

## Expanding and Leveraging Private Sector Action to Secure Community Land Rights

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

### Meeting Summary

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#### PARTICIPANTS:

- Eleni Kyrou – European Investment Bank
- Pierre Van Asbroek – Proparco
- Karoliina Lindroos - Finnfund
- Joan Carling – Asia Indigenous Peoples Pact
- Heikki Rissanen – Stora Enso
- Duncan Pollard (by phone) – Nestlé
- Kate Mathias – Illovo Sugar
- David Bledsoe – Landesa
- Tim Gore - Oxfam
- Tom Griffiths – Forest Peoples Program
- Jeffrey Milder – Rainforest Alliance
- Ben Bowie – TMP Systems
- Chris Penrose-Buckley – DFID
- Emilie Goransson - Sida
- Mark Constantine – IFC (Co-chair)
- Andy White – RRI (Co-chair)
- Bryson Ogden – RRI
- Avrim Lazar – Advisor to Interlaken Group

#### Background

The Interlaken Group (IG) met on April 4, 2017 at Swedfund’s offices in Stockholm, Sweden. The purpose of the meeting was to evaluate progress on key elements of the IG’s two year Strategic Workplan, which the Group endorsed on September 13, 2016 in London. Key agenda items included:

- Reviewing and reflecting on the results of pilot country-level IG workshops in Kenya and Cameroon, and guidance on next steps;
- Evaluating venues and opportunities to launch the IG’s Corporate Guidance on Land Legacy Issues, the Group’s second joint product; and
- Jointly identifying strategic opportunities for the Group’s next collaborative product.

#### Overview

The meeting began with a tour de table, where participants updated one another on activities underway to promote, disseminate and integrate the Land and Forest Rights Guide, but also to support communities to formalize claims to land around investments or operations. Following the tour de table was an update on the status of the work underway under the IG’s Strategic Workplan. This included efforts to scale up impacts of the IG at the global level; to initiate IG activities in priority countries; the status of jointly produced tools and products; and efforts to expand membership of the Group. The Group turned to a detailed debriefing of the results and lessons learned from pilot country-level engagements in Kenya and Cameroon, held on February 2 and February 6, 2017, respectively. These workshops represented groundbreaking efforts to catalyze local ‘pre-competitive’ platforms to convene

representatives from local companies, investment institutions, government agencies, and civil society to discuss land tenure issues they were facing, and set the stage for local collaboration to respond to demands for solutions. Finally, the Group discussed and identified potential new strategic opportunities for collaboration. The meeting was held under the Chatham House Rule.

### **Key Discussion Points**

1. The tour de table discussion revealed several examples of dissemination of the Land and Forest Rights Guide within the organizations represented at the table. Participants reported back on participation in high level panel events with strong corporate and investor participation, like the recent meeting of the Responsible Agriculture Forum in Jakarta in March 2017, where the issue of land tenure and community rights continues to remain a priority agenda item.
2. Participants underlined how critical the realization of land rights are to the attainment of the Sustainable Development Goals (SDGs), and expressed concern that this was often insufficiently recognized by bodies responsible for the SDGs.
3. Development finance institutions (DFIs) continue to evaluate policy fitness with respect to the treatment of land and local rights, as well as the exposure of their current portfolios. There were indications that some of these organizations are facing difficulties in rolling out the VGGTs at the project level because of pushback from clients, particularly new clients with whom the lender lacks an established relationship. Others reported hurdles to monitoring and assessing exposures with respect to financial intermediary companies.
4. Aside from efforts by participants to engage in high level dialogues, and to develop, adjust, and assess the fitness of internal policies, some participants reported on promising new examples and field tests where private sector organizations are actively supporting communities to secure land rights in and around concession areas, through joint mapping exercises and building the capacity of local peoples to engage. Progressive work is already underway in Africa in the sugar sector. Elsewhere, participants are receiving requests from companies and investors for examples and cases where the private sector is supporting mapping and titling of community lands around concessions or investments.
5. Participants also increasingly cited an ‘implementation gap’, that is, the gap between progressive commitments and policies being made by companies and investors, and the relative lack of progress at the operational and investment level. Participants indicated that the gap might be closed with better approaches to evaluation, audits and assessment. Indeed, organizations cited examples of emerging initiatives to empower local communities and CSOs to monitor the private sector activities at the project level. Some participants highlighted that a major impediment to bridging the ‘implementation gap’ is that of the role of government in upholding and enforcing obligations to respect local rights in acquiring land. Without a reliable government counterparty, participants noted, the aspirations and intent of progressive companies and investors must be limited. Others indicated that certain sectors, like palm oil, were approaching the end of the usefulness of traceability; increased supply chain transparency is revealing that a large proportion of small-holder production is located in areas, or happening under methods, that are at odds with the sustainability commitments of progressive buyers.

6. The conversation progressed to a discussion of the status of work outlined within the Interlaken Group's Strategic Workplan. The workplan consists of four streams of mutually reinforcing activities, the status of which is discussed below:

- *Scale up awareness and promotion of new tools at the global level:* RRI, as the acting Secretariat of the IG, and based on recommendations received at the September 2016 of the Group in London, initiated efforts to better document use and uptake of the IG's tools. This included bilateral conversations with IG members to record and document their efforts to roll out, adopt, and test the Land and Forest Rights Guide. These efforts are ongoing.

Additionally, the Group was approached by the [Swedish Leadership on Sustainable Development \(SLSD\)](#) and the [Dutch LAND Dialogue](#) to hold roundtables with corporate members to discuss land tenure issues and potential solutions for companies and investors. The SLSD and LAND Dialogue are peer corporate sustainability multi-stakeholder platforms, and are coordinated by Sida and the Dutch Ministry of Foreign Affairs. Members of the Group met with the SLSD in Stockholm on April 5, and with members of the Dutch LAND Dialogue on April 6 in The Hague. Engaging with peer platforms is an effective way to scale up awareness and promote tools among new sets of stakeholders.

- *Initiate IG-type dialogues and mobilize action supported by strategic analyses in priority countries:* As recommended in London in September of 2016, the Group successfully convened two pilot dialogues in Nairobi, Kenya and Douala, Cameroon. These workshops gathered together stakeholders from local and regional companies and investors, local civil society, and representatives from relevant government ministries. The workshops demonstrated proof of concept that the convening power of the Interlaken Group extends to the national level, and that there is demand for precompetitive dialogue at the national level to address land tenure problems. The workshops were supported by [new targeted analysis and data](#) on tenure related conflict in Africa, which was steered by Interlaken Group members. A fuller discussion of the country workshops follows in section 7.
- *Continue production and review of relevant tools, strategies, and studies:* The Interlaken Group made final adjustments to its Guidance on Land Legacy Issues after jointly negotiating key red-line issues in London in September 2016. The Legacy Land Guidance will now be formatted, launched and disseminated. The Group provided input and suggestions on promising upcoming venues and events for a launch.
- *Expand IG capacity, learning and influence by strategically adding and diversifying membership:* The Group has, since its inception, endeavored to diversify and supplement participation from multiple stakeholder groups. Most recently, the Group has welcomed increased participation from DFIs, who are leading in efforts to operationalize the VGGTs. The Group has also increased membership from service providers and NGOs who have the capacity to respond to demands from companies and investors to address land tenure problems at the operational level. Most recently, the Group has been joined by representatives of indigenous peoples movements. Engagement at the country level will also provide venues for engaging local and regional level stakeholders.

7. The Group devoted a substantial amount of time to discussing and reflecting on the results of the pilot engagements with local and regional stakeholders in Nairobi, Kenya on February 2, 2017 and Douala, Cameroon on February 6, 2017, and ultimately, clear but cautious support for proceeding. The workshops represented pilot approaches to using the political and reputational power of Interlaken Group members to engage local and regional companies and investors, and thus expand the impact and reach of the IG further along investment and commodity supply chains. The workshops were hosted by the IFC and Groupement Interpatronal du Cameroun (GICAM). RRI leveraged its own network, as well as the network of Interlaken Group members to identify and invite key national and regional private sector, government, and CSO stakeholders to participate. Local participants were joined at the workshops by members of the global Interlaken Group, who frequently operate as buyers of commodities or providers of finance to local participants. The workshops were half a day in length, and like the meetings of the global IG, sought to create a 'pre-competitive' space for honest discussion between participants. In Kenya, the conversation was focused primarily on the development of infrastructure for renewable energy development and transmission, as well as on exploration and transport of natural gas, and the risks that inadequate due diligence in land acquisition posed to international investors. In Cameroon, the workshop focused on the tenure issues and conflicts faced by local and regional producers of agricultural, timber, and mineral commodities, and challenges to sustainable supply chains. The workshops were held under the Chatham House rule.
- Outcomes sought:
    - i. To validate the convening power of the IG at the country level;
    - ii. To attract and identify local companies interested in adopting and implementing approaches to respect community rights; and
    - iii. To identify opportunities for continued engagement.
  - Results:
    - i. Wide and diverse participation from key stakeholder groups. The Group successfully convened participants from companies, investors, private equity firms, national CSOs, and relevant government ministries.
    - ii. Specific demands from participants for follow up and engagement. In Kenya, the group was invited to provide input to the development of policy frameworks under new land legislation. In Cameroon, there were demands for additional materials and support to evaluate gaps in private sector approaches to land issues.
    - iii. In both Kenya and Cameroon there was demand for continued engagement from participants, and recommendations on how to bolster and diversify the workshops from other stakeholder groups and organizations.
  - Lessons:
    - i. High level and diverse attendance of the workshops from government, private sector, and CSOs demonstrated that indeed the IG has strong convening power at both the global and national levels. This is a result of the political and reputational capital wielded by the IG members.

- ii. A critical factor for successfully convening stakeholders was being hosted by a local institution (GICAM and IFC). This lent the pilots legitimacy and political importance in the eyes of local stakeholders, particularly from the government.
  - iii. Bringing members of the global group to the local level was very powerful in the eyes of local participants. One example comes from the Cameroon workshop where local team members of the global IG, who purchase commodities from Cameroonian producers, participated and delivered comments from the perspective of their company. They delivered the message to the participants that local producers would have to properly address land tenure issues if they planned to sell into international commodity supply chains in the future.
- Considerations/Risks:
    - i. It is key to clearly define and communicate the role and value add of the IG at the country level. By transparently demarcating its role and intent, the IG can better coordinate with local initiatives to engage companies and the government. Though there was demand for specific follow up and contributions from the workshops, the Group should not advise on policy. Instead the role of the Group ought to be to create the space for local stakeholders to convene, collaborate, and respond.
    - ii. Country engagements should reflect core Interlaken Group values, including: stimulating a race for the top; practical problem solving; and creation of safe spaces for honest exchange.
    - iii. It is not yet clear that the Interlaken Group can consistently catalyze a ‘safe space’ for open dialogue. Though these workshops were open and positive, in some environments, the context may be more difficult and relationships between stakeholders strained. In some locations, it may even be dangerous for certain stakeholders to be seen with one another. The Group must be mindful of how it may impact local situations.
    - iv. The Group should consider deeper engagement in the countries where it is already working, as opposed to expanding quickly. Though there are many opportunities for engagement, the time and resources required to catalyze a ‘pre-competitive’ space and collaboration at the national level is considerable.
    - v. The IG should consider a typology of countries when deciding to engage. Where the Group decides to expand, it should consider how future interventions will contribute to the Group’s learning.
8. During the conversation, several issues seemed to rise to the top in terms of new potential areas for the Interlaken Group to collaborate. The first was the idea of an ‘implementation gap’, and that the ambitions of the progressive private sector to respect local rights were limited by lack of a reliable government counterparties. The second was the increasing focus of companies and investors on supporting the SDGs, and the role and potential of land in achieving them. The Group endorsed the idea that they might collaborate to generate joint analytical pieces addressing these two areas.

**Next Steps:**

The Interlaken Group agreed on a number of items for follow-up over the coming months.

By early October 2017, members will:

- Continue to promulgate Interlaken Group guidance and tools in their own networks;
- Collaborate and actively leverage their networks to ensure continued successful country-level engagement activities and learning; and
- Provide advice and steering support to Secretariat as it leads generation of joint analytical work.

The Secretariat/Steering Group will:

- Follow up with IG members to document ongoing activities to adopt and implement the VGGT with the support of the Land and Forest Rights Guide and Land Legacy Guidance;
- Identify and scope one to two additional countries in which the Interlaken Group might engage and learn;
- Lead development of a joint analytical product identifying the barriers to closing the gap between commitments to respect local rights, and action. The document will highlight the challenges and successes of IG members, with a focus on practicality;
- Lead development of a joint analytical product highlighting the central role that land rights play in achieving the SDGs;
- Lead launch and dissemination of Land Legacy Guidance; and
- Develop agenda and lead coordination of IG role in [International Conference Series on Community Land and Resource Rights: Scaling up Efforts and Action](#), on October 3, 4, and 5 in Stockholm.