

# Land Tenure Rights:

The need for greater transparency  
among companies worldwide





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# Introduction

Land tenure systems are of central importance to the millions of rural poor who depend upon forests, agriculture, freshwater fishing or herding for their livelihoods. Land tenure, or 'property rights' refer to the systems that determine who owns land, who can use the land and the resources it provides, under what conditions and for how long. Respect for land tenure rights is an essential requirement for business, as stated in The Voluntary Guidelines on the Responsible Governance of Tenure (VGGT), "business enterprises have a responsibility to respect human rights and legitimate tenure rights". Land tenure rights are also captured in international initiatives and instruments such as the UN Sustainable Development Goals, The Universal Declaration of Human Rights or the UN Guiding Principles on Business and Human Rights.



While many companies do not purchase or lease land rights directly, they may work with suppliers and other partners that do acquire land rights. It is important to understand how partners acquire these rights. In many parts of the world, acquiring rights to land is a complicated, political process.

Companies investing in land ideally need to develop a good understanding of local land tenure arrangements, and actively and regularly engage with community stakeholders through open consultations, negotiations, and grievance processes. In this way, they can create positive impacts and reduce risks. Effectively addressing land tenure challenges can help companies to improve their performance and support more sustainable development outcomes in communities where they and their suppliers operate.

This publication is designed to help companies understand the need for enhanced transparency around land-related impacts and the importance of respecting the land tenure rights of local communities.

The publication offers insights into what land-related sustainability information stakeholders are interested in, presenting views from Global Witness, Oxfam, VigeoEiris, and land governance expert Babette Wehrmann.

## CAREFUL DILIGENCE REQUIRED

Since the food crisis of 2007, when global food prices rose dramatically causing political and economical instability and social unrest in both poor and developed nations, the

scale and scope of land-based investments has increased.<sup>i</sup> Although there is no global repository of large-scale land deals, the Land Matrix, an independent initiative to monitor land transactions, has tracked over 1,100 projects in the agricultural, forestry, conservation, renewable energy, and tourism sectors that cover nearly 40 million hectares. These investments are big business: in 2015, US pension company TIAA-CREF announced its second farmland fund, valued at \$3 billion.<sup>ii</sup> While reliable information about project impacts is difficult to collect, it is reasonable to assume that many investments take place on lands that local people live on and use to support their livelihoods.<sup>iii</sup>

How these projects are negotiated and developed is critically important for sustainability purposes. When these systems are effective, they create positive incentives to invest and conserve resources.

When these systems are weak or unenforced, they drive conflict and the misuse of resources.

Unfortunately, in many countries these systems are weak: formal statutory rules overlap and conflict with customary rules, legitimate rights are not recognized or enforced, corruption is widespread and people lack formal documentation of their land rights,

making them vulnerable to negative impacts such as wrongful displacement, eviction and resettlement. Losing homes, land and access to natural resources means that local people may suffer from increased food insecurity, higher rates of poverty, increased conflict (as they move onto land that others occupy), and even increased risk of exposure to some diseases.<sup>iv</sup>

Careful diligence is needed to avoid or mitigate the harm local people may face when investments or projects threaten their rights.

Companies that do not adequately address these issues can face financial

and reputational risks. By operating “in the dark” on land tenure, companies can also face protests, work stoppages, property damage and damaging social campaigns. This may lead to an increase in operational costs. Brand and reputation can suffer and a company’s social license to operate may be lost.<sup>v</sup>



## REPORTING GUIDANCE FOR COMPANIES

As the interest of stakeholders in land-related sustainability issues has grown,<sup>vi</sup> and increasing numbers of investors are devoting greater attention to the issue,<sup>vii</sup> international NGOs such as Oxfam, ActionAid, Global Witness, and Human Rights Watch have

written extensively about negative impacts of some large-scale land investments. Donor agencies, including the African Development Fund (ADF), African Union (AU), the Food and Agriculture Organization of the United Nations (FAO), the Organisation for Economic Co-operation and Development (OECD) and the United States Agency for International Development (USAID) have all recently issued guidance for companies to help them invest in land in a more responsible manner, one that reduces negative impacts on communities and on companies.

Companies can meet the growing interest in how they deal with land-related sustainability challenges through their sustainability reporting processes. This publication guides companies on how they can report their land-related impacts and performance, based on the GRI G4 Guidelines, together with recommendations for GRI to expand its disclosures to more fully cover the range of land-related impacts occurring in today's society.



# Sustainability impacts related to land tenure

Land is deeply connected to sustainability issues. Around the world, land is the key non-labor asset for people,<sup>viii</sup> providing a place to build a home, run a business, grow food, raise livestock, collect water, and harvest timber and other forest products. Smallholder farmers rely on land for their livelihoods; fishing communities need access to lakes and rivers; indigenous peoples find deep cultural and spiritual value in their territorial land. Having access and rights to use land and resources are fundamental to the sustainable development of communities.

The following are examples of negative impacts occurring if due diligence is not followed when companies invest in land:

- Relocation of villagers could mean loss of livelihoods unless lands of comparable quality and value are provided to the villagers; this can increase unemployment and poverty and reduce social justice.
- Loss of homes due to relocation can create hardships for families and damage the social

networks villagers rely on to manage risks.

- If the company uses water for irrigation this may reduce flows available to villagers, making it more difficult for them to produce crops and affecting health; this can increase food insecurity and disease.
- Biodiversity may be reduced if the company produces only one crop (sugar cane, for example) and it can negatively impact surrounding areas.
- If women's rights to land and resources have not been specifically accounted for they may no longer be able to provide for their children and their families; increasing malnutrition and reducing investments in education.
- If villagers are not adequately consulted (women and men, youth and elderly, and minority groups) this can enable corruption and reduce social justice. Local leaders do not always speak for all community members, nor do government officials.

It can be difficult for companies to effectively engage with governments and communities around land tenure issues. Even the most



responsible organization may find it extremely challenging to identify who has legitimate claims to what resources, at what times, and under what conditions and to negotiate or consult with the numerous stakeholders who can be involved in land transactions.

Why is this the case? In many parts of the world, land tenure systems overlap and include international law provisions, international voluntary guidelines, national laws and regulations, customary laws and, in some countries, religious laws that affect land and property (and inheritance) systems. This legal pluralism creates confusion and contributes to corruption at the local, regional and national levels.

The situation is further complicated by the widespread lack of valid, formal land documentation. What documentation does exist is often out-of-date, making it difficult to clarify or verify claims. Also, land issues have a political element: in many countries the government formally owns all or most of the land, while people have de facto occupancy rights. Companies may rely on and engage with government officials to acquire formal rights to land without recognizing the need to identify and consult with customary rights holders. In some places, land and resources have strong cultural and heritage values and putting these values at risk will alienate local stakeholders even if these stakeholders do not formally own the land. Finally, in post-conflict or post-disaster environments, claims over land may be lost, contested or otherwise extremely difficult to prove. Navigating these waters can be demanding yet unless companies adequately address land tenure issues, their performance and



**Did you know that a number of major multinational corporations have made commitments to respect the legitimate land and forest rights of local people?**

These companies include:

Coca-Cola	Unilever
PepsiCo	Cargill
Nestlé	Illovo Sugar

[Read more on these commitments here.](#)

ability to ensure long-term success of their land investment projects may be threatened.

Given the potential for negative impacts that can occur if companies fail to respect legitimate land tenure rights of local women and men, a growing number of stakeholders, including international and national civil society companies, donor agencies, multilateral lenders and responsible investors have called on companies to do better.

Although land tenure is a complex issue, there is a growing body of guidance that companies can use to build their understanding and improve engagements with communities and other stakeholders. Effective engagement can help meet investor, civil society and community expectations, reduce harmful impacts and improve economic, social and environmental performance.



# New standards and guidance

Many companies face land tenure challenges during the course of land-based investments or as part of an evolving Business and Human Rights agenda (some of these challenges may not stem directly from the company, for example activities of suppliers may create concerns related to livelihoods, housing, indigenous peoples rights, etc.).

While most guidance related to land tenure issues is currently non-binding, international law does provide protection for property rights.<sup>ix</sup> These rights are increasingly the focus of attention of NGOs, donor agencies, investors and companies. One example of a company which provides a public statement on land tenure rights, is Nestlé. The company sums up the importance of such efforts in its policy on environmental sustainability as follows: “Recognizing and clarifying rights to land and natural resources, through an inclusive and equitable process, is essential for business to assist in the realization of sustainable agricultural development.”<sup>x</sup> The question is not if companies should address this issue, the question is, rather, how best to address it.

A number of guidelines and standards related to land tenure have been developed (or revised) to help promote positive outcomes and reduce harmful impacts. They include the following:



- *The International Finance Cooperation (IFC) Performance Standards on Environmental and Social Sustainability* (revised 2012) defines the responsibilities of IFC clients for managing environmental and social risks, including risks associated with land tenure. This is a globally recognized benchmark for sustainable project development. The IFC’s Performance Standards (especially PS 1, 5 and 7) require companies seeking financing to respect indigenous and local land rights, obtain free, prior and informed consent (FPIC) for land-based projects, and mitigate the harms associated with resettlement activities.
- *The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (VGGT) (2012) is a non-binding international instrument and the leading international guidance on land tenure issues. The VGGT address responsibilities of governments, the private sector and civil society to respect, protect and remedy the legitimate land rights of people around the world. The VGGT ask companies to respect legitimate land tenure rights, act with due diligence to avoid infringing these rights, and identify and assess the actual or potential impact of their actions on these rights.

- *Guiding Principles on Large Scale Land Based Investments in Africa* (2014) is a non-binding instrument from the African Union that provides direction on when to (and when not to) engage in large scale land based investment and provides investors with guidance on how to engage with a variety of governance institutions including customary/traditional authorities in Africa.
- *The Principles for Responsible Investment in Agriculture and Food Systems, The Committee on World Food Security* (2014) is a non-binding international instrument that incorporates respect for tenure of land, fisheries and forests as one of 10 principles.
- Sector-level guidance that addresses land tenure rights includes: *The Principles for Responsible Investment in Farmland* (2011), *The Roundtable on Sustainable Palm Oil Principles & Criteria* (2013), *The RSB Principles and Criteria for Sustainable Biofuel Production* (2013), and *The Principles and Criteria for Global Sustainable Beef* (2014).
- *The Analytical Framework for Land-based Investment* (2015) is a new tool developed under the guidance of the New Alliance for Food Security and Nutrition and Grow Africa, to help companies assess and manage land-tenure risks in their investments. The tool aligns with the VGGT and with the Guiding Principles on Large

Scale Land Based Investments in Africa but should not be seen as Africa-specific; guidance is applicable in investment projects throughout the developing world.

## RISE IN STAKEHOLDER INTEREST REGARDING LAND RIGHTS AND SUSTAINABILITY IMPACTS

Increasingly, a variety of stakeholders, including civil society, investors, consumers and governments are asking companies to make commitments to protect the legitimate land rights of local people.



For example, in 2013, Oxfam launched the second phase of its 'Behind the Brands' campaign, asking the world's leading food and beverage companies to commit to ensuring that land grabbing – wrongfully taking land from legitimate land holders – does not take place in their sugar supply chains. Oxfam ran a focused social advocacy campaign that led to over 225,000 signing a petition calling on Coca-Cola to commit to “zero land-grabbing”. As a result, Coca-Cola and PepsiCo created new supplier policies designed to respect land tenure rights. They are now in the process of untangling the complex knot that often surrounds land purchases in their supply chains. Since 2013, other companies, including Unilever and Nestlé, have made similar commitments (see the box on page 8).

The IFC's *Performance Standards* provide an example of the increasing demand from investors for companies to provide such land tenure information, as do the *Principles for Responsible Investment in Farmland*.

Why are all of these groups concerned about land tenure? Civil society and donor agencies (for example, development banks) want to prevent very real harmful impacts on local community members while also promoting beneficial investments and contracting. Responsible investors and lenders also want companies to prevent harmful impacts in order to ensure the longer-term financial performance and viability of borrowers. Some consumers want to engage with companies that respect human rights – they express their preferences through their purchases. Similarly, employees may prefer to work for companies that have a sound record of engagement on human rights issues including protection of livelihoods, housing rights, the environment, and access to water – all tied to land tenure. In each case, stakeholders wish to see companies adequately addressing land tenure issues. By addressing land tenure in a responsible and transparent manner, companies will help protect communities and the environment. It can also help companies avoid significant financial and reputational damage.<sup>xi</sup>

Impacts for communities from companies failing to respect legitimate land tenure rights can be substantial and include loss of livelihoods, loss of housing, loss of access to water and other natural resources, social dislocations and loss of cultural heritage. These impacts create risks for companies, including damage to brands and reputation as

well as more direct financial costs. By building a more complete picture of land tenure challenges, companies can plan for, mitigate and report on the key impacts, risks and opportunities that they face.<sup>xii</sup>

Stakeholders are increasingly interested in companies “knowing and showing” the impacts that their land-based activities are having on the ground. Stakeholders are also interested in the question of whether or not supply chains have problems associated with the tenure rights of local people.<sup>xiii</sup> If stakeholders are significantly affected, and/or material impacts occur, this should be reported as an integral part of reporting on material economic, social and environmental topics.

With a set of practical guidance now in place (see the Resources section on pages 28-32), companies have very good reference materials that they can use to meet the needs of stakeholders for improved engagement and transparency. Companies can help ensure positive outcomes by taking practical steps to improve their level of community engagement, support more participatory consultation processes, create more meaningful benefit-sharing agreements, develop sound monitoring and evaluation practices and put grievance mechanisms in place.

Land-based investments can bring important benefits to local stakeholders: they can help bring new knowledge and technology to people, help improve infrastructure, connect people to markets and create jobs. These benefits can help transform lives and economies if done with care and attention to the land tenure rights of local people.

# What do stakeholders want to know about land tenure?

GRI explored the information needs of different stakeholders: regarding land tenure, which information do report readers look for specifically, and why? And how can this information be reported as part of a GRI sustainability report? In this chapter, we provide views and examples from representatives of stakeholders on their land tenure related information needs. This includes the sustainability rating organization VigeoEiris, civil society organizations Oxfam and Global Witness, as well as Babette Wehrmann, a land governance expert involved in establishing regulatory frameworks. The chapter is structured around the following questions:

1. Why should companies report on land tenure and why is the reported information needed?
2. What type of companies should consider reporting this information?
3. What type of land tenure information should companies report?

## Babette Wehrmann, Land Governance Expert

### **WHY SHOULD COMPANIES REPORT ON LAND TENURE AND WHY IS THE REPORTED INFORMATION NEEDED?**

On 11 May 2012, the Committee on World Food Security (CFS) endorsed the 'Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National

Food Security' (VGGT). This is an unprecedented human rights-based international soft law instrument formed through extensive multi-stakeholder consultations, negotiated and agreed upon by states in the area of tenure promoting the respect of all legitimate tenure rights. All countries have been explicitly encouraged to implement the Guidelines by resolutions of the United Nations General Assembly A/RES/67/228, the G20, the G8, and the RIO+20 Declaration. They provide a critically important framework, which states that business enterprises should act with due diligence to avoid infringement on human rights and legitimate tenure rights. Chapter 12 of the VGGT is exclusively about investments.

Responsible land governance is a topic that in many cases is closely related to the core activities of a business, as most of them require access to land and its use. Land may be directly needed as a production site or for storage or it may be needed by suppliers. Accordingly, irresponsible land governance can entail risks, just as responsible land governance can offer new opportunities for a business. Possible risks of irresponsible land governance include delays in production due to land conflicts resulting from irresponsible land acquisitions or decreases in agricultural production due to unsustainable use of the land in the past. An opportunity resulting from responsible land governance could be to sell products at a higher price to consumers willing to pay more for products that do not result from irresponsible

land governance. In such cases, responsible land governance can create added value for the society and the company simultaneously.

Land tenure information reported by organizations could be used by the Committee on World Food Security (CFS), International Land Coalition (ILC) and other institutions monitoring companies' compliance with the VGGT.

### WHAT TYPE OF COMPANIES SHOULD CONSIDER REPORTING THIS INFORMATION?

Responsible land governance is primarily relevant for those businesses that use land or need access to land either directly or indirectly through suppliers. This is particularly true for countries where governance of land tenure and associated natural resources is weak, e.g. where existing legitimate tenure rights of men and women, groups and individuals are not well respected and protected, sometimes even lacking recognition or where land use is not regulated in a sustainable way resulting in unsustainable greenfield developments.

### WHAT TYPE OF LAND TENURE INFORMATION SHOULD COMPANIES REPORT?

Responsible governance of land tenure means respecting all legitimate tenure rights and human rights. Therefore, the main information needed is:

- The total number, size and percentage of operational sites owned, leased and managed where infringements of any legitimate tenure

rights, including customary, collective and informal tenure rights, took place within the reporting period. This includes, but is not limited to, eviction and involuntary resettlements, including physical and economic displacement.

Additional information should be provided on:

- Adherence to highest internationally recognized human rights standards.<sup>1</sup>
- Procedures to identify, assess, and prevent adverse impacts on human rights, legitimate tenure rights and their holders as well as on livelihoods and the environment.
- Interaction with relevant levels of government, representatives of communities, local holders of tenure rights and other relevant stakeholders.
- Negotiation with local holders of tenure rights (local land and resource owners or users). Under this aspect it should be stated if all negotiated agreements with local holders of tenure rights are based on their free prior and informed consent (FPIC).
- The share of business models which are characterized by a partnership with smallholder farmers and their communities genuinely sharing value between the parties.
- Impact monitoring on human rights, legitimate tenure rights, livelihoods and the environment and how adverse impacts are addressed.
- Effective operational-level grievance mechanisms and remedy provided, where the business enterprise has caused or contributed to adverse impacts on human rights, legitimate tenure rights, livelihoods or the environment.

<sup>1</sup> Human rights which may be at particular risk due to private investments are among others: right to life, right to self-determination, right to property, right to food, right to water and sanitation, right to adequate housing, right to health, right to education, right to work, right to effective remedy, freedom of assembly and association, freedom of opinion and expression and in some cases right to liberty and security of persons, due process and freedom from torture and inhuman and degrading treatments.

- The level of transparency and the provision of comprehensive information.
- Protection of human rights defenders.

If land tenure impacts are considered to also include impacts on how the land is used, the following information will be needed:

- Total number, size and percentage of operational sites owned, leased and managed where soil quality has been reduced, where there is a risk of reducing soil quality or where green land has been converted in construction land. Sub-indicators could deal with assessments and measures to restore soil quality and avoid future damage.
- Compliance with applicable laws and regulations on the use of land.

This information should be disclosed as the reduction of land consumption (conversion of green land into construction land) increasingly becomes a focus of international objectives and guidelines such as the Sustainable Development Goals (SDGs).

## VigeoEiris

### **WHY SHOULD COMPANIES REPORT ON LAND TENURE AND WHY IS THE REPORTED INFORMATION NEEDED?**

Respecting and promoting land-related rights are encompassed in key international reference texts, providing multinational companies with principles for action to exercise their corporate social responsibility worldwide.

The UN Sustainable Development Goals, released

in September 2015, specifically address property rights and access to land and natural resources, as well as the fair sharing of benefits from the exploitation of genetic resources. Respecting these land-related rights is clearly seen as part of the solution to combatting poverty and using terrestrial ecosystems in a more sustainable manner. Reporting information on this topic enables companies to demonstrate their consideration of such rights in their operations. Through this, companies can demonstrate to investors and stakeholders their capacity to mitigate associated risks for their business, as well as their capacity to create value for society in the long term.

Wherever land tenure is not responsibly addressed, there is increased potential for conflict arising from many causes including disputes over ownership of land or resources; loss of livelihoods; lack of consultation; inadequacy of compensation; conflicts between resettled people and their host populations; or as a result of corrupt behavior by implementing officials. If poorly managed, this can cause severe, long-term social degradation, impoverishment and increased vulnerability of affected populations. Multinationals often find themselves in powerful positions vis-a-vis more vulnerable local and indigenous peoples whose voices may not be heard. They are thus expected to respect and promote these stakeholders' rights and not to tolerate corporate complicity, for which they might also be held accountable.

There are numerous examples where conflicts over land and resources have had material impacts on companies. In the face of criticism, some companies have responded by shifting their practices.

Sectors in which responsible land tenure is a material issue are systematically assessed on this topic as part of Vigeo's analysis of companies' ESG performance. Vigeo takes into account all information provided by companies themselves as well as feedback from other credible sources (such as NGOs, press, watchdogs, authorities). These stakeholder sources are systematically consulted during Vigeo's assessment. In the case of a company facing a controversy, transparency from the company, engagement with affected stakeholders and reporting on any corrective measures is valued. Vigeo uses the information to analyze and build an opinion on companies' managerial approach to ESG challenges, including responsible land tenure. Vigeo's assessment of companies' ability to address and mitigate related risks is then communicated to investors in scores, rankings and analyst opinions and this serves as a tool to help investors make informed investment decisions.

Thus, every investor receiving Vigeo's ESG assessment of a company for which land rights are a material issue, obtains information on Vigeo's assessment of the company's reported managerial approach to this topic. In turn, investors using Vigeo's research may have different reasons as to why they consider this a relevant issue. This can include the investor's own motivation to include strong socially responsible criteria when making investment decisions. For some investors, this is a topic to be assessed in order to mitigate exposure to business risks. These include legal, reputational and operational risks that can have material impacts on companies, and thus investors.

## WHAT TYPE OF COMPANIES SHOULD CONSIDER REPORTING THIS INFORMATION?

Responsible management of land tenure is part of our core ESG assessment of companies that operate in sectors in which this topic is material – mainly sectors where there is a risk that local communities could be exposed to violations and where there is a business risk.

Although all companies that have a direct or indirect link to land usage through either their own operations, their supply chain or their investments are concerned by these issues, the exposure of companies depends on the nature of their activities, their supply chain as well as socio-political factors in the countries of operation.

Examples of sectors we consider to be highly exposed to land-tenure impacts:

- **Food companies** are likely to be exposed to land tenure issues since the nature of their activity usually involves agriculture and therefore significantly impacts land, water and other natural resources. However, the risk of land-related negative impacts and rights violations will depend among other factors on the geographical location, governance of the countries where companies operate and source from, and the commodity being sourced. For example, particular concern has emerged linked to allegedly un-compensated land acquisitions in the sugar industry in emerging economies such as Cambodia.<sup>2</sup> Other concerns have been raised

<sup>2</sup> "Cambodia's sugar rush leaves farmers feeling bitter at 'land grab'" – The Guardian – 9 July 2013, accessed 2 May 2016: <http://www.theguardian.com/world/2013/jul/09/cambodia-sugar-land-grab-claims>

over the scale and speed of land investments on the African continent to grow crops that are not used for local subsistence.

- **Oil and gas companies** are often active in weak governance zones and tend to explore and produce in increasingly remote areas, which may be inhabited by indigenous populations. The acquisition or accessing of community land is a particular feature of the pre-exploration, exploration and operation phases of these companies. Where host governments do not recognize informal land rights of communities or also claim rights over natural and subsurface resources, these communities' rights may be adversely impacted due to a lack of legal protection and corresponding inability to access effective remedies.
- **The mining sector** is also among the sectors which are most exposed to human rights violations linked to land, since assets can be located on indigenous lands and mining projects often involve major land acquisitions. Thus, local communities may face loss of shelter, business assets or access to assets and resources as well as facing relocation. Another land-related issue in this sector is the threat of human rights abuses at the hands of both public and private security forces protecting company assets. A particular challenge for mining companies is that they may not always be directly involved in such violations, but can be complicit when they rely on state forces to provide security. Mining companies therefore have a responsibility to build human rights issues into their due diligence processes and to speak out against violations.

- **Similarly, companies involved in large infrastructure projects** such as wind farms and dams that can involve land acquisition and population displacements are expected to ensure that agreements with the host government specify that land acquisition and resettlement will be conducted in accordance with international standards.
- **For companies involved in pulp and paper products**, land-related rights of forest dependent communities are particularly at stake.<sup>3</sup> Companies in this sector have a responsibility to ensure that their extensive direct or indirect use of local resources (land, water) does not affect local communities' own capacity for social and economic development by depriving them of the necessary resources. Moreover, when allocating land use and forest industry concessions, government authorities themselves may violate these communities' rights to property and resource access and availability. Land acquisitions in emerging and developing countries are thus a key political issue and companies are expected to be increasingly conscious of the potential for human rights violations, especially in countries where indigenous communities are numerous such as Brazil, Canada, South Africa, India, Indonesia and Australia.

### WHAT TYPE OF LAND TENURE INFORMATION SHOULD COMPANIES REPORT?

Vigeo Rating has been systematically evaluating companies on issues linked to responsible

<sup>3</sup> According to the World Commission on Forests and Sustainable Development, 350 million of the world's poorest people depend almost entirely for their subsistence and survival on forests. According to the same source, a further 1 billion poor people (about 20% of the world's population) depend on remnant woodlands, on homestead tree gardens, and on agro-forestry systems for their essential fuel wood, food and fodder needs. 'Forest Peoples Numbers across the world' – Forest Peoples Programme - 2012



land tenure as part of our core ESG company assessments for over 10 years.

Property and access rights are fundamental human rights and are crucial to enable social and economic development of local communities. These topics are specifically assessed in two of Vigeo's sustainability drivers:

- "Respect for fundamental human rights": including the respect of property rights; the respect of free, prior and informed consent; the respect of indigenous peoples' rights; the prevention of cruel, inhumane, and degrading treatment.
- "Promotion of social and economic development": including assessment and management of impact of operations on local communities and supporting local economic development.

Companies operating in exposed sectors are expected to report holistically on their management of land tenure, this means Vigeo systematically assesses these companies on:

- The relevance of policies in place to address these issues, assessed through the analysis of the accessibility of the policy to stakeholders, the exhaustiveness of the policy content, as well as the responsibility and oversight over the policy. For land rights, such a policy needs to cover the company's supply chain as well as joint ventures and investments, since this is often where communities are exposed to potential violations of their rights.
- The efficiency of measures in place to enforce their policies and how they engage on land issues prior to, during and after their commencement of operations, sourcing or investment.

These measures can include, for instance, risk assessments and consultations; systems to fairly compensate communities; and conflict resolution mechanisms. Vigeo also assesses the information companies provide on their management systems to prevent, mitigate or remediate negative impacts on natural resources and biodiversity.

- The geographical coverage of such measures is systematically assessed. For instance, companies can report on whether any measures are particularly focused in countries where there is high exposure to potential human rights violations, countries with a high number of indigenous communities and highly biodiverse countries.
- Transparent information on any conflicts they may face with local communities or governments, and how they are working to resolve such cases (for example, through dialogue with these parties and remediation plans).

## Global Witness

### WHY SHOULD COMPANIES REPORT ON LAND TENURE AND WHY IS THE REPORTED INFORMATION NEEDED?

The disclosure of this information is most critical for local communities who are affected (or potentially affected) by large-scale land acquisitions. Such acquisitions of land for commercial purposes can have direct socio-economic negative impacts, such as:

- Loss of farmland and violations of the owners' rights to food and adequate housing.
- Reduction of household water supplies when streams are diverted.
- Loss of access to firewood when forested areas are cleared.

- Loss of land can also negatively impact wellbeing and culture, for example through the loss of cemeteries and religious sites, cleared to make way for the project.

These examples are increasingly common; one study of 73,000 mining, oil and gas, logging and agribusiness concessions in eight tropical forested countries found that 93% of them involved land inhabited by indigenous peoples and local communities.<sup>4</sup> This is partly due to the fact that a significant proportion of legitimate land rights holders in the global south do not have secure tenure.<sup>5</sup> It is also due to the frequent illegal nature of the land acquisitions themselves; around half of all tropical deforestation since 2000 has been due to illegal conversion of forests for commercial agriculture,<sup>6</sup> and that in total approximately half of this land is now producing agricultural goods for export.



The internal collection and external reporting of such information enables companies to “know” and “show” they are meeting legal requirements and environmental, social and governance commitments. Public disclosure of this information by companies is the basis for developing mutually beneficial relationships with communities local

to the project (i.e. project stakeholders), while accessing this information helps communities (and the non-governmental organizations supporting them) to protect their rights.

## WHAT TYPE OF COMPANIES SHOULD CONSIDER REPORTING THIS INFORMATION?

The suggested additions or extensions to the G4 disclosures, outlined in this publication, would primarily apply to companies undertaking land-based investments, for example those involved in the agribusiness, forest plantation, mining and real estate sectors. This includes companies directly involved in production within such sectors, as well as those involved the supply chains. As noted by the OECD's Working Party on Responsible Business Conduct in 2014 however, there is also a “direct link” between the financial sector and the adverse impacts of the projects they invest in.<sup>7</sup> The OECD went on to recommend that: “Financial institutions, like any other MNEs, should thus avoid causing or contributing to adverse impacts, and seek to prevent or mitigate those impacts when their operations, products and services can be directly linked to them by a business relationship.” Consequently, the above principles and criteria can also be applied

<sup>4</sup> RRI (2014) *Communities as Counterparties: Preliminary review of concessions and conflict in emerging and frontier market concessions*, Rights and Resources Initiative, 30th October 2014, [http://www.rightsandresources.org/wp-content/uploads/Communities-as-Counterparties-FINAL\\_Oct-21.pdf?utm\\_source=Munden+Report&utm\\_campaign=Securing+Indigenous+and+Community+Lands&utm\\_medium=email](http://www.rightsandresources.org/wp-content/uploads/Communities-as-Counterparties-FINAL_Oct-21.pdf?utm_source=Munden+Report&utm_campaign=Securing+Indigenous+and+Community+Lands&utm_medium=email).

<sup>5</sup> As described by the UN Voluntary Guidelines on the Governance of Tenure of Land, Forests and Fisheries in the Context of National Food Security.

<sup>6</sup> Lawson S, *Consumer Goods and Deforestation: An Analysis of the Extent and Nature of Illegality in Forest Conversion for Agriculture and Timber Plantations*, Forest Trends, September 2014.

<sup>7</sup> OECD (2014) 'The terminology on 'directly linked' in the context of the financial sector, note by the Secretariat', Working Party on Responsible Business Conduct, Investment Committee, Directorate for Financial and Enterprise Affairs, OECD, 14th July 2014, ref: DAF/INWIRBC(2014)1/REVI.

by financial investors in such companies, as they undertake their initial or ongoing due-diligence assessments.

## WHAT TYPE OF LAND TENURE INFORMATION SHOULD COMPANIES REPORT?

Despite increasing investments in land and agriculture-based sectors since the financial crisis in 2008, companies and their investors have not yet developed systems which are able to assess the specific land tenure-based risks associated with such investments. European-based investors rely on commodity-based certification schemes as a proxy for due diligence into land-tenure risk.<sup>8</sup> Calvert – a US-based socially responsible investor – recognizes the lack of land tenure data used by financial markets; only one out of 2,167 standard environmental, social and governance criteria relates to land.<sup>9</sup>

In response to this gap, Global Witness has worked with other organizations to identify three principles<sup>10</sup> as the starting point for what agribusiness operators and their investors should be expected to assess in order to adequately understand the land and resource tenure risks associated with a new (or existing projects) and also take steps to mitigate such risks. These Principles are built upon existing standards and operational commodity-specific round tables. It is also expected that some, if not all, of these requirements would be covered by national legal requirement.

- **Principle 1:** Undertake investments only in projects that guarantee the free, prior and informed consent of all potentially affected communities through the entire lifecycle of the project.
- **Principle 2:** No investments in developments on contested land.
- **Principle 3:** No violations of human rights in the acquisition or management of the land investment.

Companies and investors should report on their adherence to these Principles. Furthermore, companies purchasing commodities from involved companies, must also think about their responsibilities within the supply chain and report respectively.

In addition, we recognized that these three principles on land tenure are inherently related to and dependent on a broader set of reporting frameworks and standards, which include: climate change, protection of intact forests, biodiversity, labor rights, transparency, tax avoidance, corruption/ money laundering and grievance mechanisms.

## Oxfam

### WHY SHOULD COMPANIES REPORT ON LAND TENURE AND WHY IS THE REPORTED INFORMATION NEEDED?

Reporting on the Aspect of land tenure will help companies better identify and manage land tenure

<sup>8</sup> See study in Profundo (2014) Opportunities for EU-regulatory reform concerning EU investments in non-EU agribusiness, available on request.

<sup>9</sup> Presentation made by Gabriel Andres Thoumi from Calvert at the World Bank Annual Conference on Land and Poverty, Washington DC, March 2015.

<sup>10</sup> These three principles, their relationship with existing international standards and reporting requirements and more detailed key performance indicators are available on request from Megan MacInnes at Global Witness: [mmacinnnes@globalwitness.org](mailto:mmacinnnes@globalwitness.org)

risks and impacts in their or their suppliers or business partners' operations. The Munden Project has found that "companies which ignore the issue of land tenure expose themselves to substantial, and in some cases, extreme, risks."<sup>11</sup> They have quantified these risks in several reports.<sup>12</sup> The information companies provide will enable other companies to learn from the various approaches, so as to promote best practices across sectors.

Additionally, the information will help affected community members, civil society organizations, governments, and other stakeholders hold companies accountable for negative impacts on land rights and, in the case of communities, better access remedy through judicial and non-judicial channels. Further, when companies disclose pertinent information prior to a new (or changing) investment, communities can shape whether and how the project moves forward. Communities' early, informed participation can help ensure the investor respects human rights and that the project advances communities' development aspirations.

Oxfam sees responsibilities of the private sector regarding land tenure. More information can be found in the following resources:

- 'Sugar Rush' – This paper sets out how sugar has been driving largescale land acquisitions and land conflicts at the expense of small-scale food producers and their families. It outlines the steps food and beverage companies should take to address and mitigate land tenure impacts and

risks in their supply chains.

- 'Banking on Shaky Ground' – This report explores Australia's big four banks and land grabs
- 'Community Consent Index 2015' - This policy brief examines publicly available corporate commitments regarding community rights and community engagement of oil, gas, and mining companies.

The information reported by companies can also inform Oxfam's assessment for the land indicators in Oxfam's Behind the Brands scorecard.

### WHAT TYPE OF COMPANIES SHOULD CONSIDER REPORTING THIS INFORMATION?

Land tenure is a salient risk to people and companies across sectors, including oil, gas, and mining, hydro, infrastructure, agriculture, and manufacturing (for example, the land on which a manufacturing plan is based may be contested), and investors in those companies. It is a risk in all countries that lack strong land tenure governance, and most low and middle-income countries fall into this category. In a study of 64 countries covering 82% of the earth's land, the Rights and Resources Initiative found that, "Communities and Indigenous Peoples are estimated to hold as much as 65% of the world's land area under customary systems, yet many governments formally recognize their rights to only a fraction of those lands. This gap—between what is held by communities and what is recognized by governments—is a major driver of conflict, disrupted investments, environmental

<sup>11</sup> The Munden Project. "The Financial Risks of Insecure Land Tenure: An Investment View. December 2012. [http://www.rightsandresources.org/documents/files/doc\\_5715.pdf\\_summary](http://www.rightsandresources.org/documents/files/doc_5715.pdf_summary).

<sup>12</sup> Also see: de Leon, Ramon; Garcia, Tin; Kummel, Gordon; Munden, Lou; Murday, Sophia; Pradela, Leonardo. "Global Capital, Local Concessions: A Data-Driven Examination of Land Tenure Risk and Industrial Concessions in Emerging Market Economies". 13 September, 2013. [http://www.rightsandresources.org/documents/files/doc\\_6301.pdf](http://www.rightsandresources.org/documents/files/doc_6301.pdf).

degradation, climate change, and cultural extinction.”<sup>13</sup>

## WHAT TYPE OF LAND TENURE INFORMATION SHOULD COMPANIES REPORT?

Companies should disclose:

- A public commitment to respect communities’ and indigenous peoples’ land rights, including traditional, customary, and usage rights, which applies widely to the company, its supply chain, and its business relationships.
  - See Oxfam’s definition of a comprehensive land rights commitment on pages 16-17 of ‘Sugar Rush’.
- The company knows and shows the risks it poses to and impacts it has on people’s land rights, including:
  - Disclosure of countries from which it sources or operates, particularly where land tenure security cannot be assured or poor land governance is of particular concern (for example countries with weak national legal frameworks on recognizing, securing, documenting, and protecting land rights and uses, for women and men, of common land and natural resources, derived through either customary or statutory regimes, in line with UNDRIP and other voluntary agreements).
  - The criteria the company uses to determine where land tenure is a salient risk and the countries it has identified that fit the criteria.
  - Known land-related conflicts linked to the company either directly or through its supplier or business relationships.
- Which operations – its own, or linked through its supply chain or business relationships – are on land designated for, owned or controlled by indigenous peoples.
- Disclosure of land-intensive or land-invasive commodities used and/or sourced by the company, such as oil/gas/mining, hydro, sugarcane, palm oil, soy, etc. For companies which do not produce these commodities directly, the list of their suppliers or business partners which do and their countries of operation.
- Results of assessments of land tenure risks and impacts in key sourcing countries, including high risk countries, and action plans for how the company will address issues it identified, in a format and language accessible to local communities.
- How the company mitigates risks/prevents negative impacts when it acquires land (or its suppliers/business partners acquire land –either through buying or leasing), or the impacts resulting from a change in operations, including:
  - Ensures adherence to and respect for indigenous peoples’ and communities’ free, prior, and informed consent. Companies should report on the process they go through to obtain FPIC prior to land acquisitions/ changes in operations, and provide an example.
  - Discloses information on the land investment, such as the draft contract, in an accessible format, with sufficient time for stakeholders to inform the terms and process.
  - Identifies competing land claims, engaging external stakeholders such as potentially

<sup>13</sup> Rights and Resources Initiative. “Who Owns the World’s Land? A global baseline of formally recognized indigenous and community land rights”. September 2015. [http://www.rightsandresources.org/wp-content/uploads/GlobalBaseline\\_web.pdf](http://www.rightsandresources.org/wp-content/uploads/GlobalBaseline_web.pdf).

affected communities, rather than relying solely on legal/formal documentation to assert legitimate land claim.

- Identifies and consults existing land users, operating under the assumption that land is not empty or unused.
- Promotes alternatives to large-scale land investments and seeks to avoid the transfer of land rights (including land under customary tenure) away from small-scale food producers and instead engage smallholders by proposing fair contracts.
- Disclosure of how the company manages, implements, and monitors the effectiveness of the following, relevant to all operations:
  - Ensures effective, accessible grievance mechanisms that are utilized by community members in cases where land rights have been

or may have been violated (see UN Guiding Principle on Business and Human Rights 31 for full list of criteria on grievance mechanisms).

- Ensures it supports communities to access remedy, in line with its responsibilities outlined in the UN Guiding Principles on Business and Human Rights, for cases where it has caused, contributed to, or is linked to human rights violations associated with land rights.
- Supports women, indigenous peoples, and communities in their efforts to receive formal land titles.
- Examples of how the company engages stakeholders, including governments, international institutions, MSIs, peer companies, and suppliers in support of stronger land tenure governance, policies, and practices.



# How can the GRI G4 Guidelines support reporting on land tenure?

In this chapter, we explore how the GRI G4 Guidelines can be used as the basis for reporting on the topic of land tenure and how the GRI disclosures may be extended to include reporting specifically on land tenure. We provide the views from Global Witness, Oxfam, and land governance expert, Babette Wehrmann.

## Global Witness

To a limited extent, the three land tenure risk assessment principles outlined on page 19 could be incorporated into the existing GRI disclosures, as Table 1 below outlines. However, Global Witness believes that due to the severity of the land grabbing crisis across the world and the failure of current

corporate reporting mechanisms to reflect this, the appropriate response from GRI and its members would be to expand the disclosures framework to explicitly recognize land tenure issues as an entirely new aspect.

**TABLE 1: GRI DISCLOSURES MAPPED AGAINST LAND TENURE RISK ASSESSMENT PRINCIPLES**

GRI Disclosure	Land Tenure Risk Assessment Principles suggested by Global Witness	Potential for integration of the principles into existing GRI disclosures
Local community impacts G4-S01 and G4-S02	Principle 1: Free, prior and informed consent (FPIC) for all potentially affected communities and individuals	Extension required to the Social aspect which explicitly details that the free, prior and informed consent of all potentially affected communities is gained before the project is undertaken, including any changes to tenure and access rights to land. As such we recommend an "investment" aspect be added to the Social section, which addresses social issues to be addressed prior to the project starting.
Human Rights G4-HR1, G4-HR8 and G4-HR9	Criterion 1.1: The investment does not diminish the legal, customary or user rights of other users without their FPIC	
Fundamental right to free, prior and informed consultation to gain consent, is an essential right in these aspects		

<p>Human Rights G4-HRI, G4-HR8 and G4-HR9, G4-HR12</p> <p>Current aspects do not cover the specific details of land rights as described to the right.</p>	<p>Principle 2: No development on contested land</p> <p>Criterion 2.1: The investor's right to use the land is demonstrated and is not legitimately contested by local people with proof of legal, customary, or user rights</p> <p>Criterion 2.2: Fair and adequate compensation has been paid for loss of rights</p> <p>Criterion 2.3: Land acquisition does not involve host governments' illegitimate use of eminent domain to acquire land made available to the investment</p>	<p>Recommend new "land issues" aspect be added to the disclosures.</p> <p>G4-HR12 on grievance mechanisms could be extended to include these, but that would depend on the overarching human rights frameworks applied to this aspect to be expanded to include the Convention on Economic, Social and Cultural Rights (CESCR) and the Convention on Civil and Political Rights (CCPR).</p>
<p>Human Rights G4-HRI, G4-HR8 and G4-HR9</p> <p>The human rights frameworks listed within this aspect do not explicitly include either CESCR or CCPR.</p>	<p>Principle 3: No systematic violations of human rights in the acquisition or management of the land investment</p> <p>Criterion 3.1: Operations respect rights to food, adequate housing and adequate standard of living</p> <p>Criterion 3.2: Freedom of association, expression and assembly and other civil and political rights are respected in association with all stages of the investment's life cycle</p>	<p>Application of the principles and criterion within the G4 disclosures would require the scope of human rights frameworks applied to human rights aspects to be expanded to cover both CESCR and CCPR.</p>

Regarding reporting on supply chains, the GRI disclosures should be extended in relation to supply chains in the following ways:

- G4-EC9 on "procurement practices", only covers the proportion of procurement by the operator which is sourced from local suppliers, rather than how sustainable procurement policies are applied along entire supply chains.
- G4-EN32 and G4-EN33 focus on "supplier environmental assessments" which do apply along a supply chain, but they should be extended to include the G4 social criteria.
- G4-HR10 and G4-HR 11 focus on "supplier human rights assessments" which do apply along a supply chain, but the underlying framing of the relevant human rights frameworks which the assessments need to cover should be expanded, as detailed in the table above.
- G4-S09 and G4-S010 focus on "supplier assessments for impact on society", which do apply along a supply chain, but should be extended to explicitly include land tenure related issues.



## Oxfam

Oxfam recommends that GRI adds an Aspect focused on the social and human rights aspects of companies' impacts on land tenure. While GRI may integrate elements of the social/human rights aspects of land tenure risks/impacts into existing Aspects, an additional Aspect would clarify stakeholders' expectations of companies on the specific issues Oxfam outlined above.

- GRI may find it can integrate some elements of the list above into the "Local community impacts" Aspect, such as:
  - Impact assessments focused on land tenure risks/impacts into G4-S01, yet Oxfam recommends the company doesn't only report on the percentage of operations, but is also encouraged to disclose the findings (as outlined above).
  - Grievance mechanisms and remedy for land rights violations into G4-S01, yet Oxfam recommends the company doesn't only report on the percentage of operations, but is also encouraged to disclose the impact of these mechanisms (as outlined above).
  - Land is also related to G4-S02, "Operations with significant actual and potential negative impacts on local communities", yet Oxfam and other stakeholders seek far more detailed information from companies on social/human rights elements of land than this Aspect covers.
- For instance, the guidance on "Disclosures on Management Approach" would pertain to the Land Aspect:
  - Why land is a material Aspect?
  - How the organization manages land and related social/human rights impacts
  - The evaluation of the management approach to the Aspect of Land, including on respecting

free, prior, and informed consent and grievance mechanisms.

- Oxfam recommends that GRI encourages companies to provide an example of obtaining FPIC prior to acquiring new land or changing operations.

Oxfam is concerned that without a specific Aspect on land rights, GRI will not provide the in-depth guidance companies need to ensure they are reporting on the issue to the degree that stakeholders expect and that can contribute to reduced risk to people and company.

## Babette Wehrmann, Land Governance Expert

The standard disclosures defined in G4 offer a vast number of categories under which aspects of land governance could be referred to:

### General Standard Disclosures:

- Stakeholder engagement (Indicators G4-24, G4-25, G4-26, G4-27);
- Governance (Indicators G4-45, G4-46, G4-47, G4-49, G4-50);
- Ethics and integrity (Indicators G4-56, G4-57, G4-58).

### Categories and aspects under Specific Standard Disclosures:

- Category Environmental:
  - Aspect: Biodiversity (Indicators G4-EN11, G4-EN12, G4-EN13)
  - Aspect: Compliance (Indicators G4-EN29)
  - Aspect: Supplier environmental assessment (Indicators G4-EN32, G4-EN33)

- Aspect: Environmental grievance mechanisms (Indicators G4-EN34)
- Category Social, sub-category human rights:
  - Aspect: Investment (Indicators G4-HR1)
  - Aspect: Non-discrimination (Indicators G4-HR3)
  - Aspect: Indigenous rights (Indicators G4-HR8)
  - Aspect: Assessment (Indicators G4-HR9)
  - Aspect: Supplier human rights assessment (Indicators G4-HR10, G4-HR11)
  - Aspect: Human rights grievance mechanisms (Indicators G4-HR12)
- Category Social, sub-category society:
  - Aspect: Local community (Indicators G4-SO1, G4-SO2))
  - Aspect: Anti-corruption (Indicators G4-SO3, G4-SO5)
  - Aspect: Compliance (Indicators G4-SO8)
  - Aspect: Supplier assessment for impacts on society (Indicators G4-SO9, G4-SO10)
  - Aspect: Grievance mechanisms for impacts on society (Indicators G4-SO11)
- Category Social, sub-category product responsibility:
  - Aspect: Product and service labeling (Indicators G4-PR3, G4-PR4, G4-PR5)
  - Aspect: Marketing communications (Indicators G4-PR7).

in, or adjacent to, protected areas and areas of high biodiversity value outside protected areas, or if grievances about impacts on human rights, society or the environment have been filed. Accordingly, it would be useful to add two indicators that explicitly address land grabbing (respectively infringing legitimate tenure rights) and land degradation/consumption (in general and not limited to protected areas and areas of high biodiversity value). This would be in line with the recently defined Sustainable Development Goals (SDGs) that include two indicators concerning land governance: one on secure tenure rights (SDG 1.4) and one on land consumption (SDG 11.3.1).

One option could be to add land (which should also include forestland) as an additional aspect under the category environmental – just next to water. Indicators could be:

- a) Total number, size and percentage of operational sites owned, leased and managed where infringements of legitimate land use and ownership rights took place within the reporting period.
- b) Total number, size and percentage of operational sites owned, leased and managed where soil quality has been reduced, where there is a risk of reducing soil quality or where green land has been converted into construction land. Sub-indicators could deal with assessments and measures to restore soil quality respectively sites and avoid future damage.

Even though many aspects of land governance could be tackled by GRI disclosures, there is not a single indicator explicitly addressing tenure rights. Negative impacts of irresponsible land governance would only appear if they are considered a human rights abuse, have a major impact on biodiversity

Alternatively, proposed indicator a) could be included in the existing indicator G4-SO2. Other relevant information could be included in the following Indicators:

GRI G4 Disclosures/Indicators	Additional information recommended
• G4-HRI	• Adherence to highest internationally recognized human rights standards.
• G4-HR9	• Procedures to identify, assess, and prevent adverse impacts on human rights, legitimate tenure rights and their holders as well as on livelihoods and the environment.
• G4-24, 25, 26, 27 and G4-SOI)	• Interaction with relevant levels of government, representatives of communities, local holders of tenure rights and other relevant stakeholders.
• Additional indicator under Stakeholder Engagement	• Negotiation with local holders of tenure rights (local land and resource owners or users). Under this aspect it should be stated if all negotiated agreements with local holders of tenure rights are based on their free, prior and informed consent (FPIC).
• Additional indicator under Stakeholder Engagement	• The share of business models which are characterized by a partnership with smallholder farmers and their communities genuinely sharing value between the parties.
• G4-HR9	• Impact monitoring on human rights, legitimate tenure rights, livelihoods and the environment and how adverse impacts are addressed.
• G4-HRI2	• Effective operational-level grievance mechanisms and remedy provided, where the business enterprise has caused or contributed to adverse impacts on human rights, legitimate tenure rights, livelihoods or the environment.
• G4-26	• The level of transparency and the provision of comprehensive information to local communities on land the company is interested to acquire.
• -place to be found-	• Protection of human rights defenders.

# Resources

The listed tools and documents are organized in the following categories:

- Important international agreements and guidelines
- Guidance from International Donor Agencies for implementing international agreements and guidelines
- Guidance and tools provided by the private business sector
- Guidance and tools provided by the civil society sector.

All documents with a specific 'hands-on' focus are indicated with a hand symbol.



## INTERNATIONAL AGREEMENTS AND GUIDELINES

International Labour Organization (ILO) (1989) C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169). Available at: [www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C169](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169)

United Nations (1948) The Universal Declaration of Human Rights  
Available at: [www.un.org/en/universal-declaration-human-rights/](http://www.un.org/en/universal-declaration-human-rights/)

United Nations (1979) Convention on the Elimination of all Forms of Discrimination Against Women  
Available at: [www.un.org/womenwatch/daw/cedaw/text/econvention.htm](http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm)

United Nations (2006) Declaration on the Rights of Indigenous Peoples  
Available at: [www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)


United Nations (2011) Guiding Principles on Business and Human Rights  
Available at: [www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

Food and Agriculture Organization of the United Nations (FAO) (2012) Voluntary Guidelines on the Responsible Governance of Tenure of land, fisheries and forests in the context of national food security  
Available at: [www.fao.org/docrep/016/i2801e/i2801e.pdf](http://www.fao.org/docrep/016/i2801e/i2801e.pdf)

Committee on World Food Security (CFS) (2014) Principles for Responsible Investment in Agriculture and Food Systems  
Available at: [www.fao.org/fileadmin/templates/cfs/Docs/1314/rai/CFS\\_Principles\\_Oct\\_2014\\_EN.pdf](http://www.fao.org/fileadmin/templates/cfs/Docs/1314/rai/CFS_Principles_Oct_2014_EN.pdf)

## GUIDANCE FROM INTERNATIONAL DONOR AGENCIES FOR IMPLEMENTING INTERNATIONAL AGREEMENTS

### Implementation guidance/Technical 'How-to' guides from donor companies:

Food and Agriculture Organization of the United Nations (FAO) (2013) Governing land for women and men Available at: [www.fao.org/docrep/017/i3114e/i3114e.pdf](http://www.fao.org/docrep/017/i3114e/i3114e.pdf) 

Food and Agriculture Organization of the United Nations (FAO) (2015) Safeguarding land tenure rights in the context of agricultural investment

Available at: [www.fao.org/3/a-i4998e.pdf](http://www.fao.org/3/a-i4998e.pdf) 

Food and Agriculture Organization of the United Nations (FAO) (2013) Improving governance of forest tenure

Available at: [www.fao.org/docrep/018/i3249e/i3249e.pdf](http://www.fao.org/docrep/018/i3249e/i3249e.pdf) 

Food and Agriculture Organization of the United Nations (FAO) (2014) Respecting free, prior and informed consent

Available at: [www.fao.org/docrep/019/i3496e/i3496e.pdf](http://www.fao.org/docrep/019/i3496e/i3496e.pdf) 

Food and Agriculture Organization of the United Nations (FAO) (2013) Implementing Improved Tenure Governance in Fisheries. Preliminary version

Available at: [www.fao.org/docrep/018/i3420e/i3420e.pdf](http://www.fao.org/docrep/018/i3420e/i3420e.pdf) 

African Union, African Development Bank and United Nations Economic Commission for Africa (2014) Guiding Principles on Large Scale Based Investments in Africa

Available at: [www.uneca.org/sites/default/files/PublicationFiles/guiding\\_principles\\_eng\\_rev\\_era\\_size.pdf](http://www.uneca.org/sites/default/files/PublicationFiles/guiding_principles_eng_rev_era_size.pdf)

USAID (2015) Operational Guidelines for Responsible Land-Based Investment

Available at: [www.usaidlandtenure.net/documents/operational-guidelines-responsible-land-based-investment](http://www.usaidlandtenure.net/documents/operational-guidelines-responsible-land-based-investment) 

Grow Africa (2015) Analytical Guide for Investors under the New Alliance: Due Diligence and Risk Management for Land Based Investments in Agriculture

Available at: [https://community.growafrica.com/sites/default/files/Analytical-framework-for-land-based-investments-in-African-agriculture\\_0.pdf](https://community.growafrica.com/sites/default/files/Analytical-framework-for-land-based-investments-in-African-agriculture_0.pdf) 

French Agency for Development (AFD) (2014) Guide to due diligence of agribusiness projects that affect land and property rights: Operational Guide

Available at: [www.landcoalition.org/sites/default/files/documents/resources/Guide-to-due-diligence.pdf](http://www.landcoalition.org/sites/default/files/documents/resources/Guide-to-due-diligence.pdf) 

OECD & the Food and Agriculture Organization of the United Nations (FAO) (2016) OECD-FAO Guidance for Responsible Agricultural Supply Chains, p. 24

Available at: <https://mneguidelines.oecd.org/OECD-FAO-Guidance.pdf> 

UN Women and Office of the UN High Commissioner for Human Rights (2013) Realizing Women's Rights to Land and Other Productive Resources

Available at: [www.ohchr.org/Documents/Publications/RealizingWomensRightstoLand.pdf](http://www.ohchr.org/Documents/Publications/RealizingWomensRightstoLand.pdf)

IFC (2012) Working with Smallholders: A Handbook for Firms Building Sustainable Value Chains

Available at: [www.ifc.org/wps/wcm/connect/8dc5628042112fdbba2fff494779b2ad/Handbook+-+Working+with+Smallholders.pdf?MOD=AJPERES](http://www.ifc.org/wps/wcm/connect/8dc5628042112fdbba2fff494779b2ad/Handbook+-+Working+with+Smallholders.pdf?MOD=AJPERES)



## PRIVATE SECTOR GUIDANCE AND TOOLS:

PRI (2011) Principles for Responsible Investment in Farmland

Available at: [www.unpri.org/download\\_report/6243](http://www.unpri.org/download_report/6243)

GRSB (2014) Principles and Criteria for Global Sustainable Beef

Available at: [www.grsbeef.org/download/file/fid/31](http://www.grsbeef.org/download/file/fid/31)

RSB (2013) Principles & Criteria for Sustainable Biofuel Production

Available at: <http://rsb.org/pdfs/standards/11-03-08%20RSB%20PCs%20Version%202.1.pdf>

RSPO (2013) Roundtable on Sustainable Palm Oil Principles & Criteria

Available at: [www.rspo.org/file/revisedPandC2013.pdf](http://www.rspo.org/file/revisedPandC2013.pdf) 

ICMM (2015) ICMM Good Practice Guide: Indigenous Peoples and Mining  
Available at: [www.icmm.com/document/9520](http://www.icmm.com/document/9520) 🖱️

TMP Systems (2015) IAN: Risk Beta 1.0; Diligence Beta 1.0  
Available at: [www.tmpsyste.ms.net/ian/](http://www.tmpsyste.ms.net/ian/)

Global Compact Network Germany & Twentyfifty (2015) Five Steps Towards Managing the Human Rights Impacts of Your Business  
Available at: [www.gcl5europe.org/wp-content/uploads/2015/10/DGCN\\_2015\\_5-Steps-Towards-Managing-Human-Rights-Impacts.pdf](http://www.gcl5europe.org/wp-content/uploads/2015/10/DGCN_2015_5-Steps-Towards-Managing-Human-Rights-Impacts.pdf)

### CIVIL SOCIETY GUIDANCE AND TOOLS:

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