

# International governance frameworks for sustainable land use

**- gaps, windows of opportunities  
and open questions -**

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# Outline

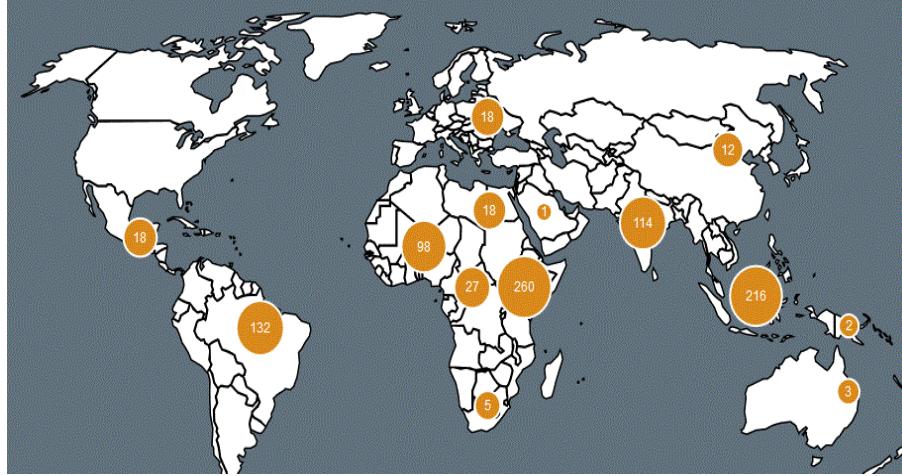
From regulating large-scale land acquisitions (LSLAs)  
to global land use policies

1. Screening of international frameworks to regulate LSLAs, first findings
2. Screening of international frameworks to influence and regulate land use, windows of opportunities and gaps
3. Discussion

# Large-scale land acquisitions: non-trivial



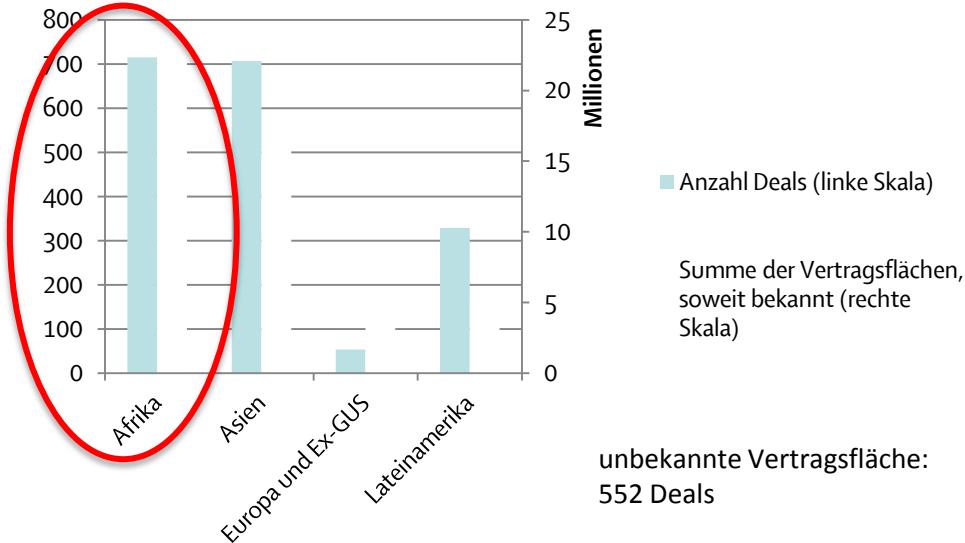
## SUMMARY OF TOTAL LAND DEALS BY REGION



Source: <http://landportal.info/landmatrix/get-the-detail>, 2012

**about 50 million hectares**

- deals concluded: 33 mio hectares
  - deals intended: 14 mio hectares
  - deals failed: 6 mio hectares
- ~60% in SSA



# The *land grabbing* debate



LSLAs are an ideological battlefield

grab or deal  
legal vs. illegal  
large vs. small  
private vs. common  
foreign or ...

Not either or...

# Pros and Cons



Loss of established livelihoods, impoverishment  
loss of (access to) resources  
(land, **water**, pasture, forests),  
pressure / violence to transfer land,  
non-/inadequate compensation

Economic potential is high but risks also  
long transition and gestation period

New way of production (from low to high input),  
changes of land use

Weak local and national governance in many  
countries > **international frameworks?**

# Screening of international frameworks



Human Rights Treaties	Voluntary Guidelines	International Investment Treaties	Bi- / Multilateral River Treaties	Private Standards and Codes
<ul style="list-style-type: none"> <li>• Broad coverage</li> <li>• Binding principles based on universally accepted values</li> <li>• Monitoring and reporting mechanisms</li> <li>• In support of weak stakeholders</li> <li>• Enforcement?</li> </ul>	<ul style="list-style-type: none"> <li>• Generally broad consensus</li> <li>• Human-rights based</li> <li>• Specific on land issues, no water</li> <li>• Non-binding, no monitoring and reporting</li> </ul>	<ul style="list-style-type: none"> <li>• Possibility to regulate entry of FDIs</li> <li>• New treaties to ensure that protecting investors' interest should not at the expense of social policies</li> </ul>	<ul style="list-style-type: none"> <li>• Binding rules for states, not investors; enforcement through state</li> <li>• Conflicting interest between up- and downstream states</li> </ul>	<ul style="list-style-type: none"> <li>• Flexible and specific forums</li> <li>• Monetary incentives for compliance, still difficult for informal sector</li> <li>• Capacity development easy to link to standards</li> </ul>



# Conclusions\_1.0

No framework provides an overarching, comprehensive tool to regulate LSLAs:

...environmental issues are lacking

...only foreign investors, only those adhering to voluntary standards

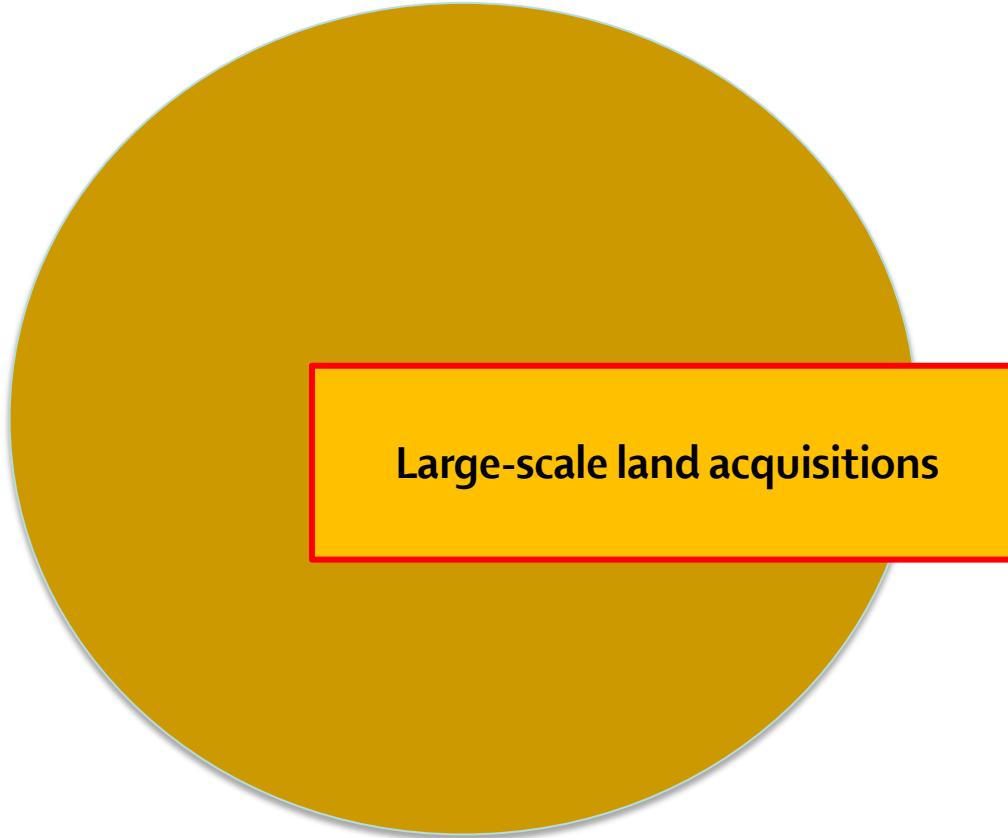
...voluntary nature of multilateral guidelines dilutes impact

...serious limitations of internationally binding frameworks, even if monitoring, compliance and dispute-settlement efforts are increasing

...voluntary standards tend to exclude small farmers

Key is whether international frameworks are *appropriated* by governments, and business.

# LSLA – a small fragment of the global picture



# Fundamental challenges of sustainable land use



Most human **activities have a relation to land** and its attached natural resources, and most are changing its natural status

Sustainability of land use has **various dimensions**, notably

- economic (income generation, poverty, profitability, benefits)
  - social (food security, cultural, psychological),
  - ecological (soil quality, biodiversity, ecological services)
- ...and all are debated, often separately.

**Trade-offs** are inevitable, but difficult to measure due to different dimensions and depths

Generally, land, soils and vegetation are **local and private** rather than global public goods

# Globalands project



*“...identify promising existing land use policies and to develop possible governance approaches towards a more resource efficient and sustainable global land use.”*

AP 1: Status and Trends of  
global land use

AP 2: Governance Screening  
of Global Land Use

AP 3: Conception and  
integration (targets,  
indicators, safeguarding)

AP 4: Cooperation & Implementation

AP 5: Synthesis of policy  
recommendations and active  
communication

# Governance Screening - Overview



Land use policies per sector	Cross Cutting Policies (specific env. media/ goods)	Integrated Policies (diff. env. media)	Cross cutting policies (non-sectoral)	Cross Cutting issues with a lack of (effective) policies
Agriculture <i>(6 policies analysed)</i>	Biodiversity (7)	Sustainability (4)	Energy (10)	Food/Global Diet/Food Waste
Forestry (28)	Water (2)	Spatial planning (3)	Trade (6)	Population increase
Built up land (13) •Energy infrastr. •Settlement •Transport •Mining	Climate (7)		Investment (5)	Public goods/internalizing externalities
	Soil (3)		Development (7)	Gender
			Land tenure (1)	Liability

# Insights from the governance screening

- Land use is influenced by high number of (int'l) policies:
  - most of which address land-use only partially (e.g. climate, development)
  - Many do not directly address land use but have indirect but substantial (rather negative) side effects on sustainability of land use (e.g. trade, investment)
- Explicit international land-use policies (cross-/sectoral):
  - very different levels of institutionalisation & enforcement (e.g. biodiv regime vs. non-regime in forestry and agriculture)
  - some policy fields are highly fragmented (e.g. forests)
  - some policies are still emergent (soil; land tenure)
- Shifts in forms of international governance:
  - emerging use of economic governance (e.g. PES): A/R-CDM, REDD+, GDM
  - emergence of private governance where governments failed (FSC, RSB, RSPO, GRI)
  - increasing stakeholder participation and global public policy networks (CFS, GSP, GWP)
- What is missing?
  - (Effective) Int'l policies addressing key drivers of land use (population, diets...)
  - (Effective) Int'l policies addressing land rights → Voluntary Guidelines?

# Windows of opportunity?

- **Sustainable Development Goals** and integration into the UN's post-2015 Development Agenda



- Strengthening of sustainable land use?
  - Agreed language in **Rio+20** outcome document:
    - “The need for urgent action to reverse land degradation”
    - “In view of this, we will strive to achieve a land-degradation neutral world in the context of sustainable development.”

# The CFS – a new form of global governance?



- CFS underwent a substantial reform process in 2009
- “the foremost inclusive international and intergovernmental platform”
- First time in the UN system: peasant organizations and other CSOs full participants in policy debates
- CFS recognises the principle of “subsidiarity” and
  - emphasises the need to establish strong linkages between the CFS and inclusive policy forums at regional and country levels



# Steps towards a global sustainable land use?



Three key approaches from Globalands:

- Activities to ***strengthen*** sustainable land use aspects ***within existing global governance systems*** such as UN conventions, and their respective protocols, and implementation programs.
- Better ***safeguarding of sustainable land use*** for project-level financing of bi- and multilateral development agencies and bodies, with corresponding action for private banks.
- Developing and implementing socially inclusive and ***actor-oriented systemic indicators*** for sustainable land use to support negotiating the SDGs, and to improve safeguarding.

# Globalands Publications



Resource-Efficient  
A Global Sustaina-  
tional Standard  
BMU-UBA Project

## LAND USE TRENDS, DRIVERS AND Key findings from a review of interna- tional land use studies

GLOBALANDS Working Paper AP 1.2 (final)

prepared by

Dr. Karlheinz Knickel  
FS UNEP Collaborating Centre

on behalf of  
Umwelt  
Bundes  
Amt



Frankfurt, May 2012



Resource-Efficient Land Use –  
Towards A Global Sustainable Land Use Standard

## Towards a definition of global sustainable land use? A discussion on theory, concepts and implications for governance

GLOBALANDS Discussion Paper AP 3.1



prepared by  
Timo Kaphengst



on behalf of  
Umwelt  
Bundes  
Amt

Berlin, January 2014



Resource-Efficient Land Use – Towards  
A Global Sustainable Land Use Standard

## Governance screening of global land use

Discussion Paper prepared by GLOBALANDS Project



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<http://www.ecologic.eu/globalands/about>



in Kooperation  
mit



gefördert  
durch



Bundesministerium  
für Umwelt, Naturschutz  
und Reaktorsicherheit

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Für Mensch und Umwelt