



Produced by LEGEND's Core Land Support Team

Issue 9: December 2017

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## The VGGT five years on – are they changing lives?

**Anna Locke**, LEGEND Core Land Support Team, ODI

**O**n 11 May 2012, the **Committee on World Food Security (CFS)** unanimously endorsed the **Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT)**. This was a landmark moment that underscored a growing, global recognition that guaranteeing communities secure tenure of their natural resources is a human rights issue. The VGGT represented the first global consensus on the fundamental principles that should underpin land tenure and land governance.

Five years after their endorsement, have these guidelines been integrated into national legal frameworks and, more importantly, have they ultimately translated into measurable changes in people's lives?

There is currently no framework to measure this. Hopes were high that the VGGT would make a real impact in improving people's lives; however,

this optimism was not channelled into clearly defined implementation objectives. Efforts have been primarily focused on disseminating information on the VGGT principles at the global and national levels to get them established and get further buy-in to a voluntary initiative. Given this voluntary nature, there has also been reluctance to develop any systematic, mandatory monitoring system. There is now increasing pressure from researchers and civil society organisations (CSOs) to find ways to measure implementation progress. This has been progressively extended to the desire to assess the impact that implementation of the VGGT has had in terms of defending and supporting land rights at local level, and – ultimately – towards *“achieving food security for all and supporting the progressive realisation of the right to adequate food in the context of national food security”* (in the words of the VGGT).

To mark the fifth anniversary of the endorsement of the VGGT,

the EU and FAO organised a **Technical Thematic Forum** on 5–6 October 2017 in Rome to discuss progress in implementation and lessons learned. During this event, LEGEND and the International Land Coalition (ILC) held a session on monitoring the guidelines from a land governance perspective. The goal was to look at possible monitoring mechanisms and indicators, and consider what might constitute effective implementation.

**How do we move forward to set up effective monitoring systems and make our way towards a framework that can evaluate the impact that the VGGT are actually having?**

The discussion drew some lessons from experiences to date. Firstly, **monitoring is inherently political**: it is not a purely technical exercise but also includes social and human rights dimensions. This also means that **under-represented populations and topics need to be included** in data collection exercises. Secondly, it may not be necessary to use a single monitoring mechanism or methodology; but **initiatives do need to be complementary and comparable**. Finally, the use of national-level partnerships or multi-stakeholder platforms will be key to **ensuring diverse participation in land monitoring** as a basis for generating comparable data at regional or global level.



So how do we move forward to set up effective monitoring systems and make our way towards a framework that can evaluate the impact that the VGGT are actually having? A first step would be to [resource national-level monitoring and dialogue](#) on the quality of land governance, based on multi-stakeholder platforms and partnerships. Members of existing initiatives and forums will also need to [agree on common monitoring frameworks](#), including key indicators, institutional responsibilities and an implementation strategy. These can draw to a certain extent from existing

initiatives, such as the **World Bank's Land Governance Assessment Framework (LGAF)**, the **ILC Dashboard** and FAO-led roadmaps, but may need additional information or support to bring that information together. And if we want to get that information fed back into discussions at the global level, an [institutional mechanism and relevant timing for reporting back](#) by member states will also need to be identified — the CFS may be the best institution to coordinate that, but this would need to be backed by institutions more able to provide critical analysis of the results.

The most important factor will be maintaining momentum. There are important initiatives out there, which are working to measure progress on land governance: the Global Land Tool Network's **Global Land Indicators Initiative**, the ILC Dashboard, **PRIndex** and the monitoring of SDG indicators 1.4.2 and 5.a.1, to name but a few. Indicator 1.4.2 has just been elevated from Tier III to Tier II in the SDG hierarchy, which is a huge achievement. Let's capitalise on these successes to give the VGGT some teeth to achieve its laudable goals.

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## Best practices in socially responsible investments: leads for bridging the implementation gap

[David Bledsoe](#), Senior Land Tenure Attorney, Resource Equity

The frameworks needed for businesses to make socially responsible investments in land and natural resources are largely in place. It is now easier than ever to access information on best practices for equitable, transparent, multi-laterally beneficial, and less risky land and other resource deals. Broadly speaking, businesses and governments know what “doing it right” should look like.

However, the concrete application of these best practices is another story. Even for committed companies, implementation demands extensive knowledge and understanding of land, governance, social impacts, natural resources, and gender issues. For more than four years, as a land lawyer and tenure specialist with Landesa and now Resource Equity, I've been working with companies to make best-practice land commitments

and implementation plans an integral part of their operations. This experience has brought home a couple of lessons.

Firstly, companies do not have the in-house expertise to face complex land challenges. They need external talent and knowledge to help them achieve best investment practices. Many skills are required, including the ability to: identify gender implications of land acquisitions and out-grower schemes; perform risk and impact assessments that examine the land uses of both women and men, consult and engage with communities, including women, youth, and the marginalized; and negotiate fair and enforceable contracts to the satisfaction of all the stakeholders – to name but a few. These skills need to be grounded in emerging-market experience, and will almost always be found outside the sphere of the usual service providers dedicated to helping businesses comply with their accounting, legal, labour, and health and safety obligations. Today, most of the necessary skills can be found to a certain extent among non-governmental organisations (NGOs), academia, local CSOs, and a few development consultant businesses. However, many of the people who do have the necessary skills are hard to find because they



do not identify themselves as experts that can help companies make good land investments.

Secondly, civil society could play a bigger role in supporting best-practice business investments. With the right support, CSOs can provide some of the expertise that businesses, communities, and governments need. Many CSOs have developed considerable experience and in-house talent by working on grassroots land, agricultural, livelihood, empowerment, community development, and gender projects, and their insights could inform best-practice investments. To date, the bulk of CSO efforts have focused upon governments, or have been aimed at flagging failures and abuses by the private sector. These are worthy goals, but CSOs can also practically and meaningfully work with the private sector to contribute to the equitable development of natural resources. In particular, CSOs can play a critical role by supporting communities and working to identify and clarify women's and men's rights and interests, facilitate their meaningful input into land and resource investments, and support increased accountability and parity in negotiations.

Working with the private sector does not have to mean working for the private sector. CSOs can focus on building relationships between companies and communities, on working with governments to sharpen governance frameworks and implementation, and on serving all stakeholders as land and resource tenure experts, gender specialists, legal experts, educators, negotiators, neutral brokers, and in many other roles.

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With the right support, CSOs could play a bigger role in best-practice business investments by providing some of the expertise that is needed.

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As engaging with companies is not historically part of their daily activities, CSOs might require support in doing that. Mechanisms and channels for funding such support will also require attention.

A few projects are coming on line that will help bring CSOs and other potential service providers

more squarely into the equation. In particular, Resource Equity (RE), with support from the Ford Foundation, is now mapping CSOs in Kenya and Uganda to identify the interested, well-positioned ones that want to learn more about best practices for land and natural resource investments. When this exercise has been completed, RE will host trainings and workshops with CSO representatives to share best-practice information and approaches and – equally importantly – learn from them about the challenges their communities face in terms of investment projects that affect their livelihoods. These events will focus on natural resource ‘hot spots’ in both countries, and place particular emphasis on women's land and resource uses and rights. Finally, RE will draft a request for a proposal for use in soliciting grant applications from CSOs seeking support to engage with business, government, and communities in a facilitative, service-oriented way in relation to land-based investments in extractive industries and agriculture.

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## Highlights from the 3<sup>rd</sup> International Conference on Community Land and Resource Rights, Stockholm

Lindsay Bigda, Communications Officer, Rights and Resources Initiative (RRI)

On 4–5 October 2017, more than 300 people from 58 countries gathered in Stockholm for the 3<sup>rd</sup> International Conference on Community Land and Resource Rights. The conference, the largest on this topic, aimed to raise awareness of community land rights as a prerequisite to decrease inequality and deliver on global goals, assess the status of promising instruments to secure community rights, and encourage greater action, support, and commitment from key stakeholders.

Co-organised by the **Rights and Resources Initiative (RRI)**, the

Swedish International Development Cooperation Agency (SIDA), the Swedish International Agricultural Network Initiative (SIANI), the Stockholm Environment Institute (SEI) and the International Foundation for Science (IFS), the conference included three strategy sessions which devised concrete **recommendations and action plans** on rural and indigenous women's rights and leadership; mechanisms to scale up implementation from the local to the national level; and international support structures to advance community land rights.

For the first time, the conference featured an **'Innovation Zone'** – an open space designed to promote technology and other innovative strategies being used to scale up efforts to secure community rights.

Of the ten participants chosen as Innovation Zone partners, several featured new tools and technology to **advance the mapping and recognition of community-held lands**. In Indonesia, for example, the new land portal **Tanahkita.id** (in Indonesian only) is making land conflicts across the country more visible, and empowering communities with



an advocacy tool to encourage the government to implement its agrarian reform commitments.

Other innovations centred on [promoting the integrated](#)

[territorial governance of indigenous communities](#). In Cameroon, the **Centre for Environment and Development (CED)** has pioneered the use of a new tool to assess the

impact of investors in the immediate vicinity of a community. The tool, a simple 'Report Card', analyses an investor's legal and contractual obligations as well as relevant best practices, which helps communities hold nearby actors to account. Easy to adapt, the report card – which has already been tested in three locations in Cameroon – could be scaled up both in Cameroon and in other parts of Africa.

Key takeaways, recommendations and action plans from the conference can be found [here](#) and in the conference [wrap-up video](#).

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### Launch of the International Land and Forest Tenure Facility, 3 October 2017

Following its successful incubation by RRI, a new international mechanism, the International Land and Forest Tenure Facility, was officially launched in Stockholm on the eve of the conference. This is the first and only international, multi-stakeholder institution exclusively focused on providing financial and technical support to indigenous and local community efforts to secure their rights to their lands and forests. By providing grants to implement tenure reform within existing government and international structures, the Tenure Facility aims to share important legal and bureaucratic knowledge, as well as key innovations and tools. The Tenure Facility will also play a role as a learning institution, providing a platform for indigenous and community organizations around the world to learn from one another's successes and challenges.

The Tenure Facility has already secured initial commitments of at least USD 50 million (GBP 37.5 million) for the next 5 years. During its incubation phase, the Facility supported six successful pilot projects in Mali, Indonesia, Peru, Cameroon, Panama, and Liberia to advance community rights recognition over almost 2 million hectares of land. In addition to supporting a wide range of indigenous peoples' and communities' projects to secure their rights, the Facility could potentially provide continuity and greater scale for LEGEND's own pilots to secure community rights and business opportunities based on sustainable natural resource use in Africa.

For more information, please visit [thetenurefacility.org](http://thetenurefacility.org)

## Applying the VGGT in agribusiness investment projects: learning from LEGEND and other responsible investment pilots

**Julian Quan**, LEGEND Core Land Support team leader, Natural Resources Institute (NRI)

**Julian Quan highlights key takeaway messages from side events on land and agricultural investment that took place during "CFS week", the 44<sup>th</sup> Session of the Committee on World Food Security, which was held in Rome in mid-October and gathered UN member states, NGOs, the private sector, and researchers concerned with food security and related development issues.**

LEGEND held a stimulating and provocative side event at this year's CFS week focusing on our Challenge Fund and other

responsible investment pilots. This attracted a broad, mixed audience including various donor and international agencies, interested in

learning from these experimental civil society-business partnerships for better land governance.

**Landesa** and **Illovo Sugar** made a joint presentation on the progress they have made in translating Illovo's commitments to eliminating land conflicts and improving engagement with communities and farmers across its sugar estates and supply chains in Malawi

and elsewhere in southern and eastern Africa.

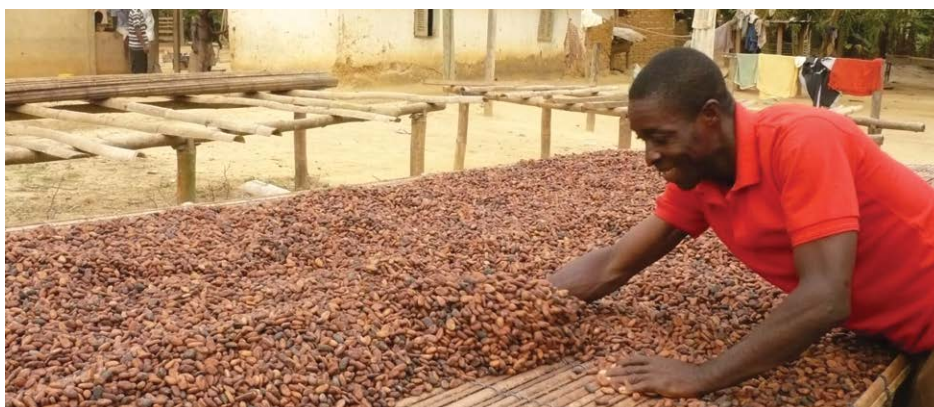
Simon Norfolk of Terra Firma presented an innovative approach to mapping and documenting family land holdings and building local community management capacity, which was developed in collaboration with **Mozambican land rights NGO ORAM**. The approach also offers ways to generate sustainable farm and community business opportunities and minimise land use conflicts and tenure risks in **Portucel's** major forestry investment in central Mozambique. The project is enabling Portucel to shift to a new, more sustainable, partnership-based business model by working with village communities, outgrower farmers and small planting blocks, instead of large-scale plantations that occupy large land areas and undermining local farm livelihoods in a densely populated region.

### All participants recognised the importance of effective community engagement and of clarifying rights at the earliest possible stage of new land investments.

Caleb Stephens of USAID explained how, with assistance from local NGOs, chocolate manufacturer Hershey's was able to help small scale cocoa farmers secure their land rights, creating incentives for them to invest in new cocoa trees and farming techniques the company is promoting to improve cocoa yields and quality.

All participants recognised the importance of effective community engagement and of clarifying rights at the earliest possible stage of new **"greenfield investments"** (new rural land investments on sites that have not previously been developed), things that companies themselves do not have the skills to do. However, the debate raised a number of challenges:

- Investors, government and donors need to pay greater attention to potential tenure problems and conflicts in "brownfield investment"



sites (sites which have been in the hands of other companies and previously developed in some way) and in supply chains;

- Civil society representatives stressed the importance of understanding and addressing local food security needs which must be properly addressed before any new commercial investments take place;
- NGOs and peasant farmer federations questioned the value of subsidising companies with public funds to make them more responsible when the purpose of investments is essentially to generate private profit;
- Local CSOs involved in these projects need to maintain their independence to ensure they are funded to work for real development, not just on behalf of private companies. As an alternative, it was argued that assistance should be channelled directly to farmers' organisations, local government and community groups to strengthen their roles and voice in development planning, negotiate with investors, and boost small scale production;
- While measures such as these are clearly needed for private land investments to create shared value and real opportunities for local communities and farmers, companies will need independent help to ensure that they do so without doing harm; this involves skills and resources companies don't have.

Rather than subsidising commercial investments so they succeed in their own terms, LEGEND's Challenge Fund aims to incentivise action and investment by a wider group

of companies by demonstrating the viability of alternative business models and that CSOs can help companies implement practical approaches that improve both livelihoods and the sustainability of a business. The pilots are now delivering interesting lessons but the overall results remain to be seen.

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### The impact of increasing capital flows to rural areas in Africa

Another stimulating side event organised by USAID, the Global Donor Working Group on Land and the European Commission focused on the land implications of capital investment flows to Africa. Many of these capital flows originate from domestic sources – from public infrastructure projects to investments by a growing urban elite who see land as a stable, valuable asset. This kind of domestic land investments have received far less attention than international ones. The event highlighted the importance of linking land development and planning to effective territorial governance to mitigate the risks of spiralling inequalities, large-scale displacement and corrupt land development practices. These problems impact on local communities in multiple ways, as people are displaced by the sale of public land in urban and rural areas, or farming opportunities are restricted by the arrival of large-scale agricultural investments.

## NEWS AND UPDATES

## Important step taken towards a global standard on monitoring

On 12 November 2017, a long hoped-for framework to monitor land tenure security around the world using globally comparable data drew a step closer. In Bahrain, the 6th meeting of the Inter-agency and Expert Group on Sustainable Development Goal Indicators (IAEG-SDGs) agreed to reclassify Tenure Security Indicator 1.4.2 – “*proportion of total adult population with secure tenure rights to land, with legally recognized documentation and who perceive their rights to land as secure, by sex and by type of tenure*” – **from Tier III to Tier II**, meaning that the indicator is now “*conceptually clear, has an internationally established methodology and standards are available, but data are not regularly produced by countries*”.

The decision followed a review by the IAEG-SDGs of progress made by the custodian agencies, UN-Habitat and the World Bank, towards developing a robust, global methodology for monitoring this indicator within the framework of the SDGs. The IAEG-SDGs communicated

its decision during its plenary session on 13 November, which was attended by country representatives, international and regional agencies and entities, and other stakeholders.

The next milestone to reach Tier I will be for at least 50 per cent of all countries in all regions to collect data and report regularly on Indicator 1.4.2. With the Tier II reclassification, custodian agencies can now move to support country data generation initiatives designed to reach that stage. This will sustainably enhance countries’

capacity to collect and track progress on tenure security and measure progress on SDG 1 on Poverty Eradication under Target 1.4. Although this is an exciting prospect, it will not go without challenges. To learn more about these, read Everlyne Nairesiae’s **full blog** on the Land Portal.

For information on the tier classification for Global SDG indicators, you can check the **UN SDGs website**. Contact Everlyne Nairesiae [everlyne.nairesiae@un.org](mailto:everlyne.nairesiae@un.org)



### Photo credits

Page 1: A meeting between indigenous peoples and the FAO on Indigenous Food Systems, Agroecology and the VGGT, 2-3 February 2015, FAO Headquarters (King Faisal Room) / FAO/Anna Korzenszky via Flickr, CC BY-NC 2.0

Page 2: Sugarcane estate near Recife in Pernambuco State, Brazil, February 2016 / David Bledsoe

Page 4: Opening plenary session of the 3<sup>rd</sup> International Conference on Community Land and Resource Rights, 4-5 October 2017, Stockholm / RRI

Page 5: Investigating land tenure issues amongst cocoa farmers in the Brong Ahafo and Western Region of Ghana. / Emily Polack/IIED

Page 6: Screenshot, <https://landportal.info> / Global Land Tool Network

## About us

Land: Enhancing Governance for Economic Development (LEGEND) is a DFID programme that aims to improve land rights protection, knowledge and information, and the quality of private sector investment in DFID priority countries. It includes the development and start-up of new DFID country land programmes, alongside knowledge management activities, a challenge fund to support land governance innovations, and management of complementary DFID grants, MoUs and contracts, and supported by a Core Land Support Team.

Future issues of this bulletin will feature updates on our most interesting findings and results, keeping you posted and enriching the debate. Contributions reflect their authors’ views, not those of DFID or members of the LEGEND Core Land Support Team.

You can send suggestions and comments on this bulletin to [legend@odi.org.uk](mailto:legend@odi.org.uk)



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