

A Biomass Dispute Settlement Facility

Choosing the Right Focus

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A Solution looking for Problems

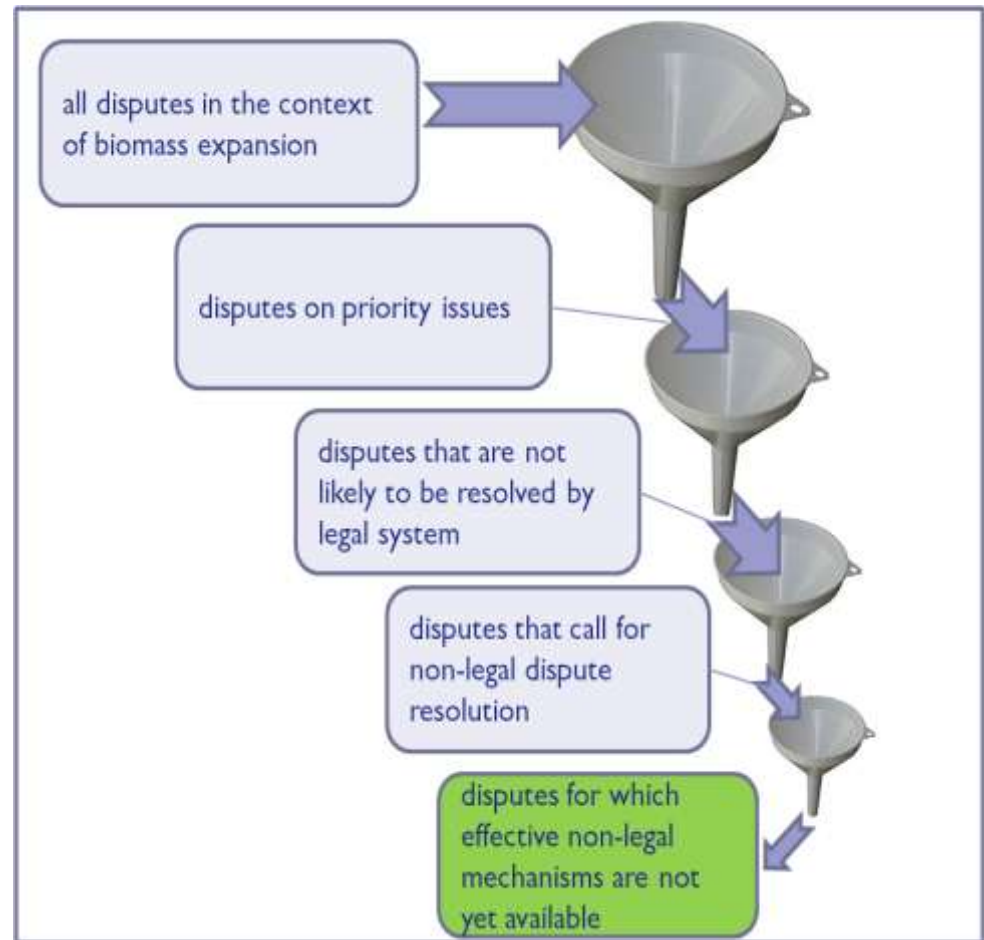
But what was
the problem???



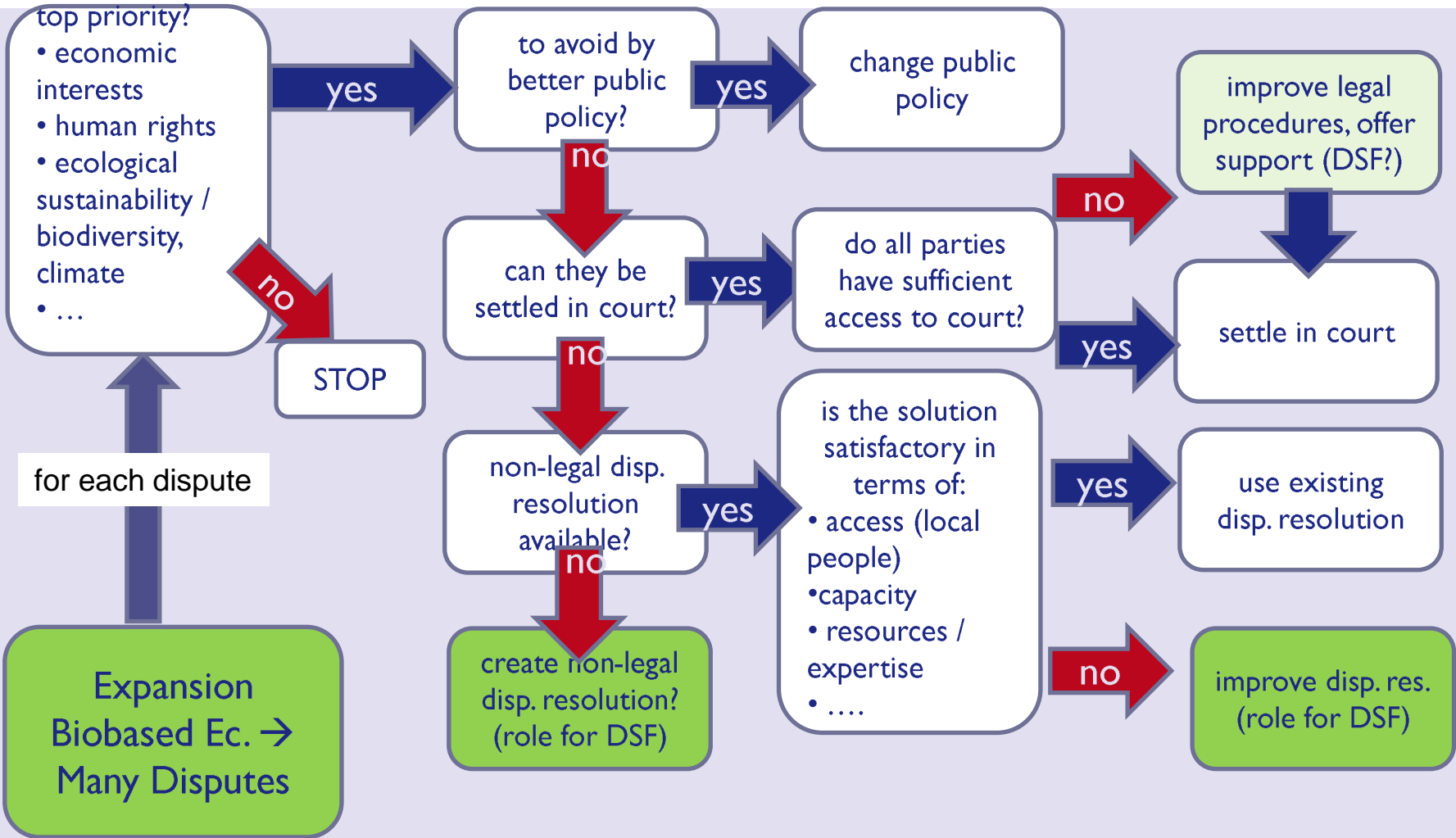
What are we talking about?



Which disputes may undermine the further development of the bio-based economy because they are not properly resolved by existing legal and extra-judicial mechanisms?



Priority Disputes



Focus: Land Related Disputes

- Land Disputes are Top Priority
 - ‘land hunger’ creates huge pressures
 - human rights issues: land access, disrespect of land rights, also resulting in food security issues
 - ecological sustainability issues
 - weak public governance, weak law enforcement in production countries
 - non-legal dispute settlement procedures play a key role but need improvement.
- The Issue is not Biomass, but Export Commodity Crops
 - Biomass for energy / industry feedstock is only part of the problem
 - Food export crops must be included.



Focus: Export Commodity Crops

- A limited number of export crops are responsible for the present hunger for land
- Roundtables have set sustainability standards, which include land rights and food security issues.
- Roundtables include dispute settlement mechanisms, also for land rights issues, see next slides.

crop	main countries	roundtable	dispute settl.?
plantation forestry	China, US, Russia, ...	FSC	Appeals Panel
soybean	Argentina, Brazil, ...	RTRS	Grievance Committee
maize	China, US, Brazil, ..		
rapeseed	Canada, India, ...		
rice	Myanmar, Thailand, ...		
palm oil	Indonesia, Malaysia, ..	RSPO	Grievance Panel
sugar cane	Brazil, India, China, ...	Bonsucro	Complaint Res. Proc.
cotton	Brazil, central Asia, ...	Better Cotton	



Commodity Roundtables Do Matter: two case studies

- Two Cases
 - Palm Oil
 - alleged violation of RSPO rules/criteria by IOI: FoE, Grassroots, ..
 - Result: RSPO Grievance process.
 - see other presentations today
 - Plantation Forest
 - NFC company in Uganda
 - alleged violation of FSC criteria (Oxfam Report)
 - Result: IFC/CAO mediation process
 - see R. de Man 2012 for World Bank congress.
- Lessons Learned
 - grievance processes in Roundtable-based certification do effectively contribute to strengthening local people's rights,
 - but... (see next slide)



Grievance Procedures in Roundtable based Certification Systems are Important

- They strengthen the positive impact of standards/certification systems
 - they may (temporarily) fill in the gap in public governance
 - but their success may create unmanageable demand for mediation
- Demand for Resolution of Land Disputes is increasing:
 - Competition for Land and therefore land disputes will become more widespread and more intense;
 - Existing dispute resolution facilities (Roundtables: RSPO, FSC; Worldbank/IFC CAO) will see more cases;
 - Newer Roundtables (RTRS, Bonsucro, ...) are only starting. Demand is developing;
 - Financial Sector Initiatives will need Effective Dispute Settlement in the near future;
 - The issue will certainly come up in the context of on-going attempts at enhancing transparency in land transactions.



LDSF: Land Dispute Settlement Facility

- Focus
 - Land Disputes on major expanding export crops
 - Strengthening existing local dispute resolution processes
 - In cooperation with multi-stakeholder Commodity Roundtables
- Needs
 - access to country, crop and industry specific knowledge and experience
 - models for grievance/mediation processes
 - models for strengthening the link between non-judicial procedures and public governance
- The Facility = Network + Resources
 - lean secretariat (1 manager + 2 staff max)
 - multiple stakeholders in governance structure
 - pool of experts with specific country & crop knowledge
 - experts with procedural expertise (above: models ...)
 - services:
 - help organise commodity/land rights related dispute resolution;
 - make country specific experts available;
 - advise on the preventing commodity/land rights disputes;
 - create links between non-judicial and legal procedures;



Conclusion

- Focus – Focus - Focus
 - Focus on export crop related land disputes;
 - Provide services in the context of the most relevant crops and to the most relevant commodity roundtables first.

let's start
tackling the
problems

Thank you for your attention

More information (including World Bank papers and earlier presentations)

<http://www.rdeman.nl/site/land.html>

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