

## EDITORIAL

## Rights and Absolute Rights

*“When I return home from little countries like Denmark, Holland and Belgium, it makes me mad to look at the criminal misuse of the best land in Europe . . . .”* wrote Michael Davitt in a Letter to Mr. Hannay on the 4th April, 1906. This statement raises the issue of the rights and absolute rights of landowners in Ireland.

In any democracy an asset holder has the right to use his assets in any way he wishes, subject to certain legal constraints. But do landowners have the absolute right to underuse, misuse or even, abuse, such a vitally important and limited national asset? Should landowners be obliged to afforest land which is submarginal for agriculture or should such land be taken over by the State and planted?

*“If the charge of the land is specially entrusted to any man or set of men, it can only be enjoyed by them within the limits of that term — held in trust for the good of the community and subject to such restrictions as the community, in the person of the State may think fit or find it necessary to impose”* — Michael Davitt.

The recent report of the National Planning Board appears to endorse these views of Davitt. They advocate “. . . . *disincentives which would penalise underutilised land*” and recommend the imposition of a land tax “. . . . *to stimulate better land use and/or transfer of management control*”.

If this interpretation of the report is correct, then the expansion of the forestry estate in Ireland in the coming years must be bright.