

A Study on the Land Reform in Scotland.

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In Scotland, land reform has a long history. There are circumstances that communities have been receiving a bad influence from rising land prices because of the speculative trading and improper management of vacant and derelict land in the background of the reform.

In recent years, in terms of the land reform, Scottish Government adopts a human rights approach. It has been connected to land rights that have a dual structure. In the core part, civil and political rights (e.g. the protection of private property) are included. Then wider economic, social, cultural and environmental rights are related to the fringe area. These two parts have been linked with each other and do not have any hierarchical relationship. Therefore, a private property is placed in same horizon of other rights in the idea of Scottish land reform. That implies, depending on the situation, it can be restricted. A human rights approach has been concreted by a pre-emptive right to buy, however, it has been pointed out a concern of property rights infringement.

The most controversial issue of perspective in jurisprudence is a conflict between European Convention on Human Rights (Article 1 of the first Protocol) and a pre-emptive right to buy. The purpose of this paper is to consider a future of the human rights approach in term of the land reform in Scotland through a study of two case law.