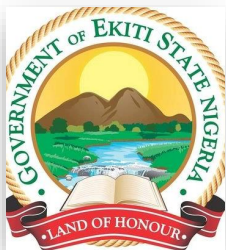


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— 2024 —



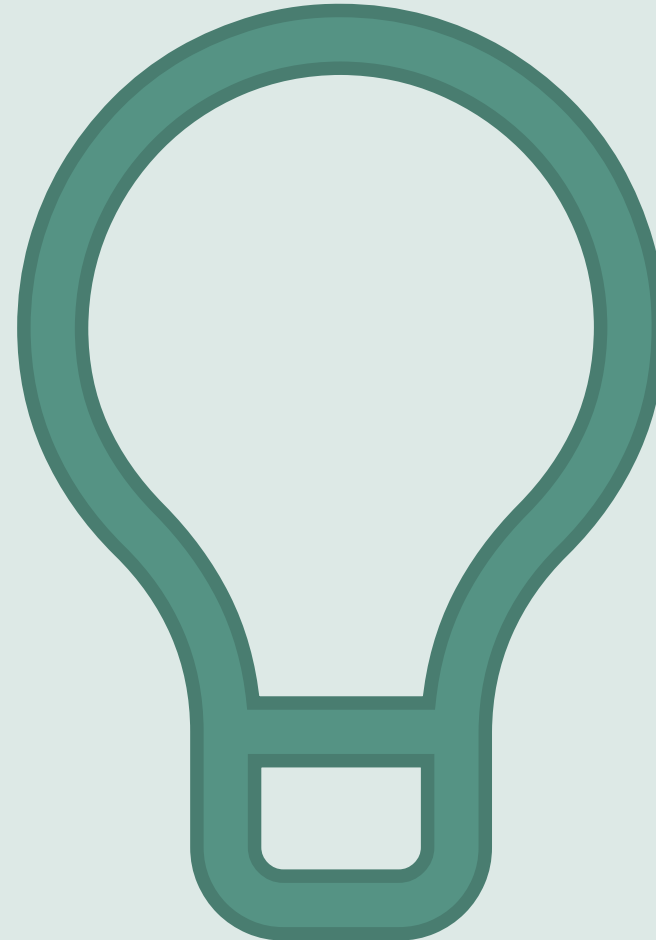
Advancing land-based investment governance:

Scaling up multi-actor and multi-prong engagement at the nexus of land and investment laws and practice for climate action and a just transition

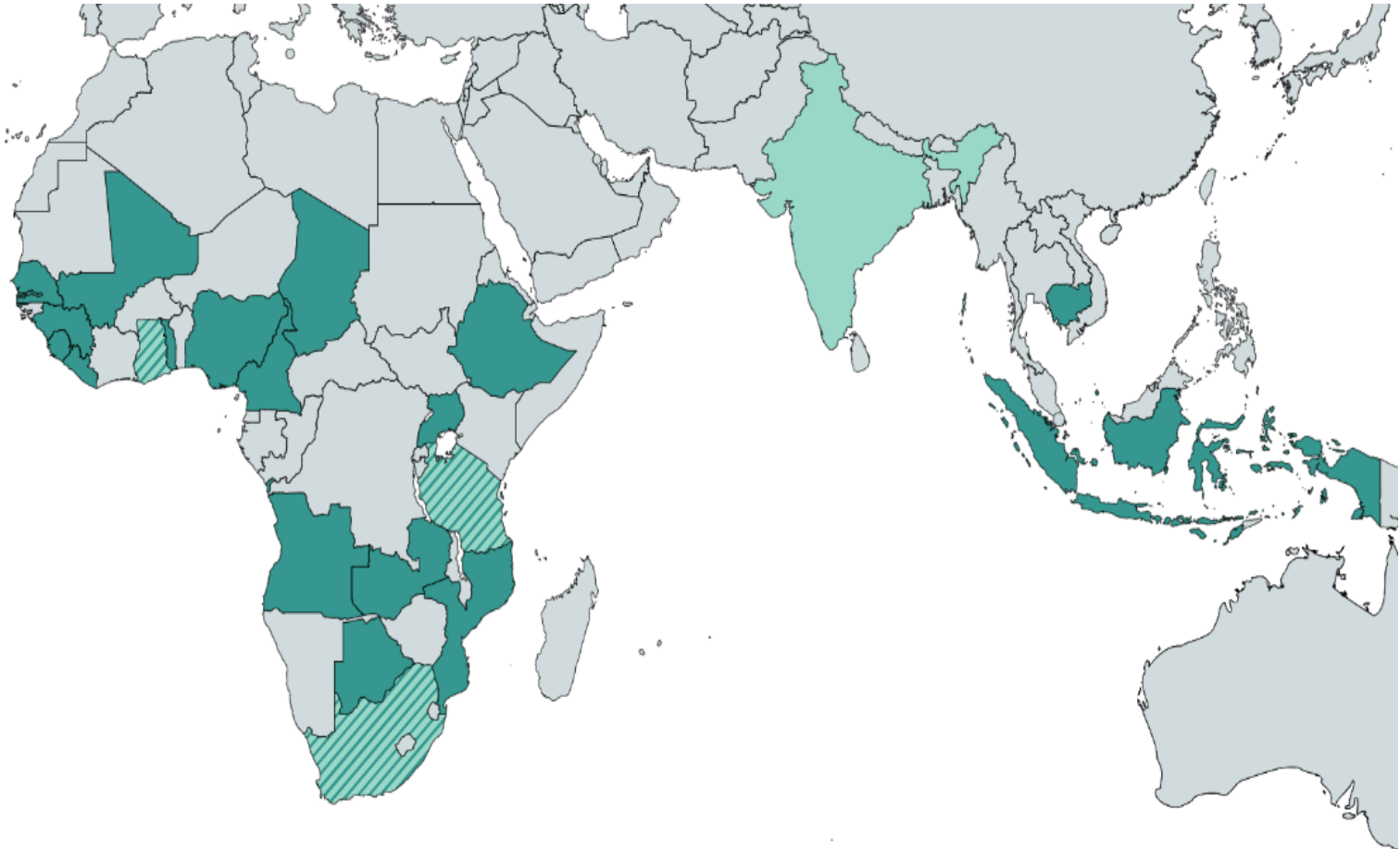


Overview

- **The ALIGN Technical Support Facility – incubating approaches**
- **Processes for improving LBI governance frameworks**
 - **Land-based investment governance**
 - **Entry points and approaches**
 - **Working with the grain**
- **Practical examples**
 - **Multi-stakeholder collaboration in Togo (ADHD)- National Land Coalition -Togo**
 - **Institutional coordination in Nigeria**
- **Additional approaches**
 - **Practical tools to support national processes**
 - **People-centred land data generation for transparency and accountability**
- **Open discussion**



ALIGN Technical Support Facility



■ Countries worked in since start of ALIGN
■ Countries in pipeline

Summary information



21 countries since October 2020



37 separate instances of support



7 instances in the pipeline for 2024



Almost £500k grant funding disbursed to 19 organisations



Funded by FCDO

Implemented by:





Partnerships

Multiple configurations of engagement

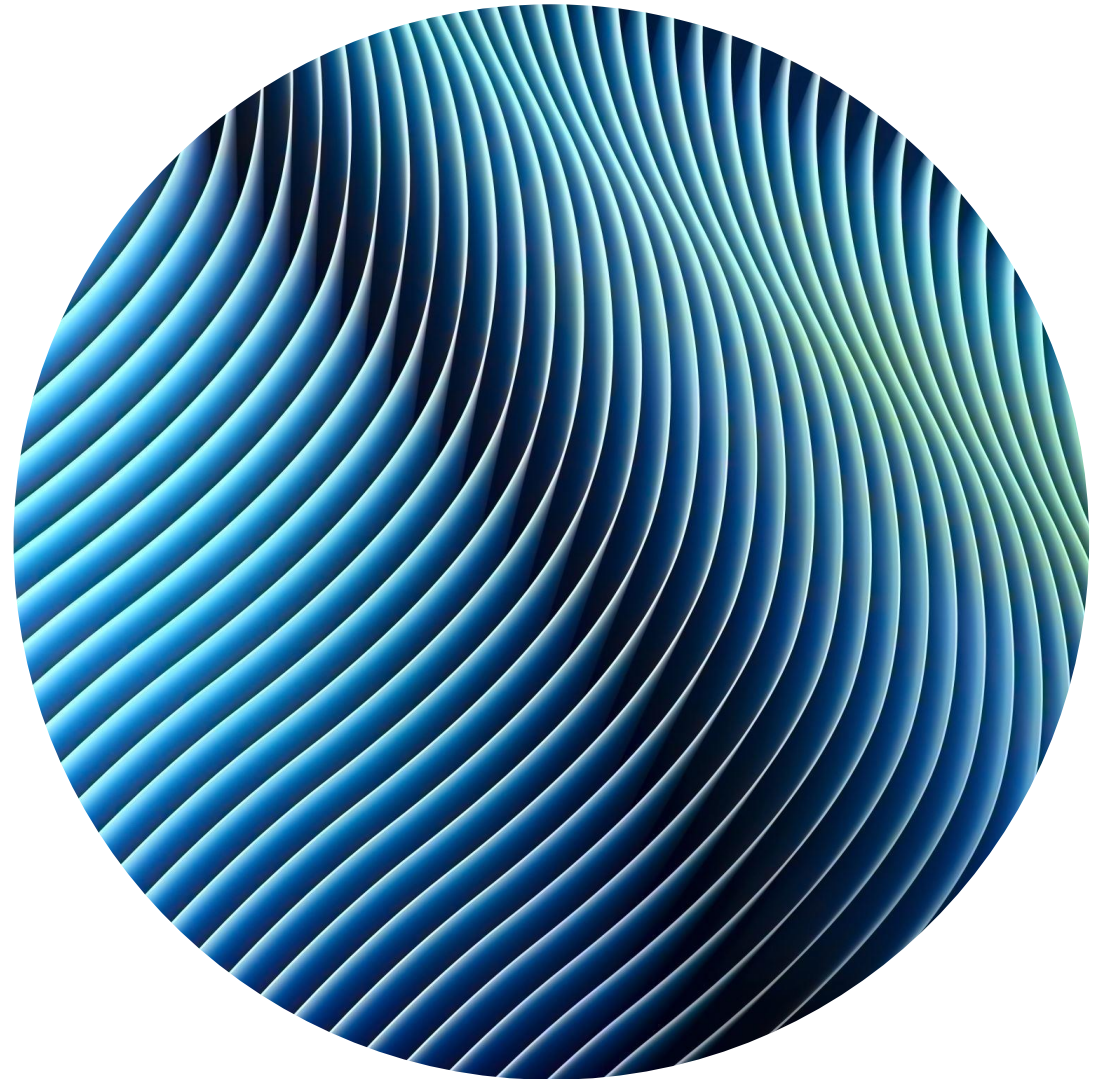
Local, national, regional, and international

Multiple ways of engaging

Recipients of technical support?

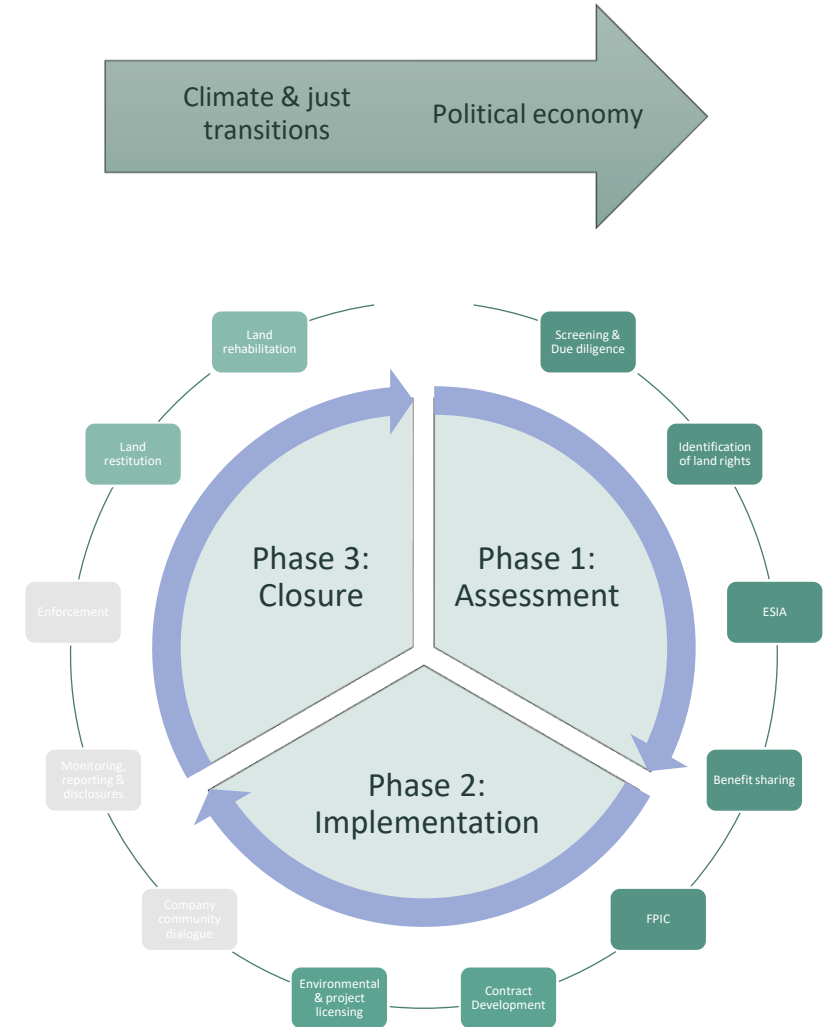
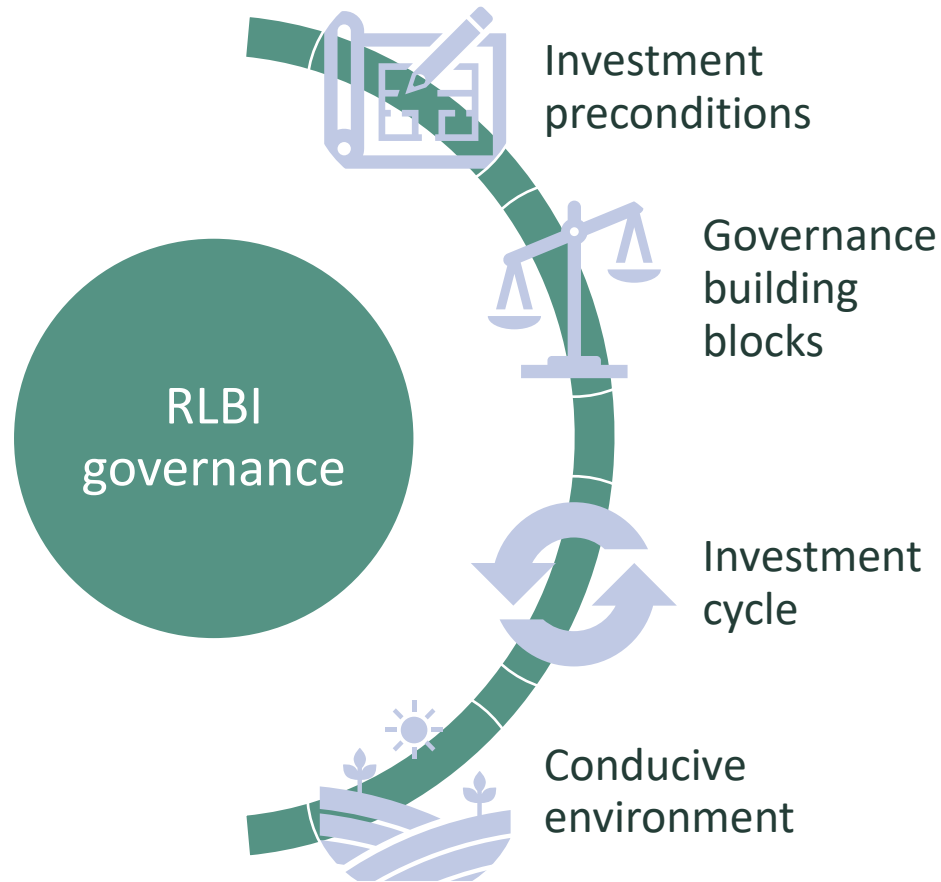
Creating spaces for collaboration

Enhancing coalitions, coordination, collaboration



Land Based Investment Governance

Improved governance and practices surrounding land-based investments requires focusing on:



Thinking and working politically



Getting under the surface – understand the power dynamics, interests and incentives



Build a picture - Identify actor types, institutions, power distribution



Continuous process





Why is it important?



Responsive



Strategic



Relevant

How?

Know the facts

Don't get them wrong!

Research

Must be relevant

Evidence

(Collect, validate and Feedback loop)

Tools

(finding effective ways to engage stakeholders)

Community engagements

(Keeping communities at the center)

Communication

(sensitise and disseminate)

Approaches for strengthened governance frameworks



Shadow policy development



Action research



Regulatory drafting



Institutional co-ordination



Contract analysis



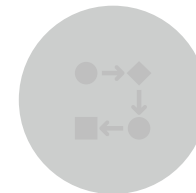
Multi-stakeholder dialogue



Community legal empowerment



Coalition building



Process strengthening

Action Research and Stakeholder Collaboration

- Collaboration between the Ministry of Agriculture and ADHD deepened
- Greater understanding and sharing of information
- Cooperation to solve emerging challenges
- Stakeholder collaboration on horizontal and vertical
 - Within civil society
 - Civil society and government
 - Civil society and communities
 - Regional and development partners





Institutional co-ordination: Strategies and lessons

Challenges:



Limited land for investment: Ekiti State faced challenges in facilitating land for investment due to the absence of streamlined processes and mechanisms.



Limited understanding of RLBI strategies: There was a lack of awareness and comprehension regarding Responsible Land-Based Investment (RLBI) strategies among stakeholders, hindering effective land governance.



Siloed approach among stakeholders: The existence of siloed approaches among various government departments and agencies was an impediment to coordinating efforts towards improving land administration and governance.



Slow turnaround time for land for investment requests: Cumbersome procedures and bureaucratic inefficiencies contribute to delays in processing land for investment requests, discouraging potential investors.



Lack of investor confidence: Inadequate transparency, clarity, and consistency in land administration processes undermined investor confidence, leading to investor reluctance to invest.

Overarching aim: Improve land administration and governance procedures at the sub-national level

Pre-implementation



- Scoping and preparation
- Identifying stakeholders
- Gap analysis questionnaire: administered to MDAs for comprehensive gap identification
 - Gauging interest, managing expectations and adapting communication plans as needed (formal correspondence, emails, in-person visits, WhatsApp, regular meetings)
 - Develop long-term work-Plan (beyond technical assistance horizons)
 - Set-up of local implementation team (with multi-stakeholder representation) with mandate to:
 - Foster engagement,
 - Address grievances
 - Project MEL with ALIGN team's guidance
 - Continuous Improvement and Learning

Implementation



- Baseline questionnaire to assess perspectives, roles, and challenges of concerned MDAs
- Bi-weekly coordination meeting
- In-country visit, capacity building and convening workshop
 - Courtesy visits to stakeholder MDAs
 - Attendee-led convening workshop to identify bottlenecks and find consensus on Standard Operating Procedure
 - Policy harmonization and alignment mapping
 - Linkage to the Framework For Responsible And Inclusive Land Intensive Agriculture (FRILIA) for sustainability.

Post Implementation and Sustainability



- Legal mandate matrix for the stakeholders involved in the land for investment management process
- Standard Operating Procedure including a checklist for MDA stakeholders
- Service-level MoU across the implementing stakeholders to capture jointly agreed outcomes, engagement processes, and grievance mechanisms
- Complement and harness momentum around the WB FRILIA process – front foot.
- Improvement in land governance practice and overall investment climate



Lessons Learnt



- **Open and Effective Communication Channels:** Maintaining transparent and accessible communication channels to foster collaboration and information-sharing.
- **Regular Follow-Up:** Regular follow-up meetings and engagements to monitor progress and address emerging issues promptly.
- **Managing Expectations:** Managing stakeholder expectations by providing clear and realistic timelines and objectives.
- **Guidance:** Guidance and support to stakeholders without imposing solutions, allowing for local ownership and adaptation.
- **Alignment with Longer-Term Outcomes:** Align project interventions with longer-term goals and frameworks, such as WB's FRILIA, to ensure sustainability and scalability.
- **Adaptability:** Remain flexible and adaptive to changing circumstances and stakeholder needs throughout the project lifecycle.

A tool for
promoting
more responsible
land-based
investments



IISD Model Contract Clauses for Responsible Investment in Agriculture:

Customizable legal provisions to
help implement international best
practices, principles, and guidance
on responsible agricultural
investment

Situating contracts in investment governance processes

Why develop model contract clauses?



Reality: Frequent use of contracts in developing countries



Rational objective at this stage: improve the quality of contracts



End game: Move towards comprehensive and robust domestic laws

What is the role of the investment contract?



Fill gaps in weak laws: - If there are gaps or weaknesses in existing laws - contract can temporarily fill the gap.



Re-enforce (comprehensive and robust) existing laws: Ensure specific implementation of the national laws and Ensure specific implementation of project activities



Address confusion or conflict between different existing laws

IISD's model contract clauses



Distill over **10 years of international and regional guidance** – Complementing not displacing domestic law



Assists in **developing a national model template** with multi-stakeholders

- Vetted by multi-stakeholders
- Done outside the pressures of a live negotiations



Acts as a **checklist of issues** e.g., investment screening and land governance processes

- 10. Permits, Licences and Other Authorizations
- 11. Feasibility Study
- 12. Approved Business Plan and Annual Business Plan
- 13. Environmental and Social Impact Assessment
- 14. Climate Change Risk and Vulnerability Assessment
- 15. Environmental and Social Management Plan
- 16. Grant of Rights
- 17. Rent
- 18. Project Map
- 19. Limitations to Tenure Rights
- 20. Option for Additional Land

IISD's model contract clauses

The Problem



- Sequencing problem: investor wants contract before committing to ESIA's, FPIC consultations (**incl. recent carbon offset deals**)
- Non-possessory community rights over land extinguished
- Community grievances unheard, no appropriate recourse
- Land-grabbing/speculation: 1/4 of investors use <10% of land acquired (World Bank).
- Projects as 'enclaves'

The Solution



- Reinforce pre-contractual land governance processes
- Reinforce pre-contractual screening and due-diligence processes related to environment
- Preserve and reinforce pre-existing community land use
- Disincentivize under-utilization of land
- Establish inclusive grievance mechanisms

The Model Clauses



- **Section 5:** Conditions Precedent
- **Section 21:** Limitations to Tenure Rights
- **Section 22:** Option for additional land
- **Section 23:** Preference clause
- **Section 24:** Failure to develop
- **Section 29:** Training and skills development
- **Section 35:** Contract farming scheme
- **Section 37:** Local sourcing
- **Section 57:** Grievance mechanisms



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*Promoting people-centered
data generation for
transparent and inclusive
land-based investments*

Jeremy Bourgoin

INTERNATIONAL
LAND
COALITION



HOW WE'LL GET THERE





STRATEGIC OBJECTIVE 2

**PEOPLE'S DATA
IS PRODUCED
AND USED TO HOLD
GOVERNMENTS
AND CORPORATIONS
ACCOUNTABLE**

Four Years of People's Data on Land

Data for Inclusion, Empowerment
and Accountability



THE GLOBAL
LAND GOVERNANCE INDEX
THAT PUTS

PEOPLE

AT THE CENTER OF LAND DATA
DEMOCRATIZING LAND MONITORING AND
BUILDING A DATA ECOSYSTEM WHERE
ALL VOICES CAN BE HEARD

LANDex AS CONCEPT

A TOOL THAT

- 
- RESPOND TO NEED FOR PEOPLE-CENTRED DATA
 - SHEDS LIGHT ON KEY ISSUES OF LAND GOVERNANCE
 - FOSTER INCLUSIVE DATA COLLECTION & ENGAGEMENT WITH UNDERREPRESENTED POPULATIONS
 - FILL EXISTING GAPS IN DATA & COMPLEMENT EXISTING DATA
 - FOSTER STANDARDIZED DATA ECOSYSTEM > REDUCE FRAGMENTATION
 - MAKES DATA GENERATION AND USE ACCESSIBLE

A BROAD APPROACH

COVERING ILC'S 10 COMMITMENTS

OUR GOAL: PEOPLE CENTRED LAND GOVERNANCE

ILC's membership has defined 10 commitments to jointly realise this goal:



1. Secure Tenure Rights



2. Strong Small-Scale Farming Systems



3. Diverse Tenure Systems



4. Equal land rights for women



5. Secure territorial rights for Indigenous Peoples



6. Locally-managed ecosystems



7. Inclusive decision-making



8. Transparent and accessible information



9. Effective actions against land grabbing



10. Protected land rights defenders

LEVELS OF INDICATORS

THREE INDICATOR LEVELS, PER 10 COMMITMENTS OF ILC

1	2	3	4	5	6	7	8	9	10
A	A	A	A	A	A	A	A	A	A
B	B.1	B	B	B	B	B	B	B.1	B
C	B.2	C	C	C.1	C	C	C	B.2	C
	C			C.2				C	

A = Legal
B = Implementation
C = Outcome, Results, Impact

LANDEX

TYPE OF METHODOLOGY

1	2	3	4	5	6	7	8	9	10
A	A	A	A	A	A	A	A	A	A
B	B.1	B	B	B	B	B	B	B.1	B
C	B.2	C	C	C.1	C	C	C	B.2	C
	C			C.2				C	

18	People Based Indicators
4	Calculation or Numerical Indicators
11	Global Data Initiatives Indicators

has your country ratified CEDAW? does your state have a budget dedicated to family farming? has the state adopted provisions of the voluntary guidelines? does the Constitution prohibit gender-based discrimination? is the joint registration of land compulsory? number of hectares used or held by Indigenous Peoples? has the State set up a multi-stakeholder platform on land governance? are rural use plans based on public input? is there a ceiling on the scale of land that one legal entity can own? policies that facilitate access to land for youth? is there a registry of family

MONITORING GLOBAL COMMITMENTS

- 
1. Secure Tenure Rights
- 
2. Strong Small-Scale Farming Systems
- 
3. Diverse Tenure Systems
- 
4. Equal land rights for women
- 
5. Secure territorial rights for Indigenous Peoples
- 
6. Locally-managed ecosystems
- 
7. Inclusive decision-making
- 
8. Transparent and accessible information
- 
9. Effective actions against land grabbing
- 
10. Protected land rights defenders

	UNDROP		5.a.2	UNDRIP					
1.4.2			5.a.2						
1.4.2		1.4.2	1.4.2	1.4.2					16.10.1
				T22					

sur le s... nregistrem... es terres est-il obligat... ombre d'hect... es ou détenus p... euples autochtones? L'É... mis en place une plateforme multipartite sur la gouvernance foncière? Les plans d'aménagement rural sont-ils fondés sur l'avis du public? Existe-t-il un plafond pour l'étendue des terres qu'une personne morale peut posséder? Des politiques facilitant l'accès des jeunes à la terre? Existe-t-il un registre des agriculteurs familiaux dans votre pays? Existe-t-il un financement adéquat pour la formalisation?



has your country ratified CEDAW? does your state have a budget dedicated to family farming? has the state adopted provisions of the voluntary guidelines? does the Constitution prohibit gender-based discrimination? is the joint registration of land compulsory? number of hectares used or held by Indigenous Peoples? has the State set up a multi-stakeholder platform on land governance? are rural use plans based on public input? is there a ceiling on the scale of land that one legal entity can own? policies that facilitate access to land for youth? is there a registry of family farming? ¿ha ratificado el Estado las disposiciones de las directrices voluntarias? ¿ha adoptado el Estado las disposiciones de las directrices voluntarias?

REDUCING FRAGMENTATION

- 
1. Secure Tenure Rights
- 
2. Strong Small-Scale Farming Systems
- 
3. Diverse Tenure Systems
- 
4. Equal land rights for women
- 
5. Secure territorial rights for Indigenous Peoples
- 
6. Locally-managed ecosystems
- 
7. Inclusive decision-making
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		Land Mark	FAO LAT	IP Navigator					
Prindex						Act. Aid	SOLI	L. Matrix	
Prindex		Prindex	Prindex	Prindex	RRI		Tran. Int		ALLIED
				Land Mark				L. Matrix	

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LAND MATRIX

Land Matrix

The Land Matrix is an independent global land monitoring initiative that **promotes transparency and accountability** in decisions over land deals in low- and middle-income countries across the world.

Explore our **open access platform** to find detailed information about:

- Intended, concluded, or failed attempts to acquire land
- Total size and number of deals
- Investors
- Intention of investments, from agricultural production to carbon trading

Map

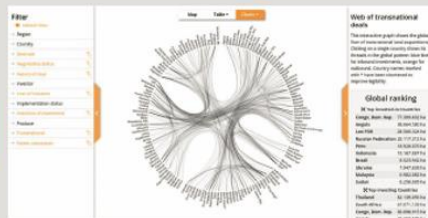


Data

The data table interface displays a list of land deals. The columns include Deal ID, Date, Status, Location, and other details. The table is filtered to show deals from 2009 to 2014.

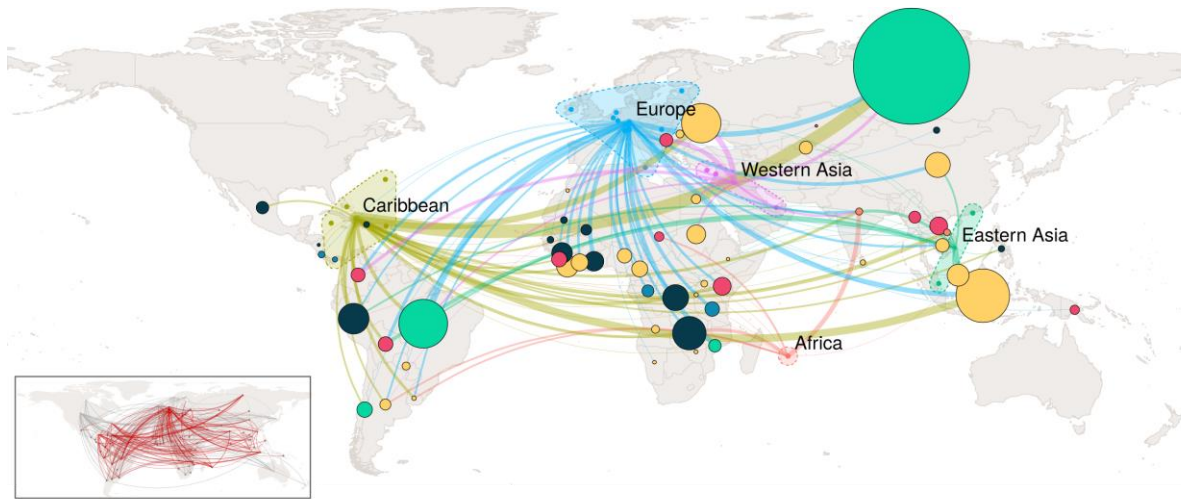
Deal ID	Date	Status	Location	Other Details
2009-11-15	2009-11-15	Intended	Agribusiness (unspecified)	...
2009-11-15	2009-11-15	Intended	Agribusiness (unspecified)	...
2009-11-15	2009-11-15	Intended	Agribusiness (unspecified)	...
2009-11-15	2009-11-15	Intended	Agribusiness (unspecified)	...
2009-11-15	2009-11-15	Intended	Agribusiness (unspecified)	...
2009-11-15	2009-11-15	Intended	Agribusiness (unspecified)	...
2009-11-15	2009-11-15	Intended	Agribusiness (unspecified)	...
2009-11-15	2009-11-15	Intended	Agribusiness (unspecified)	...
2009-11-15	2009-11-15	Intended	Agribusiness (unspecified)	...
2009-11-15	2009-11-15	Intended	Agribusiness (unspecified)	...

Charts





LAND MATRIX



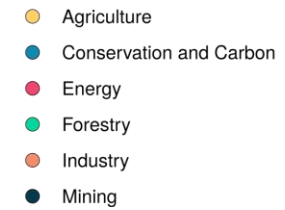
Number of deals



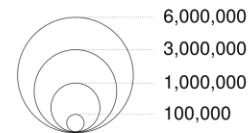
Tax Havens group



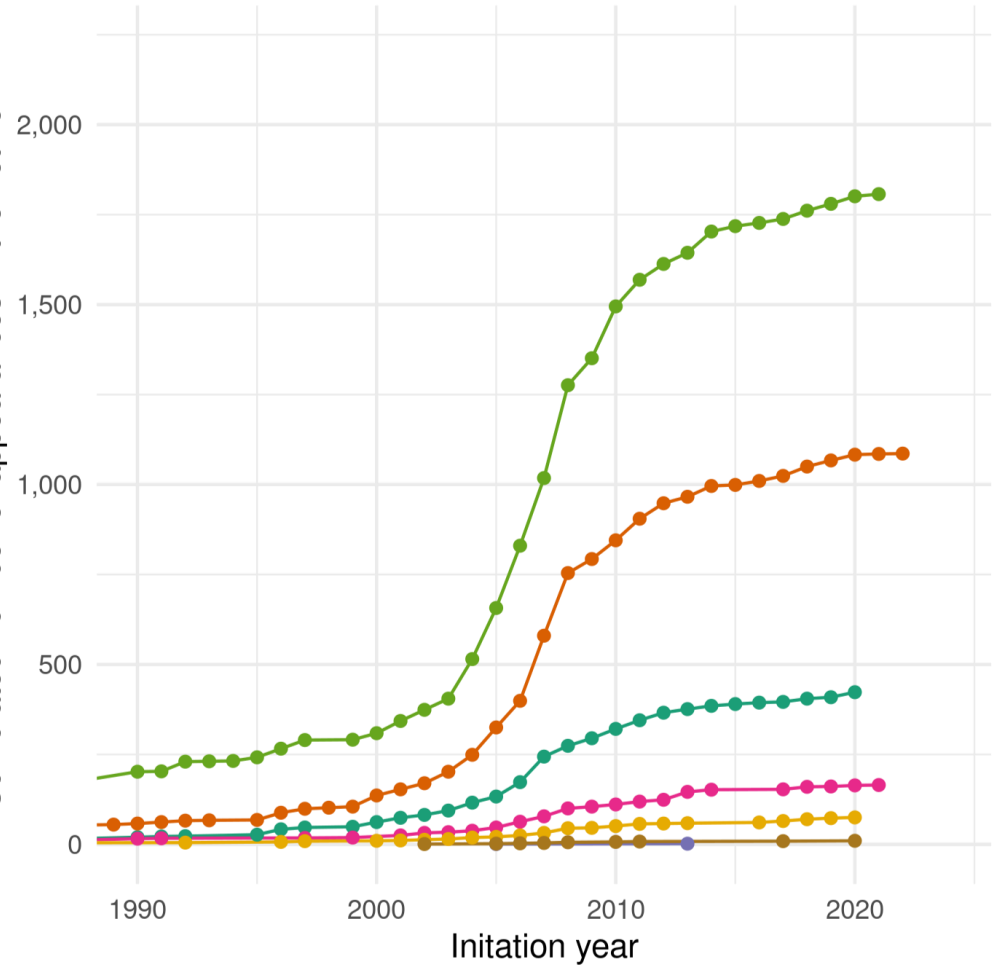
Main investment type (in surface under contract)



Cumulated area under contract (ha)



Cumulated number of appearances in the network





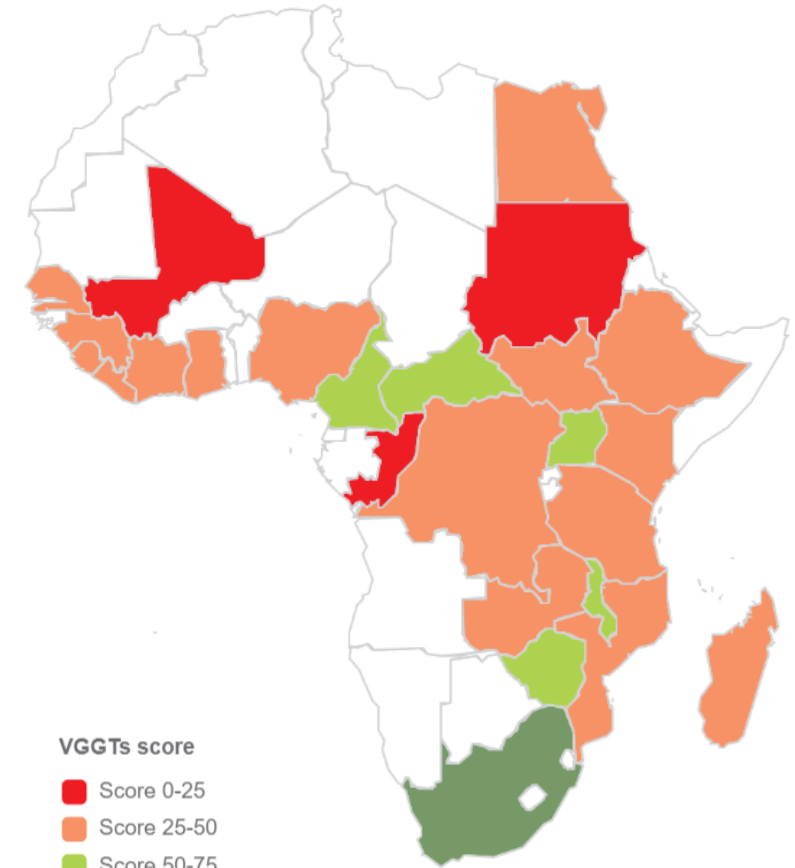
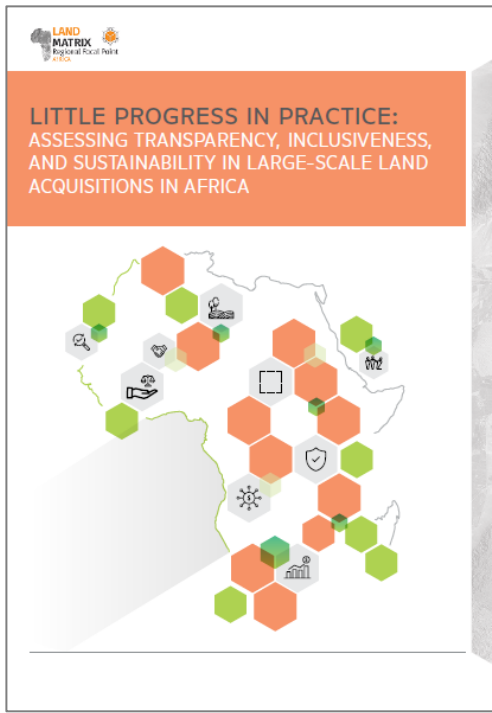
LAND MATRIX

Unsatisfactory compliance

with regard to VGGT implementation

87% of the countries

78% of the deals



VGGTs score

- Score 0-25
- Score 25-50
- Score 50-75
- Score > 75
- No score
- Insufficient data

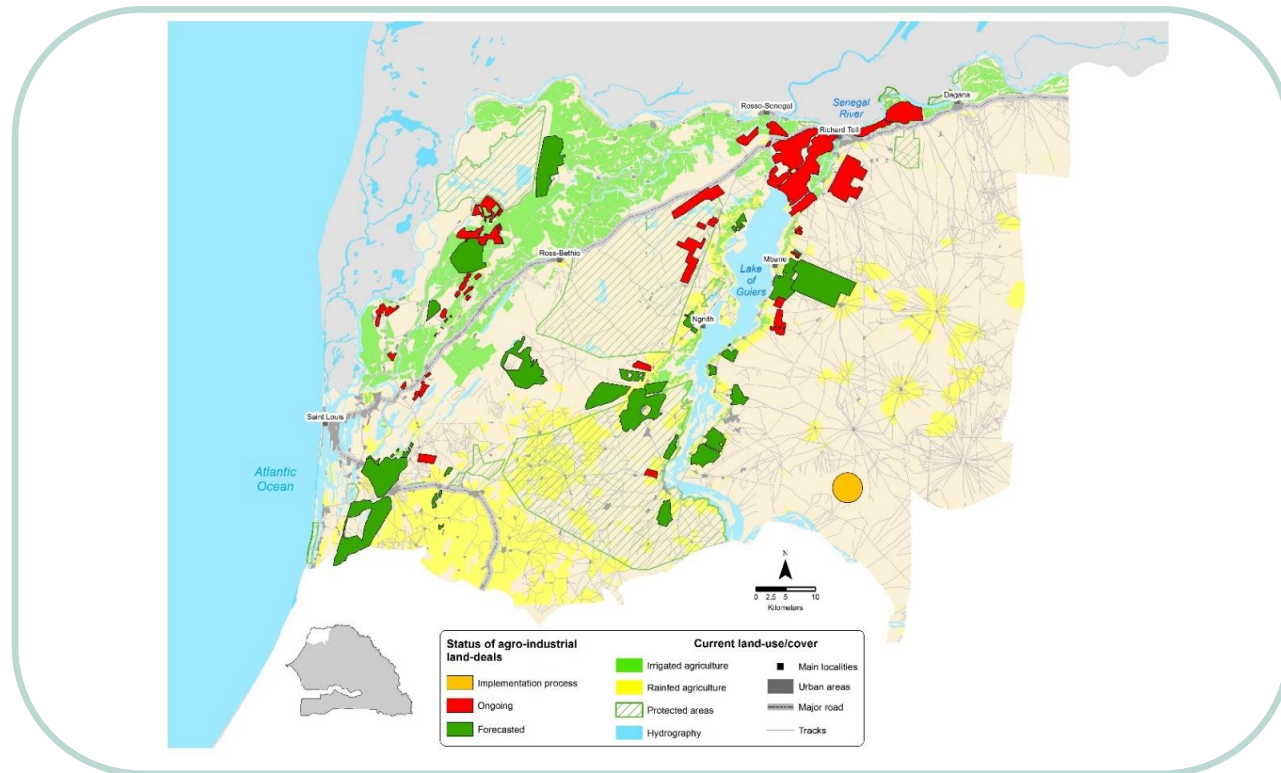
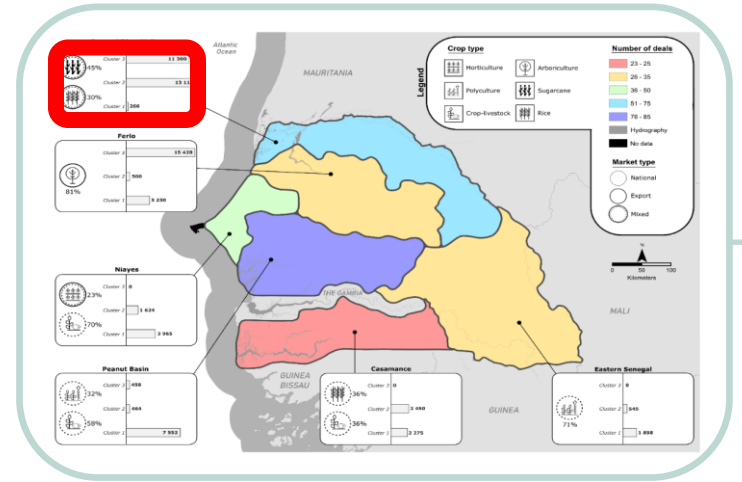


Land deals in Africa, least performing in:

- Consultative processes (#9);
- Responsible and inclusive investment and respect of national law and legislation (#12)
- Respect of legitimate tenure rights, including informal tenure (#10) of local communities (#4) and indigenous peoples (#9)



LAND MATRIX

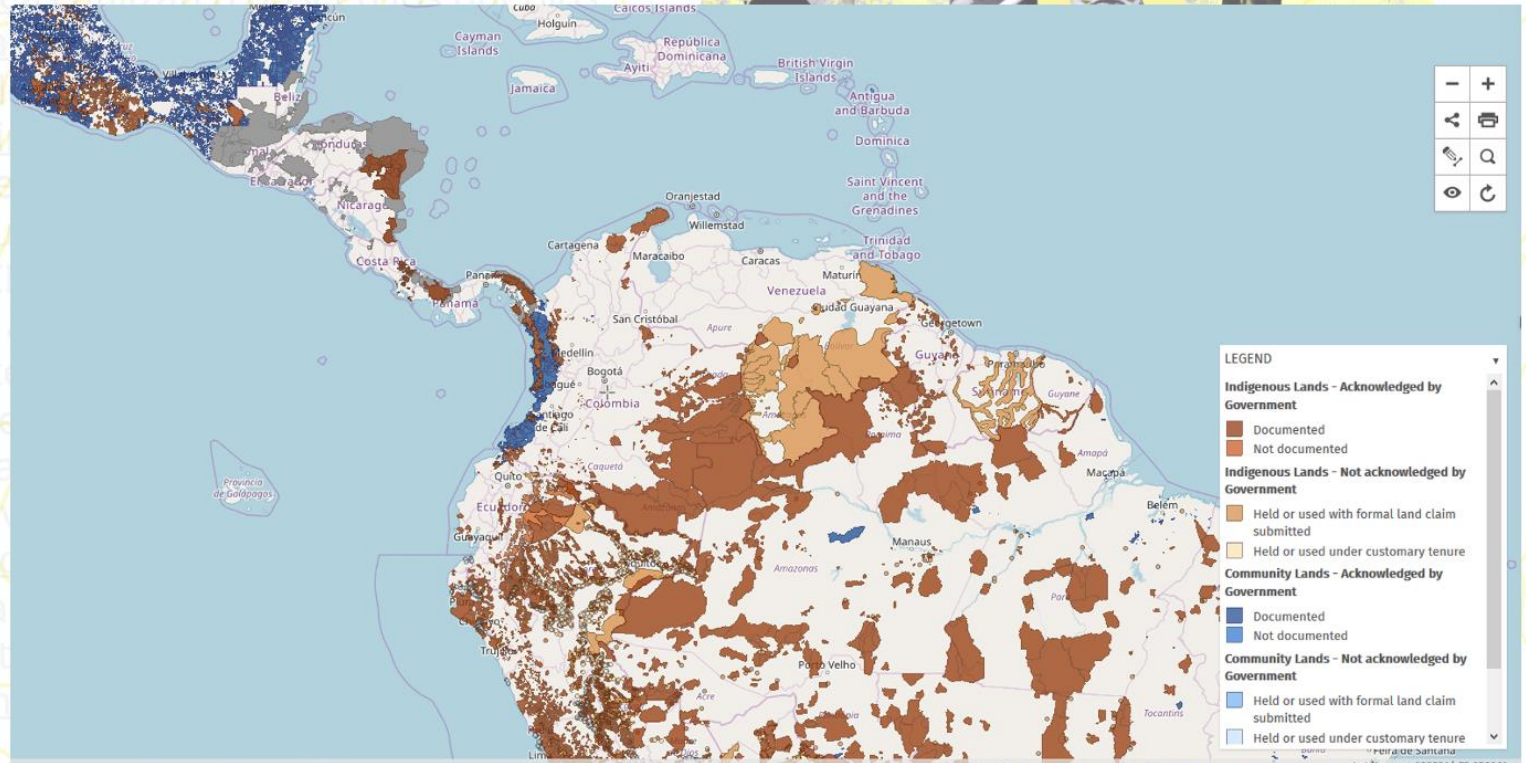


LandMark

Global Platform of Indigenous & Community Lands

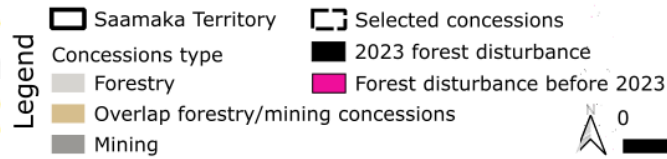
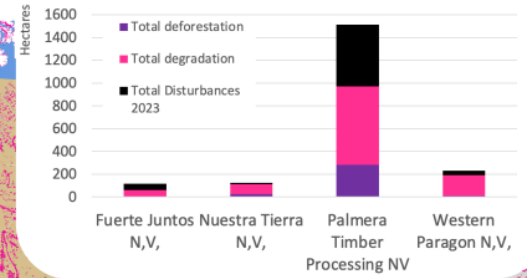
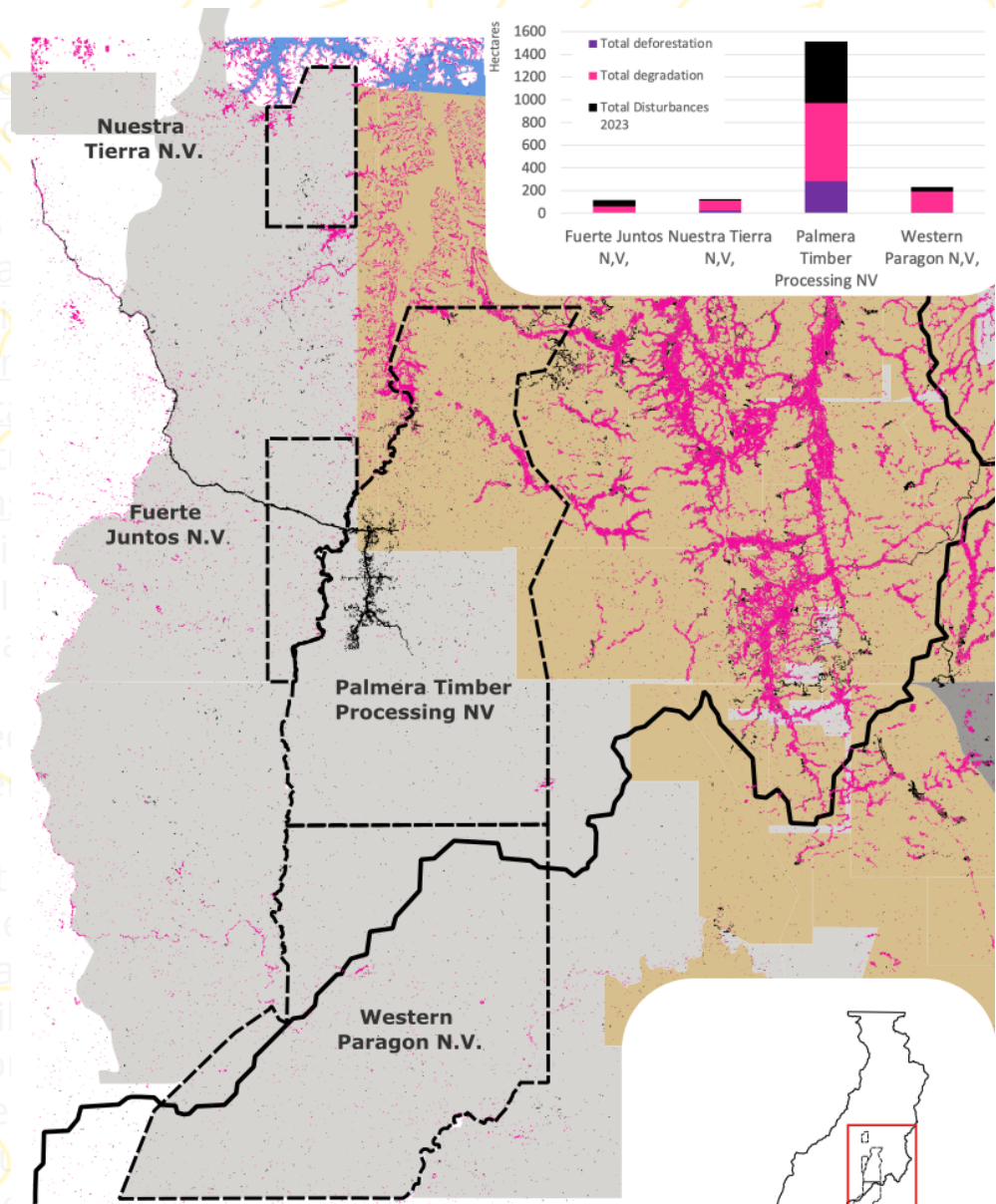
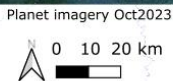
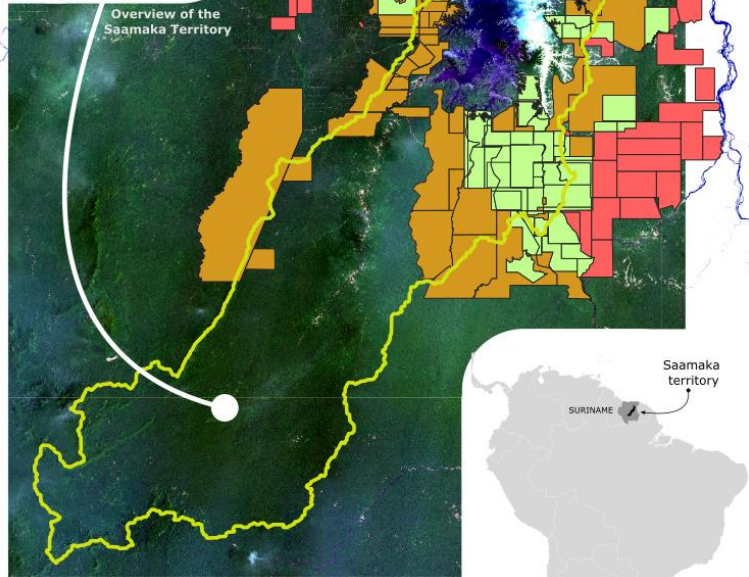
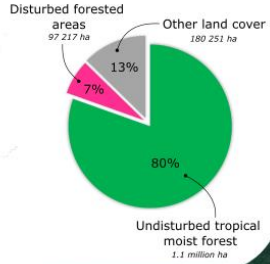
Problem statement: There is a critical gap in information on indigenous and community land rights. In the absence of existing publicly available information, many indigenous and community lands are invisible and therefore vulnerable to irregular land acquisitions.

Impact: By shining a light on collectively-held lands around the world, LandMark will make clear to governments, corporations, and other investors, that these lands are not vacant, idle or available for outsiders without due process.



LandMark

Global Platform of Indigenous & Community Lands



STRATEGIC PARTERS AND CORE DONORS



Federal Ministry
for Economic Cooperation
and Development



Investing in rural people



Government of the Netherlands



Sverige



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Swiss Agency for Development
and Cooperation SDC



FORDFOUNDATION

Wellspring
Philanthropic Fund

Upholding human dignity | Unlocking human potential
