



## ***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**

Sir Christopher Wren | Windsor, UK

February 2, 2016

### **Participants**

1. Megan MacInnes - Global Witness
2. Chris Brett - Olam International
3. David Bledsoe - Landesa
4. Eleni Kyrou - EIB
5. Samuel Nguiffo - Centre for Environment and Development (CED)
6. Frank Seier - Stora Enso (call in)
7. Chris Anderson- Yirri Global (formerly with Rio Tinto)
8. Mark Eckstein - CDC
9. Tracey Draper - Environmental Resources Management (ERM)
10. Don Roberts- Nawikita Capital
11. Chloe Christman - Oxfam America (call in)
12. Benedick Bowie - TMP Systems
13. John Hudson - RRI
14. Mak Constantine – IFC
15. Jeffrey Hatcher - Indufor N.A.
16. Andy White – RRI
17. Avrim Lazar - Facilitator
18. Annie Thompson- RRI

### **Background**

The February 2, 2016 meeting in Windsor, UK marked the first convening of the Interlaken Group since the release of the [Land and Forest Rights Guide](#) (“VGGT tool” or “Guide”) in September 2015. In this time initial field testing of the Guide had begun, leading to the recommendation that the Interlaken Group consider producing enhanced guidance for companies faced with situations of land-related legacy. The purpose of this meeting was to explore potential and options for Interlaken Group collaboration in this regard, to take stock of experience and lessons from promotion of the Guide and to develop a communication strategy and marketing plan to further promote its adoption. Other planned agenda items included discussion of a white paper on legacy issues, expansion/diversification of Interlaken Group membership and a future workplan.

### **Overview**

The meeting commenced with a tour de table of internal updates from members. A framing presentation on land-related legacy was then made by Indufor North America based on a white paper prepared as input to the meeting. Highlights from a related CDC study were also presented. Considerable discussion was held by the Interlaken Group to define legacy issues within the broader context of land-related conflict and to understand the unique challenges they pose for companies. Members reviewed the scope of available guidance for companies faced with legacy issues, agreed that enhanced navigational support was needed and offered input on form and principles for future Interlaken Group collaboration in filling this gap. Members then provided updates on the status of promotion of the VGGT Guide within their networks. In closing the meeting, members agreed to develop an operational plan for priority actions, including scaling-up marketing and piloting of the VGGT Guide, developing enhanced guidance on land legacy and selectively broadening membership of the Interlaken Group. The meeting was held under the Chatham House Rule.

### Key discussion points

1. The meeting opened with an observation that company commitments to respecting land rights are increasingly propelled by a shifting notion of materiality and directives demanding non-financial and integrated sustainability reporting. While more enlightened corporations are “getting it”, members pointed out that additional work is needed to implement commitments on the ground and to bring reticent, new companies to the table. It was agreed that further socialization of the VGGT Guide could help achieve both of these objectives.
2. Indufor North America shared highlights from a background study on land-legacy. CDC also provided insights from a forthcoming report on the role of DFIs in land legacy. The presentations were helpful in situating legacy issues within broader land conflict and revealed some of the unique challenges in resolving them, including insufficient data and context of the historical conflict. A gap analysis revealed that while existing norms (VGGT, Pinheiro Principles, IFC Performance Standards, UNDRIP, GPBHR, etc.) provide relevant principles, there is a lack of guidance on appropriate actions and allocation of responsibility for companies operating in these situations.
3. Following the presentations, the Interlaken Group turned to evaluate the responsiveness of its own VGGT tool around land-legacy issues. While members reaffirmed the adequacy of the guidance in so far as the VGGT, it was agreed that the Guide was of more limited utility in remedying historical conflicts - precisely because the VGGT themselves are silent on the issue—thus more specific legacy related guidance would be of value.
4. Members felt that clarification of company responsibility in addressing legacy issues was needed—that this would inevitably mean also identifying role of local governments, CSOs, etc. —and that the composition and expertise of the Interlaken Group provide a unique valuable platform to develop and deliver a credible product. Before brainstorming the type of guidance that would be necessary to fill the identified gap, members reminded that any Interlaken Group product must meet the following criteria: 1) add value to what is already out there 2) focus on the value proposition, be well targeted and useful for a company audience and 3) promote a “race to the top”.
5. In brainstorming options, members suggested that guidance would be needed in three layers: 1) diagnosing the baseline 2) addressing the problem and 3) monitoring and prevention. In addition, it was proposed that the guidance:
  - a. Provide a tight, clear definition of what constitutes as land-legacy and what does not (e.g. landless movements in Brazil, opportunistic settlement/inward migration).

- b. Clearly articulate the value proposition for the private sector of addressing issues of land legacy, devoid of value-laden language, jargon and acronyms.
  - c. Provide straightforward and pragmatic guidance for companies, including a set of questions to diagnose legacy issues and step by step due diligence.
  - d. “Approximate a win” – provide examples of where legacy issues have been properly addressed. Define expropriation/concession done wrong.
  - e. Define the parallel roles and responsibilities of other stakeholders so companies feel as a partner in the process. This is especially true for the government, which is often reluctant to resolve site specific problems for fear of precedent setting.
  - f. Provide specific treatment of women’s resource rights.
  - g. Provide guidance on establishing a dialogue process with communities. Emphasize the importance of stakeholder mapping, community engagement at the onset of a project, capacity building for communities and the role of communities in findings solutions.
  - h. Differentiate between legal and social license to operate and endorse funding into “black box” which could facilitate dialogue/mediation to avoid appearance of conflict of interest.
6. Members advised that the guidance take the form a standalone product, sister document to the Guide, to account for the fact that the VGGT is not a credible point of entry in all places, and that companies will have other reasons for employing the guidance beyond their commitments to the VGGT (i.e. the business case).
  7. Given the political sensitivity of the issue, the group recommended that the guidance be developed with input from a broad range of stakeholders, including grassroots organizations and local industries, and that it be developed more fully than not, with the idea that it can be cut back. Although it should be drafted with a company audience in mind, members urged that any guidance must ultimately withstand the scrutiny of a human rights lens.
  8. Following the discussion on land-legacy, members took a moment to share experiences and lessons in promoting the VGGT tool since its launch. They learned how the Guide has been diversely applied, including presenting at industry fora, posting on company websites, sharing with colleagues and clients at both the senior management level and environmental and social practitioners working on due diligence around land-based investments and applying to prefeasibility studies. Feedback received to date reaffirmed the value and adequacy of the tool for company audience; particularly for those looking for the gold standard.
  9. Members suggested that the first priority for the Interlaken Group should be continued promotion of the VGGT tool. This would require development of a concrete communications plan for global, regional and national level outreach and should include:
    - a. Continuing socialization of the VGGT and business case among private sector actors (e.g. defining land as a precompetitive issue).
    - b. Mapping the most receptive and influential private sector actors and fora (RSPO, FSC, Bonsucro, FSC, RTRS, New Generation Plantations, Sustainable Food Lab, Equator Banks, and WBCSD).
    - c. Piggy-backing on existing seminars and meetings (e.g. ICMM model).
    - d. Focusing national efforts on 2-3 key countries (eg. Liberia) with participation of a few private sector actors from leading companies—that this could help leverage greater influence to improve land related governance improvements.
  10. In addition, it was recognized that more experience piloting was essential to demonstrate impact of the Guide. Company members were encouraged to volunteer to field-test the tool in an existing or new investment, and provide regular and public updates on the process and challenges they face.
  11. The last segment of the meeting focused on the future of the Interlaken Group.

- a. Members were eager to do more (if increased funding could be secured) and recommended that a 1-2 year operational plan be drafted, both taking into account existing resources and then if more resources were to become available.
- b. Members agreed to set meeting dates well in advance. The Group maintained the value of a face-to-face meeting at least once a year, and suggested that video conferencing be considered to build and maintain momentum in between while reducing costs.
- c. Members agreed to expand carefully and purposefully to include 5-10 new members, prioritizing the addition of operationally-oriented Southern CSO reps; retired government officials, key investors and agriculture and forestry companies operating in the global south (possibilities: Sime Darby, AgDevco). Members recommended exploring linkages with the RESOLVE FPIC dialogue. It was agreed that the secretariat should continue to manage invitations, but that members should, and in fact are the best placed, to identify possible nominees.

## Next Steps

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

1. By early March, members will:
  - a. Share experiences on how they've used the VGGT tool in their networks, and how it's been received.
  - b. Send proposed dates and locations for the next 2-3 Interlaken Group meetings.
  - c. Provide feedback on receptivity for a company audience of the circulated draft PowerPoint, as well as suggestions for additional components of a VGGT tool marketing kit.
  - d. Review and provide technical comments on the land-legacy white paper.
  - e. Send specific recommendations on broadening membership. If the Interlaken Group were to expand, which individuals or organizations should be around the table?
2. In turn, the Secretariat will:
  - a. With the support of an informal planning committee, draft a 1-2 year operational plan for the Interlaken Group (including meeting dates) to be circulated for review and approval by the wider Group.
  - b. Support the development of marketing materials and a communications strategy for promoting the VGGT Guide in line with member feedback.
  - c. Gather and keep track of lessons and experiences from piloting of the VGGT Guide.
  - d. Review member recommendations for broadening the Interlaken Group and reach out to candidate members.
  - e. Prepare a proposal for Interlaken Group collaboration on legacy issues informed by the meeting discussion and member comments to the white paper.