



Expanding and Leveraging Private Sector Action to Secure Community Land Rights

Co-chaired by Andy White (RRI) and Mark Constantine (IFC)

Facilitated by Avrim Lazar

Meeting Summary

Kursaal | Bern, Switzerland

29 September 2015

Attendees:

1. Duncan Pollard - Nestlé
2. Coralie David - OECD
3. Terhi Koipijarvi – Stora Enso
4. John Nelson - FPP
5. Eleni Kyrou - EIB
6. Iris Krebber - DFID
7. Ben Bowie – TMP Systems
8. Mark Eckstein - CDC
9. Heath Cosgrove - USAID
10. Dave Bledsoe - Landesa
11. Megan MacInness – Global Witness
12. Chloe Christman - Oxfam
13. Chris Anderson – Yirri Global
14. Mark Constantine - IFC
15. Avrim Lazar - Facilitator
16. Andy White – RRI
17. Rodney Schmidt - RRI
18. Bryson Ogden - RRI

Overview:

The meeting was productive and members had a good deal to discuss, and indeed were hard pressed to fit the agenda into the time allotted. Participants provided updates on internal activities since the last meeting of the Group. They were in turn informed of related initiatives, including pilots underway via the International Land and Forest Tenure Facility, Landesa's RIPL Project, and TMP Systems' IAN Risk and Diligence tools. Members reviewed the online version of the new Respecting Land and Forest Rights Guide, and discussed options for dissemination and adoption. The meeting concluded with a discussion of next steps for the Interlaken Group, and options for new initiatives to pursue as a group.

Key Discussion Points:

1. Considerable time was dedicated to discussing options and venues for disseminating and marketing the new Respecting Land and Forest Rights Guide. Suggestions included:
 - a. Work in partnership with a few progressive investors on acquisitions or at any stage of the supply chain, and market towards those audiences;
 - b. Internally disseminate the Guide to relevant teams, including those concerned with forest and agricultural operations, safeguards, and human rights;
 - c. Inform European and EAS delegations about the Guide – these groups are keyed into land conflicts and are important political actors, and compile human rights assessments in the countries where they work;
 - d. Annual UNGP forum in Geneva where there is a stocktaking on human rights;
 - e. Consider targeting the managers of fund of funds – build elements of the Guide into the toolkits they use for evaluating fund managers;
 - f. Consider engaging with private equity funds focused on developing markets, as well as EU frontier investors (PROPARCO, etc.);
 - g. Consider AIM Progress for food companies; IDH Sustainable Trade Initiative, UN Global Compact; International Trade Center; WBCSD; Consumer Goods Forum.
 - h. Place articles or op-eds highlighting the Guide in niche private equity publications;
 - i. Procurement standards around consulting services – the Guide may serve as a useful evaluation tool for engaging developing world consultants;
 - j. Translate the guidelines, especially into Chinese;
 - k. Create the brochures, PowerPoints, and other materials required to enable Interlaken Group members and other proponents to present and market the Guide; and
 - l. Consider integration of a section on the new website dedicated to describing the ongoing activities of adopting organizations to implement the Guide, and distinguishing between finance, NGOs and corporates.
2. Members urged caution on engagement with industry associations as platforms for dissemination of the Tool. Members felt that that tenure issues are complex and the dispute mechanisms of many of the certification bodies are not adequate.
3. Members discussed the niche of the Respecting Land and Forest Rights Guide. There was general agreement that the Guide was a first, and important, step to socializing the Voluntary Guidelines among companies and investors, and providing direction on where and how companies and investors could begin to tackle the issue of insecure land rights. However, it was also agreed that increasingly granular tools and learning would be required to effectively address land tenure issues at the country level. A distinction was made between legal and social licenses to operate: the social license to operate can be withdrawn based on the outcry of a single stakeholder.
4. Members reported on the reception of the Guide among stakeholder groups, including among CSOs. Some CSO groups have communicated concerns as to how the guide was created, particularly with respect to transparency. It is unclear to outsiders the extent to which civil society was consulted in the creation of the Guide. Some groups also expressed concern that the Guide could ‘water down’ or undermine the VGs. There is also demand from CSOs to generate accountability measures associated with the VGs.
5. One concern that has surfaced through past meetings is that of the composition and representativeness of the Group, particularly with respect to the presence of investors. There was some discussion of this issue in Bern. The general agreement was that with the presence of individuals from the IFC, CDC, EIB and Rabobank, the viewpoint of progressive investors was adequately reflected. It was also generally agreed that, with respect to the larger group, progress

and adoption of the Guide should be consolidated among the existing members before seeking to expand the Group further.

6. It was acknowledged that active communication from Members regarding their experiences implementing and piloting the guide is critical for pushing for adoption of best practices and implementation of commitments with respect to corporate and investor support for secure community land rights. Some members are already moving ahead with such activities, for instance, as a benchmark against which to evaluate the activities of firms in their supply chain.
7. Members were presented with a number of options for a next project to undertake together. These included:
 - a. Side by side comparative analysis of the Guide against existing guidance documents (RSPO, etc.);
 - b. Commissioning a white paper on legacy issues;
 - c. Commissioning a white paper on the potential for companies and investors to engage host governments to support community rights;
 - d. Commissioning a white paper examining the responsibilities of companies and investors in an environment of weak governance; and
 - e. Commissioning an analysis examining the options for companies and investors to integrate small holders into the supply chain.

Members decided to table this decision until the next meeting, and agreed that for now, the focus should be on maximizing the impact of the new Guide.

Next Steps:

The Group agreed on the following items for follow-up over the coming months:

- a. Schedule the next meeting of the Interlaken Group, potentially for London in mid-February 2016 or in Washington mid-March around the World Bank Land Conference;
- b. Make recommended adjustments to the website, including:
 - i. Add a section on consultations for creation of the Guide;
 - ii. Post minutes from prior meetings onto new website;
 - iii. Remove company logos from section on Company Commitments.
- c. Develop a plan for dissemination of the Guide;
- d. Itemize and develop the required pieces of a marketing kit; and
- e. Track dissemination and adoption of the Guide.