

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

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

### Meeting Summary

CDC Offices | London, UK

13 September 2016

#### PARTICIPANTS:

- Eleni Kyrou – European Investment Bank
- Edouard Buiere – Proparco
- Marleen van Ruijven – FMO
- Martin Geiger – DEG
- Mark Eckstein – CDC
- Heikki Rissanen – Stora Enso
- Yann Wyss – Nestle
- Olaf Brugman – Rabobank
- David Bledsoe – Landesa
- Julian Oram – Global Witness
- Chloe Christman - Oxfam
- Antonio Werneck – The Nature Conservancy
- Tom Griffiths – Forest Peoples Program
- Nahuel Tuñon – Bonsucro
- Jeffrey Hatcher – Indufor N.A.
- Lou Munden – TMP Systems
- John Nelson – TFT
- Iain Simpson – Omidyar Network
- Iris Krebber – DFID
- Chris Penrose-Buckley - DFID
- Mark Constantine – IFC (Co-chair)
- Andy White – RRI (Co-chair)
- Bryson Ogden – RRI
- Joseph Bono - RRI

#### Background

The Interlaken Group met on September 13, 2016 at CDC’s offices in London, UK. The purpose of the meeting was to agree on final revisions to the Group’s second joint product, which is guidance for companies to address land legacy issues, and to discuss next steps for the Group, including country-level interventions. Other agenda items included assessing progress on uptake of the recently launched Land and Forest Rights Guide (the Guide), and discussion of a two-year work-plan for the Group which was generated in response to recommendations from the February 2, 2016 meeting in Windsor, UK.

#### Overview

The meeting began with a tour de table, where participants updated one another on activities to promote, disseminate, and integrate the Land and Forest Rights Guide. Members also reported on initiatives or challenges that their organizations were undertaking or facing with respect to local land tenure. Participants discussed and agreed upon a strategic work-plan for the Group, which was generated in response to recommendations from the February 2, 2016 meeting in Windsor, UK. A key component of the strategic work-plan described preparations for Interlaken Group workshops in priority countries. Workshops would aim to engage companies, investors, and other stakeholders facing land tenure issues at the local level. The Group discussed scoping missions undertaken in 2016 to Kenya,

Cameroon, Cambodia, and Myanmar to gather the required intelligence to design and convene country-level workshops. The Group debated and negotiated contentious issues, and agreed upon final revisions to the forthcoming Land Legacy Guidance, the Group's second jointly developed product. The Group discussed additional activities to leverage and expand the influence of IG members, adjustments to membership and governance, and next steps. Representatives from a number of European development finance institutions (DFIs) participated in the meeting, in addition to member organizations. The meeting was held under the Chatham House Rule.

### **Key Discussion Points**

1. The tour de table revealed that there was a great deal of work underway among the institutions represented at the meeting to promote and integrate respect for local land rights within investment processes, environmental and social due diligence, and operations. Examples arose from members, as well as participating DFI representatives. Participants highlighted examples of ongoing policy dialogues at the parliamentary level; updating and adjustment of internal policies to reflect the FAO VGGT; and ongoing reviews of projects and portfolios to assess impact on land rights and implementation of the VGGT. Many of these processes are using the IG Guide as the tool to support policy dialogue and adjustment, and portfolio reviews.
2. The Interlaken Group also heard updates from members on increased direct engagement with companies by NGOs. Oxfam and The Nature Conservancy described two emerging initiatives to convene companies and investors around sustainability issues, including local land rights, in the Amazon Basin and the Mekong. TNC convenes the Business and Indigenous People's Dialogue Initiative in Brazil, and has recently produced [guidance](#) for companies to conduct business in ways that respect and engage Indigenous Peoples in the Amazon.
3. The Group next discussed and agreed upon a two-year strategic work-plan, which was developed in response to guidance received at the February 2, 2016 meeting in Windsor. The work-plan identified 4 priority work-streams and accompanying activities, including:
  - Scaling-up awareness and promotion of new tools at the global level, including development of an outreach plan, a marketing kit, and stakeholder mapping to identify the most receptive and influential companies, investors and fora;
  - Initiating Interlaken-type dialogues and mobilizing action supported by strategic analyses in priority countries (e.g. Kenya, Cameroon), potentially in parallel with industry association events, and with the participation of key company representatives, to gain on the ground experience via transparent piloting, and with lessons and experiences reported and shared;
  - Continuing production and review of relevant tools, strategies, and studies, including development of enhanced guidance on land legacy as a standalone product, and sister document to the Guide; and
  - Expanding Interlaken Group capacity, learning and influence by adding 5-10 new members, including key investors and companies, Indigenous Peoples' organizations, retired government officials, and CSO service providers engaged with private companies, and scheduling meeting dates well in advance (2-3 per year, face to face or via VC).

4. The Group then turned to a more focused discussion of the second stream of work identified in the strategic work-plan, that is, progress made during 2016 on developing and defining country-level Interlaken-type dialogues. Criteria for identifying priority countries include:
  - Private companies or investors involved in relevant, national level land rights issues;
  - Realistic opportunities to engage including, but not limited to, political support, or a critical mass of private sector leaders who are prepared to engage; and
  - An established network infrastructure of RRI Partner and Collaborator organizations.
5. RRI reported back on findings from scoping missions undertaken in Kenya, Cameroon, Cambodia, and Myanmar. The missions revealed a number of findings for the design and niche of country level Interlaken meetings, including that:
  - There is a great deal of ongoing activity at the local level to engage companies and investors;
  - There is uneven understanding of the land tenure issue between companies and investors, and even within operational and investment teams;
  - Local and regional companies are, like their multinational peers, facing tenure risks in their operations and are increasingly reputationally sensitive;
  - There are few legitimate precompetitive safe-spaces at the country level where companies can exchange information with one another and international experts or peers;
  - There is demand for solutions from private, public, and NGO stakeholders alike; and
  - The context for intervention differs between countries.
6. The Interlaken Group was optimistic about the opportunity to engage at the country level and provided guidance on key risks and considerations. The Group endorsed proceeding with two pilot workshops in Kenya and Cameroon in October 2016. The Group recommended holding very focused workshops on, for example, a single commodity, case or region as the most useful format for teasing out useful elements for guidance. The Group also provided guidance on potential participants, the pitch, and the need for developing baseline analyses per priority country of land tenure issues and implementation of E&S standards. Participants also recommended that the format of workshops ought to be a venue to engage new companies to pilot and test tools. The Group indicated that the ongoing country-implementation of the VGGT might also help to inform next steps and warrant better coordination with the FAO.
7. The Group next discussed and negotiated final revisions to its forthcoming Land Legacy Guidance tool. Indufor N.A., who is producing the guidance, made a presentation to remind the Group of the history of the document, feedback received from Group members, and update on the revisions that have been undertaken. Group members provided a number of useful comments, most of which were addressed through revisions to the document. However, a number of more difficult comments were posed, which necessitated further discussion in London. These comments revolved around the format of the document, the chosen audience, and document's scope. However, the areas which provoked the richest discussion amongst members were that of the definition of "legacy land issues" and the historical time period for which companies and investors were obligated to respond. The Group agreed to undertake an additional round of edits to address comments during the meeting, before approving, launching, and adding the guidance to the IG website.

8. In discussing the legacy guidance, Interlaken Group members also suggested several approaches to further document, promote, and facilitate the use of the Land and Forest Rights Guide. Key among these was a suggestion to design a process through which to gather anecdotal evidence on the use of the VG Guide and related tools. Members also recommended considering integration of these products into apps that are currently being used in the field by practitioners to evaluate land and forest rights issues. Finally, members reiterated that country level IG workshops ought to serve as venues to promote and, ideally, identify and work with new companies to test and pilot new tools and approaches to addressing insecure local land rights.
9. Additional activities to expand the influence of the Interlaken Group were tabled and discussed. The Group agreed that several things were required before its next formal meeting in 2017:
  - The next meeting of the Group should focus on the status of adoption, uptake, and gaps in the IG tools, and lessons learned and opportunities arising from the country workshops;
  - The Group should define internal roles and responsibilities for IG members to distribute and promote the tools;
  - IG members should explore the potential for alignment and consistency of policies as related to adopting and implementing the VGGT, and particularly between DFI participants.
  - Some members recommended greater engagement with policy makers involved in ongoing dialogues on land rights. One suggestion consisted of convening a closed-door meeting of relevant EU Parliament Members to capitalize on the recent EU paper on land-grabbing, thereby engaging the policy-masters of the EU financing institutions.
10. Finally, the Group discussed the merits and costs of its informal governance structure, as opposed to establishing formal bodies. Members valued the flexibility that the informal structure of the Group provided with respect to negotiating a shared position between CSO and private sector participants. They also recognized that the informal nature of the Group has meant that IG activities, when viewed by outsiders, have not been transparent. This perceived lack of transparency could potentially limit the legitimacy of its tools. The Group was in favor of maintaining an informal governance structure, with RRI providing a secretariat function, but provided some specific suggestions to improve transparency, including:
  - Increase inclusivity by defining different levels of participation. Categories might include levels like: member, affiliated, observer, etc.; and
  - Provide more clarity as to the nature and intent of the Group, and specifically the intended 'catalytic' nature of the Group.

### **Next Steps:**

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

By early March 2017, members will:

- Cooperate with RRI to document ongoing activities to adopt and implement the VGGT with the support of the Land and Forest Rights Guide.
- Continue to promote Interlaken Group guidance and tools in their own networks

- Actively participate, or leverage their networks to ensure the delivery of pilot country-level Interlaken Group workshops in Kenya and Cameroon in October 2016.

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.
- Develop an approach for getting feedback from local communities who have been impacted by investments that have been implemented by groups who are using the VG Guide.
- Develop a definition of 'membership' in the Interlaken Group and develop categories, which might include levels like: member, affiliated, observer, etc.
- Develop language for a mission/vision/purpose statement of the IG as consistent with its goals and its 'catalytic' role.
- Circulate and finalize the legacy guidance, and post on Interlaken Group website.
- Lead the convening of two pilot country-level workshops in Kenya and Cameroon.
- Develop a methodology for generating baseline analysis for country-level engagement, including, but not limited to, comprehensive stakeholder mapping, and a baseline of land tenure issues and implementation of E&S standards.