Netherlands Commission for
Environmental Assessment

SEA and Land Governance

Sustainable solutions for challenges in land governance – whether caused by changes in population dynamics, land use, climate change, pandemics or other – require mechanisms that may go beyond what is currently being used in land governance systems.

Strategic Environmental Assessment (SEA) is increasingly used to include environmental and social considerations in formal decision making at strategic planning level. SEA legislation is adopted in over 100 countries across the world. SEA closely links to land governance because it frequently deals with plans and decisions that influence the way land resources are allocated, used and managed. It often gets applied to national plans or sectoral policies with land dimensions, such as energy or irrigation policies or plans. SEA for spatial plans such as regional, land use or river basin plans seems to be gaining momentum.

In this key sheet, we explore the relation between SEA and land governance.

Land Governance challenges

Land governance is about the rules, institutions, decisions and processes that organise the access, use and management of land and other natural resources.
Challenges in land governance include:

- Neglect of sustainable land use alternatives.
- Involuntary land acquisition and conflicts.
- Lack of integrated and coordinated planning.
- Exclusion of certain groups from benefiting from land development.
- Lack of meaningful stakeholder engagement.
- Limited availability of information and knowledge that helps in dealing with dilemmas and trade-offs (climate change and biofuels or food security).
- Difficulty in overseeing long term impacts of decisions that cause land use change.

SEA, as a legal planning tool, can help overcoming these challenges through its three main pillars of information, dialogue, and decision making.

SEA & integrated land use planning

SEA helps integrating environmental and social *information* into decision making on how land is allocated and used by:

- Identifying and comparing land use alternatives, including those suggested by local communities, avoiding or reducing involuntary resettlement.
- Showing which areas are best fit for a certain type of development, showing where development goals can co-exist and how.
- Gaining a better understanding of, and taking into account the long term, cumulative, direct and indirect effects of land-based investments, and how best to avoid, mitigate or compensate these effects.

SEA & inclusive land governance

If well applied, SEA creates more equality in decision-making by making the planning and assessment process more transparent and inclusive. Through neutral and inclusive *dialogue*, SEA supports land governance by:

- Engaging stakeholders early in the process, to learn about their views, ambitions and concerns and to take these into account in land-based decisions.
- Allowing for coalitions to form and formalise, between government authorities, business and civil society actors, that may even remain active during plan implementation.
- Stimulating a more integrated approach, linking stakeholders from land to those representing other (land-based) resources and sectors like water, energy

and infrastructure for more synergies and coordination.
- Stimulating governance at the level appropriate to the challenge: across administrative borders, at local, decentralised level, enhancing ownership of the decisions at the level required for implementation.

SEA & Land Use Planning: Tana Delta, Kenya

An award-winning SEA for Land Use Planning is the Tana Delta SEA in Kenya. Here, the purpose of the SEA was to find the best balance between developing the agricultural potential of the Delta, while also securing the livelihoods of the people and the biodiversity value & ecosystem services. Together with stakeholders, mapping of current land uses and developing different scenario's provided insight in pros and cons of selected alternatives for future land use. The selected scenario is integrated in the land use plan and includes procedures for resource and land use allocation, and resolutions for exisiting conflicts over land tenure/ownership. The LUP is adopted by both counties.

SEA & competing claims on land

Also, SEA ensures that jointly agreed solutions are anchored in formal decision making in such a way that future decision makers also understand and respect them. SEA enables *decision making* in complex situations by:

- Providing insight in the trade-offs of achieving different development goals (climate change, food security, or other SDGs).
- Facilitating an open dialogue among decision makers about the trade-offs between land based investments and other development purposes.
- Enabling more balanced decision making by helping decision makers in dealing with dilemmas in land use.
- Enhancing transparency and accountability in decision making through an open dialogue and publication of results.

SEA & sustainable land-based investments

While SEA supports decision-making at strategic planning level, Environmental and Social Impact Assessment (ESIA) does the same at project level. Some land related issues that are difficult to address at project level or in the ESIA can be dealt with in an SEA, by:

- Determining which areas can be used for certain types of investments, and which should be excluded.
- Limiting the need for land acquisition and resettlement before project initiation and avoiding land related conflicts.
- Defining rules and conditions for resettlement
- Creating mechanisms to ensure that communities benefit from land based investments.
- Defining criteria to assess desirability and suitability of future projects.
- Generating baseline data that can be used in specific projects.

In conclusion

SEA often deals with land related aspects in planning and has the potential to ensure that they are satisfactorily dealt with in decision making. This potential could be explored further if SEA would be applied more widely and, most importantly, before irreversible changes to land and land use are made. Doing SEA before ESIA for concrete investments can help avoid some of the land related challenges and conflicts currently encountered.

Contact

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Recent NCEA publications on SEA

- Environmental Assessment for Landscape Management – including 10 cases (2020) (also available in French and Spanish)
- SEA for sustainable development of the hydropower sector – including 5 cases (2021)
- Environmental Assessment for Climate Smart Decision Making – including 12 cases (2017)

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