

EUROPEAN COMMISSION

LAND

A. INTERNAL EU LAND RELATED POLICIES

1. Soil protection

The biggest challenge of current EU land policy²⁰ is soil protection. Soil²¹ is a key, largely non-renewable and very complex natural resource and yet it is increasingly damaged by some human practices.

Different EU policies (for instance on water, waste, chemicals, industrial pollution prevention, nature protection, pesticides, agriculture) contribute to soil protection. However, as these policies have a wider scope, they are not sufficient to ensure an adequate level of protection for all soil in Europe.²²

For these reasons, in September 2006, the European Commission launched a *pan-EU strategy* to deal with all aspects of soil protection, taking into account the variety of situations in each country.

The strategy tackles the full range of threats and creates a common framework to protect soil. Its objective is to halt and reverse the process of degradation, ensure that EU soils stay healthy for future generations and remain capable of supporting the ecosystems on which our economic activities and well-being depend.

The strategy comprises a *Communication*²³ laying down the principles of EU soil protection policy, a legislative proposal (a *soil framework directive*²⁴) and an *analysis*²⁵ of the environmental, economic and social impacts of the strategy.

Member states are required to identify risk areas for soil erosion, organic matter decline, compaction, salinisation and landslides, on the basis of common criteria set out in the directive and set risk reduction targets for those areas and establish programmes of measures to attain them. These measures vary according to the severity of the degradation processes, local conditions and socioeconomic considerations.

As far as contamination is concerned, the member states are required to identify the relevant sites in their national territory and establish a national remediation strategy on the basis of an EU-wide definition and common list of potentially polluting activities. They are also required to create a mechanism to fund the remediation of orphan sites; anyone selling or buying a site where potentially contaminating activity has taken or is taking place, will have to provide a soil status report to the administration and to the other party in the transaction.

In addition, the proposed directive addresses the prevention of diffuse contamination by limiting the introduction of dangerous substances into the soil. Member states are also required to limit sealing, for instance by rehabilitating brown-field sites and mitigate its effects by using construction techniques that preserve as many soil functions as possible.

2. Lessons learned and good practices

Once adopted by the Council and the European Parliament, the soil framework directive will have to be transposed into the national legislation of the member states. The Commission will facilitate the exchange of information and good practice between member states and encourage active public participation, especially on the part of regional and local governments, agriculture, industry and civil society.

²⁰ Land policy is also an integrated part of EU rural development policy, for that please also see chapter II of this report.

²¹ Soil is defined as the top layer of the earth's crust. It is formed by mineral particles, organic matter, water, air and living organisms.

²² Official site of DG ENV, soil protection: <http://ec.europa.eu/environment/soil/index.htm>

²³ COM(2006)231 final, available at: http://ec.europa.eu/environment/soil/pdf/com_2006_0231_en.pdf

²⁴ COM(2006) 232 final, proposal available at: http://ec.europa.eu/environment/soil/pdf/com_2006_0232_en.pdf

²⁵ Impact assessments SEC(2006)1165 and SEC(2006)620, available at:

http://ec.europa.eu/environment/soil/pdf/sec_2006_1165_en.pdf and

http://ec.europa.eu/environment/soil/pdf/sec_2006_620_en.pdf

Through the soil strategy, the Commission is establishing a framework based on common EU-wide principles and objectives to address the different facets of soil degradation. It will be an obligation for the member states to identify where problems occur, but they are free to decide what action to take, in order to address these problems.

Soil is not the only beneficiary of the strategy. Other environmental media, such as water, air and nature will also be improved by the result. Land users will benefit from a soil which can better perform the economic functions they expect and the environment in general will benefit from the ecological services that a healthy soil provides.²⁶

3. Trends and emerging issues

As soil degradation is receiving increasing attention in international agreements and charters, the proposed soil strategy will boost research on soil and raise public awareness and ensure public participation in the preparation and review of the programmes of measures adopted by the Member States whilst enhancing the implementation of international conventions such as the CBD, UNCCD, UNCSD and the Kyoto Protocol.. By establishing an appropriate and coherent EU framework which will translate into better knowledge and management of soil, the EU can play a leading role internationally, facilitating the transfer of know-how and technical assistance whilst at the same time ensuring the competitiveness of its economies.

4. Case studies of successful EU land practices

4.1. Case Study: European Groundwater and Contaminated Land Information System

1. *Problem or issue addressed:* Remediation of contaminated sites
2. *Name of the programme:* EUGRIS
3. *Timeframe:* 2003-
4. *Status:* ongoing
5. *Main objectives:* EUGRIS is a web portal (<http://www.eugris.info/index.asp>) offering information and services on topics related to soil and water, initially focusing on the problems of contaminated land and water. EUGRIS operates as a community of collaborating projects, people and organisations who co-operate to supply information for the benefit of everyone and also to promote themselves and disseminate their work
6. *Lead institution:* Research Institutions – European Commission, Germany
7. *Other implementation arrangements and stakeholders involved:* Next to the European Commission and Germany, other member states and research institutions
8. *The results achieved* (if possible, please address the social, economic and environmental impacts of the programme): see text below
9. *The relationship of the programme to internationally agreed goals and targets:* fight against soil degradation
10. *Link:* <http://www.eugris.info/>

EUGRIS case study description:

EUGRIS is a web portal offering information and services on topics related to soil and water, initially focusing on the problems of contaminated land and water. EUGRIS operates as a community of collaborating projects, people and organisations who co-operate to supply information for the benefit of the community and also to promote themselves and disseminate their work.

EUGRIS gives (legislators, regulators, consultants and members of the public) access to international information on soil and groundwater management, focusing on the European Union.

Information available includes:

- summaries of technical and national information (e.g. policies, regulations)
- listings
- a multilingual glossary and directories of experts and organisations.

²⁶European Commission publication- Environment Fact Sheet: soil protection – a new policy for the EU

Listings include: resources (document links, website links, links to software and hardware); research and demonstration projects; news, events and training pages. Listings direct users quickly and efficiently to original sources of information on or off-site.

4.2. Case Study: Corinne Land Cover

1. *Problem or issue addressed:* insufficient data and land cover for the environmental/agricultural policies in relation to land
2. *Name of the programme:* Corinne Land Cover
3. *Timeframe:* 1990-
4. *Status:* ongoing
5. *Main objectives:* - to provide quantitative data on land cover, which is consistent and comparable across Europe to those responsible for and interested in the European policy on the environment
- to prepare one comprehensive land cover database for the 15 EC member states and other European and North African countries, at an original scale of 1: 100 000, using 44 classes of the 3-level Corine nomenclature.
6. *Lead institution:* European Environmental Agency
7. *Other implementation arrangements and stakeholders involved:* European Commission, member states
8. *The results achieved* (if possible, please address the social, economic and environmental impacts of the programme): see text below
9. *The relationship of the programme to internationally agreed goals and targets:* fight against soil degradation
10. *Link:* (<http://reports.eea.europa.eu/COR0-landcover/en>), see also:

<http://terrestrial.eionet.europa.eu/CLC2000/docs/publications/corinescreen.pdf>

Corinne Land Cover case description

The CORINNE LAND COVER project undertaken by the EEA (<http://reports.eea.europa.eu/COR0-landcover/en>) consists of the establishment of a computerised inventory on land cover.

Data on land cover is necessary for the environmental policy as well as for other policies such as regional development and agriculture policies. In addition, it provides a basic input for the production of more complex information on other themes (soil erosion, pollutant emissions into the air by the vegetation, etc.).

The objectives of the land cover project are:

- to provide quantitative data on land cover, which is consistent and comparable across Europe to those responsible for and interested in the European policy on the environment;
- to prepare one comprehensive land cover database for the EC member states and other European and North African countries.

4.3. Case Study: European Soil Bureau Network

1. *Problem or issue addressed:* no information exchange on soil related issues in between countries
2. *Name of the programme:* European Soil Bureau Network
3. *Timeframe:* 1996-
4. *Status:* ongoing
5. *Main objectives:* to exchange research outcomes, information in between national science institutions
6. *Lead institution:* European Commission
7. *Other implementation arrangements and stakeholders involved:* science institutions
8. *The results achieved* (if possible, please address the social, economic and environmental impacts of the programme): see text below
9. *The relationship of the programme to internationally agreed goals and targets:* fight against soil degradation
10. *Link:* http://eusoiils.jrc.it/esbn/Esbn_overview.html

European Soil Bureau Network case study description:

The European Soil Bureau Network (ESBN) is located at the Joint Research Centre (JRC) of the European Commission, Ispra. It was created in 1996 as part of a network of "Centres of Excellence" of national soil science institutions. The ESBN is experiencing a surge in the demand for soil information in Europe, for

addressing a number of environmental problems and questions. These include: leaching of agrochemicals, deposition of heavy metals, disposal of waste (agricultural, domestic and industrial), degradation of soil structure (through loss of organic matter, salinisation and subsoil compaction), risk of erosion (by water and wind), immobilisation of radionuclides, supply of water at catchment level, assessing the suitability (and sustainability) for traditional and alternative crops and estimation of soil stability.

B. EXTERNAL EU LAND RELATED POLICIES

An increasingly large number of developing countries are involved in reviewing their land policies and designing land and agrarian reforms. This has coincided with a substantial theoretical reconsideration of “traditional” approaches to reform of land tenure systems.

From reforms aimed at “privatising” land by providing titles and individual ownership, recent years have seen the issue of access to land and natural resources (in particular for disadvantaged groups) gaining prominence. As a result, a new generation of land reforms are being designed that take into account the large set of rights which are tied to land in traditional societies (customary tenure). Such reforms identify means and instruments for land management which are meant to be more cost effective while providing options, complementary to titling, to secure access and tenure rights in particular for poor farmers.

Since the 1970's, secure access to land has emerged as a decisive factor in poverty reduction, food security and sustainable natural resource management. The importance of this has been confirmed in the Millennium Development Goals, the World Summit on Sustainable Development and the Convention to Combat Desertification. Improved security with regard to access to land has been shown to reduce levels of food insecurity, improve incomes and economic security, increase investment, reduce levels of conflict and increase the adoption of more sustainable resource practices. By contrast, without secure land access, poor rural people lack the incentives to conserve or invest in the productive qualities of the land. There is growing consensus internationally that secure access to natural resources, especially land, benefits the wider economy and the environment.

Security of land tenure is the incentive for the rural poor to invest in the long-term sustainability of the resource base - in land, water, forests and coastal areas. The restorative investments by such people in marginal or degraded lands, following land distribution and tenure programmes, confirms these beneficial effects. These actions point to the developmental and environmental role of public policies that provide and protect the resource rights of existing land users, near landless and landless households.

1. The EU land policy guidelines paper

In the discussions which followed the release of the *2002 Communication on rural development*, land issues were consistently highlighted as one of the fields where greater harmonisation of donor policies and approaches would help to improve the effectiveness of donor funding in support of national processes.

As a result, EU Heads of Rural Development have encouraged the drafting of these guidelines with the aim of sharing a common document. In February 2002, an *EU Task Force* was set up with the objective of drafting and validating these guidelines. Such work was carried out in 2002 and 2003 and completed by an internet consultation in order to gather stakeholders' views.

The political significance of the overall exercise, particularly in terms of successful EU coordination/harmonisation in view of shaping a common practical reference framework for interventions in DC over rural land, was emphasised by the EU Council of Ministers in 2004.

The EU Land Guidelines as a Framework for Improved Land Policies

The 2004 *EU land policy guidelines paper*²⁷ provides policy advice and operational guidelines for EU donors to support the design and implementation of land policy and administration in developing countries. They are meant for field and head-quarters staff directly or indirectly involved with land issues and land reform programmes, in primarily rural (but also urban) areas: development advisers, land administration specialists, fiscal or decentralisation advisers, policy advisers, etc.

²⁷ *Guidelines for support to land policy design and land policy reform processes in developing countries*- November 2004

Land reform programmes are often large and expensive undertakings which go beyond the financing capacity of one single donor and the implementation of which extends well over several donor funding cycles. Donor support to land reforms has to be dependable and reliable over time. It is therefore important that all interested donors join hands with Governments in financing a common programme, a sort of “sector programme”.

A common understanding of the key issues in land policy, design and implementation, will improve coordination between EU member states and the Commission and between the EU and other donors. It will facilitate common support to Government programmes and will result in greater effectiveness in cooperation.

The guidelines are structured in two parts:

- i) Part 1 reviews the main policy trends, processes and reform options
- ii) Part 2 provides a set of operational guidelines to help assess the situation in a given country and define the key elements of a response strategy.

2. Lessons learned and good practices/ Trends and emerging issues

It is clear that land issues are politically highly sensitive as they require wide ranging and sometimes controversial political decisions. In societies of a primarily agrarian nature, modifying the pattern of land ownership impinges on ethical issues as much as on the social and ethnic repartition of wealth with consequences that need to (and can) be properly taken into account.

Furthermore, most of the political sensitivity attached to land reform can be neutralised through transparent and participatory processes provided there is a genuine willingness in Government to reach an equitable, stable, effective and sustainable outcome. The EU land guidelines aim to avoid the pitfalls of certain national processes where the land reform has been used expediently to pursue hidden political objectives. Highlighting the principles of a sound land reform process will therefore help donors and Governments to identify the “do’s” and “don’ts” and to define the rules of engagement.

3. Case studies of successful EU land practices

3.1. Case Study: Securing access to land on the ground

1. *Problem or issue addressed:* lack of programs accessing the link between access to land and environmental sustainability
2. *Name of the programme:* Land and Sustainable Development: Linking Secure Land Access to the Implementation of Environmental Agreements”
3. *Timeframe:* 2006-
4. *Status:* ongoing
5. *Main objectives:* to bring those directly affected by a lack of secure access into the policy process by promoting a participatory approach, putting their knowledge at the centre and encouraging collective action
6. *Lead institution:* European Commission
7. *Other implementation arrangements and stakeholders involved:* International Land Coalition, other local partners
8. *The results achieved* (if possible, please address the social, economic and environmental impacts of the programme): see text below
9. *The relationship of the programme to internationally agreed goals and targets:* the programme intends to support both access to land and environmental sustainability.
10. *Link:* www.landcoalition.org

"Securing access to land on the ground" case study description

In 2006, the EC provided a € 1.5 million grant to the International Land Coalition (ILC)- the global land alliance housed at IFAD for a programme entitled “Land and Sustainable Development: Linking Secure Land Access to the Implementation of Environmental Agreements”.

Through this grant to ILC the EC supports the work of civil society members, especially regional networks, in selected countries in Africa, Latin America and Asia, with the overall objective of ensuring the livelihoods of the rural poor that lack secure access to land and other natural resources, to improve their socio-economic situation,

but also importantly, to encourage a sustainable management of resources that closely involves local communities.

Overall objective of the programme is to bring those directly affected by a lack of secure access into the policy process by promoting a participatory approach, putting their knowledge at the centre and encouraging collective action.

Specific objectives include:

- to increase the capacity of civil society networks to support community organisations and influence national and regional decision-making on land
- to encourage national government and regional institutions to engage actively with rural peoples' organizations and civil society network
- to develop participatory approaches to monitor the implementation of land-related laws, policies and agreements

So far, actions have been undertaken with partners in Bolivia (Fundacion Tierra) and Albania (NACFP). New agreements will be signed shortly with partners in Honduras (COCOCH), Peru (CEPES), Cambodia (STAR Kampuchea), Zambia (Zambia Land Alliance), South Africa (various partners) and with regional LandNets in Africa.