Land Grab, Climate Change and Human Rights

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Land grab and climate change

- Direct impacts – people displaced by loss of livelihoods, disasters/floods, loss of nation state
- Indirect impacts – food insecurity, biofuels, forest carbon
- Not just land but water too…..
Land rights and CC adaptation

- Recognise local rights to land and NRs as basis for investment in greater resilience
- Promote mobility of livestock better to use uncertain rainfall + pasture
- Strengthen collective rights over common property
- Clarify 2ndy rights for displaced
Tools for legal empowerment

• Guide to laws governing land and investment (paralegals, radio…)
• Finding investment leverage points
• Legal tools, pilots + learning groups, sharing, webinars
• Press, media
• Legal challenge/redress – national, regional, global
Limitations

• Accessibility – need to make institutions more known and accessible
• Compliance with court ruling (by e.g. national governments)
Understanding agricultural investment chains:
Lessons to improve governance

Lorenzo Cotula and Emma Blackmore
International Institute for Environment and Development (IIED)
Large-scale land deals: Why look at investment chains?

- ‘Investment chain’: actors, relations and processes in the design, financing and implementation of agricultural investments
- Understanding investment chains is key in identifying pressure points to improve governance, including by implementing the VGGT

- Adapted from ‘value chain’ concept (set of actors and activities involved in transforming inputs into a valuable good or service)
- Each land deal typically involves multiple parties, often spread over distant geographies – from funders to buyers
- Emphasis on distribution of value – flow of money up and down the chain (eg capital contributions, returns)
- Vertical relations: how actors in one segment can influence behaviour in other segments – eg how can funders or buyers be targeted to influence agribusiness behaviour?
- Recognising complexity and non-linearity of relations, importance of horizontal relations (‘networks’, not just ‘chains’)
Role of government and intermediaries

What
- EIA
- SIA
- Environmental monitoring and management plan
- Social monitoring and management plan

Who
Submitted by enterprise to
- Water Resources and Environment Agency

What
Feasibility study

Who
Submitted by enterprise to
- Ministry of Agriculture and Forestry

What
Land survey

Who
Financed by enterprise, carried out by government
- National Land Management Authority
- Ministry of Agriculture and Forestry

What
Project development agreement signed with enterprise

Who
- Ministry of Planning and Investment

What
Land lease signed with enterprise

Who
- National Land Management Authority

What
Investment licence granted

Who
- Ministry of Planning and Investment

What
Land clearance permits provided

Who
- Ministry of Agriculture and Forestry

What
Annual monitoring of social and environmental impacts

Who
- Ministry of Agriculture and Forestry carries it out

Initiation

Project development begins
Pressure points downstream - eg buyers

- Sugar factory company
- Supply of sugar
- Sugar plantation company

Buyer (UK)
- UK buyer sold sugar business to US buyer

Transnational litigation before English courts

Advocacy targeting the EU Commission (Everything But Arms initiative)

OECD National Contact Point in the US
Next steps for IIED’s work

To improve land governance, harness wide range of regulatory or accountability mechanisms affecting different parts of the investment chain

Understand investment chains to inform public action - multiple actors, global legal pluralism

- Home or host government regulation, international regulation
- CSO advocacy and scrutiny, including transnational action
- Third party certification and multi-stakeholder processes
- Direct action by affected groups and/or producer organisations

Research agenda on distribution of value along the investment chains
Evidence building
Legal Tools for Citizen Empowerment