference as a platform to argue for a human rights-based LRRS. It used its 2016 national conference as an opportunity to further lobby for the Statement.

4

Influencing the legislative process: CLS is a representative voice for Scotland's community landowners. Since its establishment in 2010, it has built a strong reputation for evidence-based work on land rights and knowledge of community land issues. Based on its reputation, the Scottish Parliament used inputs from CLS to inform the legislative process. Through its work with the SHRC, CLS was successful in convincing the government to incorporate a human rights approach into the LRRS.

5

Drafting the LRRS: In a similar way to working with the Scottish Parliament, CLS worked with civil servants to draft the LRRS. It provided information from its community membership and research to the Scottish Government to assist in the drafting process.



3 THREE FACTORS OF SUCCESS AND REPLICABILITY

1

CLS used human rights as a foundation for the protection of rural land rights. It realised that a land policy statement was an innovative tool for protecting rural land rights and holding land owners and government accountable to the rural community.

2

Partnership with the SHRC, an organisation that has a specialised technical competence, strengthened and informed the argument for a human rights-based LRRS.

3

Working directly with the Scottish Parliament and Scottish Government on the development of the legislation and Statement was effective. Data that CLS generated through its partnerships, research, and community interviews were used in developing the founding legislation and the LRRS

5

LESSONS LEARNED

CLS's activities inspired change in the government's approach to land rights. The LRRS is clear evidence of the government's dedication to a human rights-based approach to land governance.

An important aspect of this case study is the inclusion of a provision for review of the LRRS after five years. Since the LRRS is a living document, there is potential for further strengthening

the rights of rural land owners. The current LRRS is a starting point in the use of human rights to protect rural land rights.

FIND OUT MORE

Scottish Government (2017). "Scottish Land Rights and Responsibilities Statement". <https://goo.gl/S89Dyn>
Community Land Scotland website. www.communitylandscotland.org.uk