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Bridging the Gap between Intention and Action: Tools to Enable Socially Responsible Land-Related Investment

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Abstract

Global attention to problematic land deals and related land governance challenges in recent years has prompted efforts by donors, governments, civil society, and the private sector to not only understand the nature of deals "gone wrong" but also to take affirmative steps to improve land governance and land-related investment practices. The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT) represent the global community's commitment to leverage collective action to address these challenges. Though the widespread endorsement of the VGGT and other standards and principles is a positive step, the pressing challenge facing investors, governments, and communities seeking to engage in socially responsible investments is their lack of sufficient understanding about how to apply these instruments on the ground. This paper examines some of the critical barriers to employing the VGGT and other investment standards and principles and describes a multi-stakeholder approach for implementing these standards within the context of a specific investment through the development of practical, context-specific guidance that can be used by communities, investors, and governments to understand, plan for, and implement the specific practices and processes needed to comply with the VGGT.

Key Words: Acquisitions, Gender, Guidelines, Investments, Rights

Introduction

In recent years, multi-lateral agencies, donors, non-governmental organizations (NGOs), and the private sector have developed a number of standards, principles, and guidelines that aim both to broadly improve tenure governance and create more socially equitable outcomes within the context of land-related investments.[1] These internationally accepted instruments, the most notable of which are *The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT),* provide much-needed higher level principles that describe an ideal "end-state" of socially responsible land-related investments[2] that respect and protect the rights of rural land users, both women and men, setting the stage for progress towards a wide range of other development outcomes. But ensuring that these standards and principles are effectively implemented requires specific and practical guidance that is largely missing in many of these instruments. Though the widespread adoption of standards and principles is a positive step, the pressing challenge facing investors, governments, and communities[3] seeking to engage in socially responsible investments is their lack of sufficient understanding about how to apply these instruments. To meet this need, Landesa[4] is partnering with DFID[5] in the Socially Responsible Land-Related Investment Project (the "Project") to bridge the gap between intention and action by developing user-friendly tools that will provide detailed guidance for stakeholders to reach the desired "end-state" envisioned in the VGGT.

This paper examines some of the critical barriers to employing these various standards and principles to engage in socially responsible land related investment and presents the programmatic approach that the Project will employ to address these challenges. Section 1 provides background on the context in which investment standards have been created. Section 2 reviews some of the key standards and principles that

[1] For purposes of this paper "land-related investments" means large-scale land based investments as they relate to both land acquisition and agricultural commodity chain production and procurement.

[2] We define "socially responsible land-related investments" as investments in land that allow for gender-equitable, informed, non-coercive negotiations between investors, governments, and smallholders and communities prior to the development and establishment of a project or the creation or expansion of a commodity value chain. During the life of the project, the investment processes and outcomes do not disenfranchise women or men living in the investment area but meaningfully engage and benefit them and improve their well-being.

[3] Throughout this paper the term "community" will be used to broadly represent the interests of all tenure rights holders, both formal and informal, impacted or affected by an investment. This might include a community, communities, women and men smallhold farmers, pastoralists, or other land and natural resource users.

[4] Landesa is a U.S.-based international NGO that partners with governments of developing countries to improve the legal framework governing land, with the primary goal of improving land tenure security, especially for the rural poor.

[5] The Department for International Development (DFID) is the state department for development (development ministry) of the United Kingdom.

support improved land governance and socially responsible agricultural investment[6] and discusses challenges associated with their implementation, with a special emphasis placed on the unique challenges of using the standards to benefit women. Section 3 presents a response to these challenges and discusses Project as a test case for future investments seeking to implement international standards and best practices. Section 4 describes the Project's programmatic approach and planned complementary stages, and Section 5 concludes with a discussion of risks and opportunities.

1. The Agricultural Investment Context

The need for expanded investment in agricultural land to meet growing global nutritional needs, combined with pressures on land for biofuels production, mining, tourism, forestry and carbon sequestration and an increasing interest of investors in agriculture and land per se, is driving an increase in the number and scale of land related investments in developing economies (Cotula, 2009). Though accurate information on land investments is scarce and often unreliable (Holden et al., 2013; Schoneveld, 2011), in a 2011 report, the World Bank estimated that about 56 million hectares (ha) of large-scale farmland deals were announced before the end of that year, nearly two-thirds of which were located in Sub-Saharan Africa (World Bank, 2011). This marks a significant increase from the average annual expansion of global agricultural land (less than 4 million hectares annually) prior to 2008. This trend has continued to hold through 2014: as of mid-2014, the Land Matrix, a database showing numbers of in-progress and concluded land deals, showed that almost 1,600 land deals had involved more than 60 million ha since 2000.

Government policymakers are actively seeking these investments for a range of benefits that include the transfer of technologies, generation of employment opportunities, infrastructure development, poverty reduction, and increased access to markets for local producers. But in many places, particularly where customary tenure systems predominate, these investments present risks as much as potential opportunities (De Schutter, 2009). Although employment generation is often considered to be a key way in which local communities benefit from land related investment, crop choice and the production process greatly influence the number of local jobs created from land investments (Deininger et al., 2011). For example, oil palm and manually harvested sugarcane generate 10 to 30 times more jobs per hectare than does large-scale mechanized grain farming (Deininger et al., 2011). Access to markets by smallholders and the transfer of technology can also provide benefits, but this largely depends on how investors engage with farmers, including whether or not they specifically target and include women, and the type of business

[6] Although other sectors such as extractives, tourism, infrastructure, and natural resource management also account for a large share of land-based investments, for pragmatic reasons, this paper focuses on agricultural investment.

model used (e.g., land for equity, fixed price lease, or other joint venture) (Mirza et al., 2014; Tyler & Dixie, 2013; Deininger et al., 2011).

Poor land governance further contributes to the risks that land-related investment poses to smallholders and communities, and to women in particular, especially as countries with a relative abundance of land and weak land governance tend to draw investor interest (Deininger et al., 2011). In many cases, land is purchased or leased in areas where smallholder subsistence farming predominates and other local groups such as pastoralists also hold tenure rights to such land. Yet, these women and men farmers are often not considered “owners” of the land in the sense commonly recognized by outside investors. Seldom do they have a deed or title to their land, holding the land either informally or according to custom, particularly in sub-Saharan Africa. Additionally, many smallholder farmers have no individual claim to land, with their relationship to it being grounded in the context of their membership in a larger community, such as the family, village, or extended lineage. Women -- who make up a majority of smallholder farmer labor in some parts of the world -- are even less likely to be considered “owners” with whom an investor can negotiate, because a woman's informal rights to use land are often contingent on her relationship with a husband or other male relative. This makes women especially vulnerable to being harmed by investments in land.

In the past few years, global attention to problematic land deals and related land governance challenges (*see e.g.*, Cotula, 2014a; Cotula et al., 2009; GRAIN, 2008) has prompted new efforts to understand the nature of deals "gone wrong" and to take steps to support more sustainable and equitable investments that respect the rights of local communities while supporting improved local land governance. The result has been the development of a number of higher-level standards, principles, and guidelines that describe how governments (and investors, to some extent) should act to protect communities and smallholders affected by land-related investments. These standards and principles vary widely in their scope, detail, clarity, application, audience, assignment of duties and responsibilities, and enforceability. Although efforts within the international community are underway to add more clarity and detail, the standards and principles being developed, for the most part, are not accompanied by resources to help stakeholders operationalize them within specific investments or contexts.[7] Taken as a whole, the various instruments establish a set of duties and principles, leaving their interpretation and application to stakeholders who require additional detail, specificity, capacity development and guidance to support their compliance.

[7] An important exception is the FAO’s ongoing work to provide issue-specific guidance and a series of e-Learning modules to assist stakeholders in the implementation of the VGGT (FAO website).

In addition to international standards and principles, investors must abide by country-specific laws and policies. Unfortunately, many governments lack the capacity and/or the political will to enforce the obligations mandated by such laws and policies. With the dual goal of attracting investment and ensuring that such investments are sustainable and benefit local communities, the challenge for governments is to reconcile the need of investors to obtain clear rights to use land within a predictable timeframe with the need to use often cumbersome and complex processes to recognize and respect the land rights of women and men and, where appropriate, communal tenure rights in affected communities. Often, when governments are unable to meet their governance obligations, companies are left by default to fill in the gaps to ensure that land deals are socially responsible and comply with law. This can impose a significant burden on companies, which are not generally equipped to fulfill duties that traditionally fall within the state's domain.

In many respects, smallholders and communities stand to lose the most from investments in their land. Often, smallholders and communities lack the capacity to negotiate with investors on a level playing field, lack the information they need to make informed decisions, and face pressures from local and other actors who stand to gain from the sale or lease of the land. In many communities, where cultural norms are discriminatory, women and marginalized individuals may not be adequately consulted, may be excluded from decision making, and/or may not share in the benefits of a transaction for land. The absence of tools to operationalize sound and protective investment guidelines means that some investments can actually harm women, men, and communities, cause losses or at least substantial business risks for investors, and undermine government credibility. To fill this void, there is a demand for practical, context-specific instruction, tools, and information to ensure that investments can meet international standards.

2. Investment Guidelines and Standards

In the past few years, a number of principles, standards, and guidelines have been developed in an effort to address land governance challenges and the related wave of problematic land deals. These have originated with international organizations, regional organizations, bilateral and multilateral donors, NGOs, certification entities, and even the private sector (including corporations and business roundtables). Broadly speaking, these standards and principles can be divided into two types: those focused primarily on general land governance improvements and those focused on land related investment specifically. Across these categories, the standards and principles share common tenets and assumptions, but they vary widely in their scope, detail, application, and audience. By and large, they are voluntary, non-binding instruments that expressly seek to build upon or even shape national and international legal and normative frameworks.

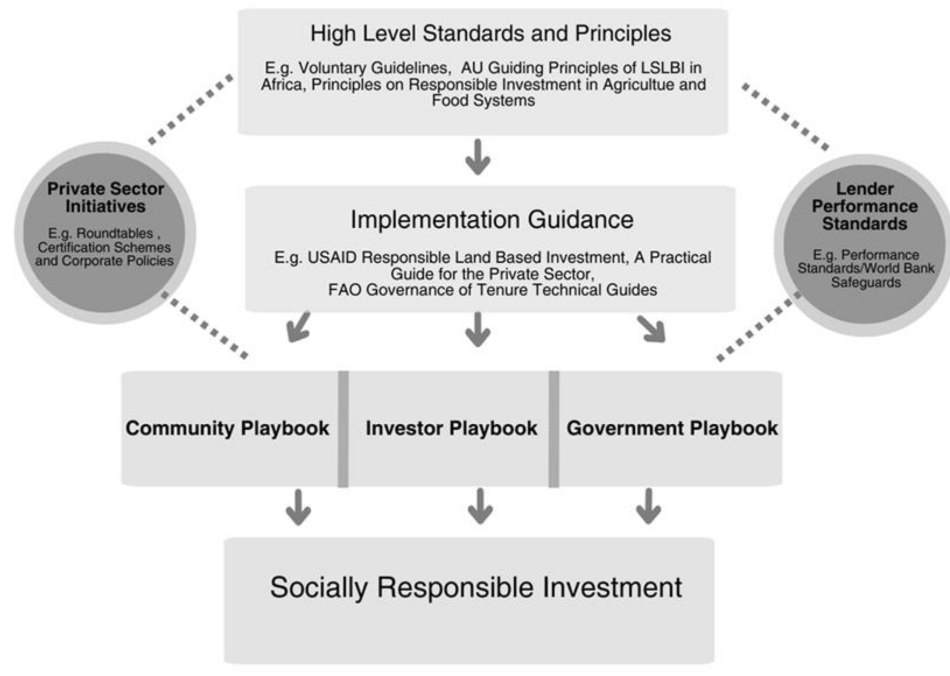

Figure 1

High-Level, Non-binding Guidance and Principles Focused on Land

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT), were endorsed by the Committee on World Food Security (CFS) in 2012 with the aim of promoting secure tenure rights and equitable access to land, fisheries, and forests. The VGGT focus specifically on land, largely describing state governance action with some general guidance for private sector behavior. Although comprehensive, these principles describe idealized outcomes and do not provide prescriptive instructions for achieving those outcomes. A further challenge is that, to accomplish these land governance ideals, states will require resources and capacity far in excess of present or soon to be seen levels. Unfortunately, the VGGT are not accompanied by massive new resources, such as financial support, on-the-ground training, personnel, or other critical inputs. Therefore, while the VGGT provide a standard that stakeholders should aspire to, they present implementation challenges related to the appropriate assignment of duties to stakeholders, the establishment of specific requirements for stakeholder conduct, the capacity of various stakeholders to deliver, and – perhaps most challenging – the issue of stakeholder compliance and enforcement .

The African Union (AU) has likewise contributed to efforts to promote socially responsible land-related investment by developing *Guiding Principles on Large Scale Land Based Investment* (Guiding Principles), approved in 2014. Unlike the VGGT, these principles are exclusively addressed to national governments. The AU developed the Guiding Principles in the context of existing AU instruments, namely its *Framework and Guidelines on Land Policy in Africa*, with the intent to support socially responsible land-related investment within the African context. The Guiding Principles are structured around six fundamental principles: (1) the human rights of communities and individual smallholders should be respected, including respect of customary land rights; (2) large-scale land investment should contribute to the national development plan for sustainable agricultural development, including the recognition of the strategic importance of smallholder farmers; (3) decisions on land-related investment should be based on good governance principles, including transparency and the prior informed participation and consent of affected communities; (4) land investments must respect the rights of and benefit women; (5) decisions on the feasibility and desirability of investment should be based upon independently conducted economic, social, and environmental impact assessments; and (6) member states should cooperate and collaborate to ensure that land-related investments are beneficial to Africa economies and people. These fundamental principles are further defined through supporting principles that are intended to help promote implementation. Even with this further definition, however, the Guiding Principles, like the VGGT and the RAI (introduced immediately below), are intended to serve as high-level guidance documents for AU member states and other actors involved in land-related investment. As such, they do not provide detailed information regarding assignment of duties, specificity of conduct, capacity, and compliance.

The *Principles for Responsible Investment in Agriculture and Food Systems* (RAIs) were negotiated and endorsed by the United Nations Committee on Food Security in 2014. The RAIs articulate ten broad principles that characterize "responsible" investments in agriculture and food systems, only one of which (Principle 5) concerns land tenure directly. While most concepts articulated in the RAIs overlap with the VGGT – such as respect for land and natural resource rights holders, conservation and sustainable use of natural resources, transparent governance structures, use of grievance mechanism, social and environmental impact assessment, and monitoring and evaluation – the RAIs are significant in that they represent another important example of a broad coalition of stakeholders, including governments and the private sector, agreeing on what constitutes responsible investment in agriculture.

The various high-level instruments discussed above are important mechanisms for improving women’s rights to participate in and benefit from land-related investments. These instruments can provide necessary guidance to stakeholders as they work towards the realization of women’s and men’s land rights and can promote more inclusive, participatory, and equitable practices by investors and communities. The existing principles and guidelines share many promising elements with respect to strengthening women’s land and resource rights. Each explicitly builds on and invokes existing state obligations under international law, including obligations related to the rights of women, such as those enshrined in the Universal Declaration of Human Rights, United Nations Declaration on the Rights of Indigenous Peoples, and Convention Eliminating all forms of Discrimination against Women. Additionally, each calls out specific protections and considerations for ensuring that women's rights are respected. For example, the VGGT integrate gender considerations and recommendations throughout and expressly call out the risk that weak tenure governance poses to socially and economically marginalized women, outlining a core principle founded on gender equality. In so doing, the VGGT are designed to ensure that women's particular requirements and situations are addressed in all actions to improve governance of tenure. Similarly, gender equality and women's empowerment are core RAI tenets (Principle 3), and the RAI elsewhere identify states and other stakeholders as duty-bearers in promoting "gender equality to enable women and men to participate in and benefit from investment opportunities" (RAI, 2014 para. 37).

There are, however, several significant challenges to using these standards to fully benefit women. First, because promoting the rights of women tends to challenge cultural norms and fundamental power relationships within families, communities, and societies, the more difficult provisions are less likely to be enforced, or enforcement is likely to be selective. Though this risk pertains to the implementation of the standards more broadly, the elective nature of these guidelines and principles poses a particular challenge to realizing positive gains for women, who often face barriers to realizing their rights even when the law affirms gender equality in relation to property rights and access to information.

Even when the will is present to implement the gender-positive provisions of these standards, effectively doing so is likely to be difficult when stakeholders lack the knowledge and understanding of how to overcome gender inequality in a specific context. Because these instruments are not prescriptive -- but instead designed to address a range of potential scenarios and circumstances and be adapted according to the context and issues presented -- they leave it to the users to determine how to fulfill them. Herein lies the greatest challenge for ensuring that the opportunities for bringing about positive change for women are realized. Ensuring that an investment is carried out in such a way that women and men can participate fully in consultation and decision-making and share equitably in the benefits of investments requires careful attention to how the investment is implemented. In settings where local customs, cultural norms, and traditions prevail over formal laws, the impact of the guidelines for women will depend not just on the quality and enforcement of national policies and legislation but also on the willingness of other key stakeholders to recognize women's rights to participate in and benefit from transactions in land in spite of longstanding norms to the contrary. Thus, for each of the standards and guidelines, additional targeted efforts are needed to ensure that they are effectively implemented to bring about the intended positive results for women.[8]

Some such efforts are underway, such as the work by the FAO, World Bank, and World Bank Institute to streamline the VGGT principles on gender equality into existing land administration projects in seven countries in the Western Balkans. In this project, country-level teams are trained over an 11-month period to develop plans to streamline gender equality as outlined in the VGGT; these teams are collecting and analyzing gender-disaggregated data to inform ongoing efforts to ensure that gender is adequately integrated in the land administration of the countries studied (Tonchovska et al., 2014). Such initiatives are laudable and indicative of the broader challenge to realizing women's rights using high-level, voluntary principles: significant capacity development and specific technical support are required to ensure that the ideals espoused in the instruments are effectively translated into actionable guidelines for governments, investors, and communities.

Relevant Voluntary Principles Not Focused Directly on Land

Some early examples of other standards and principles aimed squarely at the private sector lacked needed detail regarding land issues. For example, the UN's *Guiding Principles on Business and Human Rights (2011)* is an important and authoritative global standard for addressing adverse impacts on human rights linked to business activity, with a potentially strong impact on the behavior of investors in land and land-based commodities. However, these business principles lacked a thorough treatment of land issues, an omission that created issues of scope and specificity of content, and that could have potentially limited their use by companies as a guide for land investments.

However, this deficit has largely been addressed by the 2014 United Nations High Commissioner on Human Rights (UNHCHR) report that offers a human rights analysis of land-related issues, specifically addressing land management, states' obligations, and other actors' responsibilities. It also sets out the criteria that states should apply when considering land and human rights issues in relation to specific groups and existing human rights; this further detail will inform the application of the UN business principles (UNHCHR E/2014/86, 2014). In addition to this report, other groups have provided applicable guidance that similarly provides further detail to the application of the UN business principles. For example, the International Bar Association Business and Human Rights Working Group has published guidance for bar associations and business lawyers on the implementation of the UN Principles. This

[8] The FAO has been a leader in this area through the development of technical guidance for implementation of the VGGTs. See, for example, *Governing land for women and men: A technical guide to support the achievement of responsible gender-equitable governance of land tenure* (FAO, 2013).

guidance further defines suggested approaches for legal providers to use when handling land-related transactions and these approaches address such issues as weak land governance and the need to assess and define informal rights prior to an investment transaction (Business and Human Rights Guidance for Bar Associates, 2014).

Institutional Standards

Global and regional standards for lender and financial institutions represent yet another category of land-related investment codes of conduct. These include standards adopted by lenders themselves, such as the World Bank, the International Finance Corporation (IFC), and regional development banks, as well as industry wide efforts, such as the United Nations Principles for Responsible Investment, that seek to incorporate social and environmental safeguards into client projects and investor decision making. The (revised) IFC Performance Standards (2012) are the most prominent of these standards, providing guidance on how to identify risks and impacts and how to avoid, mitigate, and manage risks and impacts as a way of doing business in a sustainable way. They are composed of the following eight standards: (1) Assessment and Management of Environmental and Social risks and Impacts; (2) Labor and Working Conditions; (3) Resource Efficiency and Pollution Prevention; (4) Community Health, Safety, and Security; (5) Land Acquisition and Involuntary Resettlement; (6) Biodiversity Conservation and Sustainable Management of Living Natural Resources; (7) Indigenous Peoples; and (8) Cultural Heritage .

While the IFC Performance Standards (and the WB Safeguards) provide a greater level of specificity with respect to certain social and environmental standards than do many of the previously mentioned standards and principles, their utility in bringing about more socially responsible land-related investment outcomes is questionable (but might improve with the IFC taking on a stronger role in their assurance). First, the use of these types of standards is limited to projects that have received funds from these lenders, and thus, the general use and uptake of these standards is somewhat limited. Second, many government and civil society actors, who are either directly responsible for implementing the standards or are key actors in the process, are either unfamiliar with the standards or lack capacity to implement them. Finally, effective monitoring and enforcement of these lender standards has historically been lax (in the case of the IFC, ongoing structural and procedural changes within the organization offer promise that enforceability of standards will be strengthened in the future); this is especially true for those lender standards (such as the Equator Principles) that do not mandate the disclosure of key project facts and documents (Cotula, 2014b; Deininger et al., 2011).

Industry-Specific and Sector-Specific Standards

In recent years the private sector has also recognized the need to improve the social and environmental performance of land investment and commodity acquisition in developing countries. Industry driven initiatives have resulted in the development of a number of voluntary environmental and social standards for sugar (Bonsucro Production Standard), soy (Roundtable on Responsible Soy), palm oil (Roundtable on Sustainable Palm Oil), and biofuels (Roundtable on Sustainable Biomaterials). These new "roundtables" incorporate many of the same concepts common to other codes of conduct, including the need to conduct social and environmental impact assessment, hold broad and participatory stakeholder consultation, respect existing rights holders, and create grievance mechanisms.

Legitimate questions remain, however, around the viability and efficacy of these industry-driven efforts. First, the cost of implementing these voluntary standards and undertaking the certification process remains a significant barrier to their uptake. Companies may be loath to make such a costly commitment when they know that many of their competitors have not done likewise (Deininger et al., 2011). Second, despite the good intentions of many companies to implement the standards, many simply do not have the technical capacity required for implementation on the ground. Further exacerbating this challenge is the fact that government agencies and civil society –critical stakeholders for implementing the standards – are often ill-equipped to take on the role expected by many companies in sharing the responsibility for creating and supporting the necessary conditions for responsible investments. Third, the independence of assessments and/or certifications paid for or conducted by project proponents raises legitimate conflict of interest questions. Finally, some standards, particularly in the area of land rights, simply require compliance with national legislation. In countries with weak land laws and administration, this requirement adds nothing to the prospect of creating more sustainable investments since compliance with national law would be required even in the absence of the standard. Finally, questions about the feasibility of monitoring and enforcing third-party standards over the life cycle of a project have raised concerns around long-term sustainability.

Corporate Policies and Commitments

Individual corporations have adopted and published codes and commitments to socially responsible land-related investment. These commitments are usually clear and progressive in their scope and content but are often unrealistically aspirational, demonstrating that the company may not really know what they are promising to deliver. Many such codes expressly include women and commit to making distinctions between men's and women's rights to land. However, once companies have committed, many face challenges in understanding exactly how to fulfill their commitments, as they often lack the necessary expertise. Additionally, the corporations must rely upon the governance frameworks and capacity of host country government officials for a functional backdrop against which to implement these socially responsible intentions. In many cases, that backdrop is absent or insufficient.

Summary of Challenges

While there are many well-intentioned guides for socially responsible investments, taken on their own, they are insufficient. On the implementation side, many of the available mandates do not provide practical guidance to users on how to operationalize the standards or consider the costs to operationalize them or the needed capacity. On the content side, many of the standards and principles provide gender-positive ideals but lack concrete and sufficiently detailed directives for overcoming entrenched normative and structural barriers for women while others are simplistic or silent on issues of gender, failing to address the community-level and structural challenges that often hinder equitable treatment of women. Other standards do not mention land specifically, and still others remain relevant to only a small subgroup of investments (e.g., those involving the IFC or particular commodities). Finally, most efforts to bridge gaps between knowledge and implementation do not directly involve community-level stakeholders and particularly women. A transparent and inclusive approach, which involves not only investors and governments but also the community members who are the intended beneficiaries of socially responsible investments, is required if any of these efforts is to prove truly transformational.

3. A Multistakeholder Approach for Implementing Land Investment Standards: The Socially Responsible Land Related Investment Project

To facilitate the effective adoption and implementation of the VGGT and other similar international standards and guidelines within the context of individual investments, the DFID-Landesa Socially-Responsible Land Investment Project will draw from local contexts to develop practical, context-specific guidance to support equitable and socially responsible land-related investments. The Project will do this through the development of a trio of research-based and ground-tested "Playbooks" that can be used by investment stakeholders – communities, investors, and governments – to understand, plan for, and implement the specific practices and processes needed to comply with the VGGT and investment best practices. The Playbooks are described in more detail below.

If successful, the Project will help: (a) strengthen tenure security for men and women; (b) improve land governance; (c) reduce the risks of land related investment for all stakeholders by mobilizing businesses, governments, and local communities to implement laws, policies, and practices consistent with international standards and best practices; and (d) increase the capacity for and likelihood of more equitable land investment outcomes.

Playbooks: Ground tested but evolving tools for facilitating implementation of standards and best practices

The centerpiece of the project is the development of three land investment "Playbooks," one each for investors, governments, and communities, which are the three primary stakeholder groups involved in land-related investments. These Playbooks will serve as "how-to" guides for land-related investments (both direct land acquisition and commodity procurement) and will help investors, governments, and communities understand, plan for, and implement requirements and best practices throughout the entire investment process. These playbooks will differ from existing guidelines and manuals that have been developed by the international community and NGOs in that they will provide step-by-step instruction that will enable stakeholders to create inclusive and gender-equitable processes grounded in the specific cultural and governance context of the project country.

The aim of the Playbooks is to enable the stakeholders to shape, adopt, and implement the specific practices and processes needed to implement the relevant principles of conduct and thereby to bring about in the context of specific investments the ideal end-states envisioned by the VGGT, RAI, and other standards. To that end, each playbook will contain detailed guidance and a suite of tools and methodologies to enhance each stakeholder's understanding of the policy, legal, social, and economic investment landscape as it relates to land rights. Users will know what they must do to shape and carry out various assessments to identify land tenure issues and the constraints and opportunities for men, women, and communities within the investment area. In doing so, stakeholders will be able to develop recommendations to inform the development of tailored interventions allowing for informed, non-coercive negotiations between investors, governments, and communities prior to an investment project. In addition to pre-project planning guidance, the Playbooks will include monitoring and evaluation tools and approaches to gage the social performance of an investment during its life by ensuring ongoing participation and feedback from each stakeholder, particularly women and men living within the investment area.

Most importantly, the Playbooks will pay careful attention to the needs of men and women affected by investments to mitigate the risk that investment projects will create unmitigated negative social, economic, environmental, or livelihood impacts. As such, the Playbooks will help stakeholders design and implement projects that have the highest potential to benefit communities both in the short- and long-term. For example, while large-scale commercial farming may be preferred by government policy makers or investors, an out-grower arrangement with local farmers might be more beneficial in a specific context and may be preferred by communities. Given the number of different investment scenarios that could theoretically be developed, the Playbooks will help communities, governments, and investors enhance their understanding of employment, economic development, export earnings as well as other benefits of alternative investment models and compensation schemes that better accommodate the needs of local right holders within a particular context.

Community Playbook

As discussed, individual smallholders or communities living on or using investment-targeted land, or who are otherwise impacted by these investments, face significant challenges throughout the dealings and negotiations with investors. These challenges hinder their ability to realize equitable returns at an individual or community level. Further, as discussed below, a non-inclusive consultation process generally tends to favor certain community members over others, making it difficult for the interests of women and the less-powerful to be considered and increasing the risk of inequitable distribution of investment benefits. Therefore, as this section will argue, community members would benefit from mechanisms that increase their individual and collective abilities to negotiate with other community-level and external stakeholders.

It is often the case that community members lack the information needed to make informed decisions about investments. While the level of information made available to communities necessarily varies based on the form of the investment, lack of transparency in the investment process remains a major challenge (Cotula et al., 2009). Critical gaps often include information on the financial and contextual costs associated with the loss of land access. For example, individual smallholders or communities might not know the value of their land, including common and marginal lands, and therefore might not have the necessary information to negotiate for appropriate compensation. Particularly when women, who are often the most active users of land (including marginal lands), are not consulted or included in negotiations, the full value of the land as a source of livelihoods may not be determined or considered. The contextual costs associated with investments are much harder to quantify: in addition to being a livelihood asset, land can have spiritual value and is essential to the social and cultural identity of individuals and communities (Cotula et al., 2009; Behrman et al., 2011). Other potential information gaps include the environmental impacts of the investment; access to independent legal advice; the phases of investment; the universe of demands that communities can make of investors, including compensation, revenue-sharing, and investments in local infrastructure and employment; and legal enforcement mechanisms and remedies.

In addition to lack of information, the power asymmetry prevalent in land investments can impede community negotiations with more powerful investors and government interests (Berhman et al., 2011). Specifically, community members often have limited technical and financial capacity to negotiate with investors and enforce investor commitments. National legislation in many countries subjects investors to sanctions for non-compliance with their commitments (Cotula et al., 2009), but community members might lack the knowledge, capacity, standing, and finances to seek enforcement of sanctions.

Unrepresentative local governance institutions and elite capture of the investment process pose significant challenges to communities in realizing equitable investments. Elite capture of not only the returns, but also of the decision making processes creates further challenges. Local authorities and well-connected individuals might view investment outcomes as a source of personal enrichment (Cotula & Blackmore, 2014), leaving other community members worse off. Further, communities are composed of "highly stratified groups with diverging interests," rather than unified entities (Cotula & Blackmore, 2014). Local leaders, therefore, may not represent the spectrum of interests, needs, and voices within the community, yet are often the ones charged with making decisions (Cotula et al., 2009). For example, women and vulnerable groups are often excluded from consultation and decision making in regards to investments in land. Some vulnerable groups, such as pastoralists, have seasonal use rights over land that might not be represented during discussions with investors. Other indirectly impacted groups, including resettled populations, might also not be represented (Cotula et al., 2009).

Women within affected communities are often excluded from the investment process. Rural women might not own land or have ownership-like rights to land and instead access land based on their relationships to men (Giovarelli, 2007). As a result, they are in a weaker position to bargain for their land rights and may be excluded from participation in community consultation and decision making around land. For example, Cotula et al. (2009) found that in Mozambique women are only rarely included in the investment consultation process. Consequently, women's interests and needs were not represented and women were excluded from the benefits of the investment. Additionally, the information asymmetries and the challenges around enforcement capacity are compounded for rural women, who typically have less access to information than men and might need support ensuring that gender components within successfully negotiated agreements are correctly implemented (Berhman et al., 2011). Investments in land that do not take steps to mitigate negative impacts on women could further disenfranchise women and limit their opportunities for future income generation (Behrman et al., 2011).

In response to the information and capacity asymmetries at both the community and the individual level, a Community Playbook will be developed and disseminated that will provide community members and local organizations and CSOs (that may serve as advocates and representatives) with information about the investment process, as well as tools for gathering information about various critical inputs to the investment process. The Community Playbook will build on the VGGT implementation efforts that are already being conducted but other organizations such as FAO.

To provide meaningful guidance, the Community Playbook will contain instructions and examples for creating detailed processes and work plans tailored to help communities and individuals understand their choices and improve their capacity to negotiate with investors and amongst themselves. This may include, but is not limited to, developing inclusive processes and procedures that enable a community to: establish a gender-balanced Community Land Management Committee (CLMC) to serve in an advisory capacity on behalf of the community; formalize community land governance rules and by-laws through a participatory process; develop and carry out Community Development Plans (CDPs) that align potential benefits from a land investment to the community's specific needs; create gender-sensitive, equitable benefit sharing mechanisms within the community; identify and record land right holders, including secondary rights to land and resources; demarcate boundaries; conduct participatory land use planning and mapping that involves both men and women to identify potential investment areas; collaborate with neighboring communities to identify lands available for investment and resolve any ongoing or latent disputes; develop gender-sensitive, equitable grievance mechanisms; and become familiar with key concepts and issues around land use and investment options.

Even if an investment will provide community-level benefits, there may still be a variety of reasons for communities to decline to participate in an investment. Given this, the Community Playbook will help communities determine whether they want to make their land available generally or only in particular circumstances. Specifically, it will allow communities (and, in many cases, local CSOs that work with communities) to better understand: (1) how to make decisions that account for and respect the property rights of all members of the community, both women and men; (2) whether and how to effectively convert land being used for subsistence farming into land dedicated to growing cash crops without adversely impacting the availability of adequate foods for the household; (3) how to prepare for investments before an investor (or the government) expresses interest in acquiring community land; (4) what to do and where to seek help when an investor expresses interest in a community resource; (6) how to negotiate with investors, and from whom to seek assistance in the negotiation; (7) how to monitor investments after they occur to determine whether they are consistent with applicable standards and in conformance with contract terms and conditions; and (8) what to do if the community believes it is not being treated fairly by those operating an ongoing project.

The true value of the Community Playbooks cannot be realized without meaningful dissemination, which includes specific targeting of women and members of other groups that could be classified as particularly vulnerable. Dissemination is envisioned to take place through sessions facilitated by local NGOs and CSOs who particularly recognize the benefits of a gender equitable process.

Investor[9] Playbook

Many companies are now recognizing the social and economic importance of secure land rights to smallholders and communities, as well as the financial and reputational implications of the social and environmental risks that might derail an existing investment or future opportunity. While some of these companies have sought to improve their land investment practices in recent years by committing to social and environmental standards, these intentions have frequently not resulted in improved outcomes on the ground – for either communities or investors (Mirza et al., 2014). One factor to account for this trend is that many investors lack a sufficient understanding of the principles and standards intended to spur socially responsible land related investment, or lack the necessary capacity for implementing these standards on the ground in the context of weak governance.

To better facilitate the adoption and successful application of land investment standards, principles, and best practices by investors, an "Investor Playbook" will be developed. The Investor Playbook will target investors and commercial players interested and involved in land-related investments. It will facilitate the application of existing investment standards and guidelines by providing specific instruction and guidance for their implementation that is based upon the unique context and land governance challenges of the country and locale in which the project is undertaken. The Investor Playbook seeks to assist investors in navigating the complexities of the investment process by: (1) increasing awareness and understanding of land-related investment standards; (2) equipping investors with information and skills necessary to implement the standards, including identifying best practices and providing detailed instruction around key issues such as land rights assessments, community consultations that effectively ensure the participation of women, FPIC, social impact and gender assessments, environmental impact assessments, monitoring and enforcement of agreements, and instruction on working effectively and collaboratively with communities and other stakeholders; and (3) providing legal and social country-specific context for implementing standards.

One area in which investors face the biggest challenge is in understanding the risks associated with insecure land and resource rights of local men and women and structuring an investment that assesses and respects these rights holders. Munden (2012) reports that land tenure risks to investors have been largely

[9] In this paper we use the term 'investor' broadly to include both those entities that are financially supporting land-related investment as well as the company/companies that are responsible for carrying out the investment on behalf of the investors.

ignored compared to other types of risk and that most investors are ill-equipped to address these risks. The clear identification of primary and secondary land and natural resource rights holders, both formal and informal, is a critical prerequisite to any land transaction. Yet, many investors do not fully appreciate the complex land tenure arrangements that exist in communities in which they seek to invest (Deininger et al., 2011); they are particularly ill-equipped to assess men's and women's differing rights and relationships to land and resources within many customary settings. Investors have frequently made the mistake of negotiating lease agreements with the state without properly identifying informal rights holders and including them in the negotiation process. The challenge for investors is further complicated by the fact that host country governments themselves often fail to recognize and respect informal rights holders, and investors are therefore seldom required by the state to discern informal rights holders as part of investment process (Deininger et al., 2011).

Even when there is acknowledgment by investors of the necessity of conducting a gender-sensitive land and natural resource tenure assessment, there exists the challenge of carrying out the assessment on the ground. Land rights assessments in rural communities are complex and require an understanding of socio-economic and cultural conditions present in the community. The absence of written documents, the presence of overlapping rights, lack of clarity around how rights are assigned, and latent disputes over use and access rights within the community itself can make the land rights assessment a challenging and complex task for the investor. The Investor Playbook will help to fill these gaps by providing step-by-step guidance to investors on how to create and then navigate the land rights assessment process in a manner that reflects the principles and best practices of international standards.

Conducting meaningful community consultations that ensure the participation of women and men and working with communities to ensure that they have consented to the proposed land investment is another area that has proven challenging for investors (Mirza et al., 2014). Many investors are now recognizing the need to conduct consultations and ongoing dialogue with communities impacted by a proposed investment as essential to successful investment and is often required by host country laws (Deininger et al. 2011). These consultations are crucial to building a trusting relationship between investors and communities and for minimizing disputes (Mirza et al., 2014), and for ensuring that women are not negatively impacted by the investments. For consultations to be effective and meaningful they should include a broad range of local stakeholders, specifically including members of the community such as women and youth that are often excluded from the community decision making process (Deininger et al., 2011). Creating an effective consultation process involves designing the discrete steps and activities that accommodate the specific needs of the community and that address specific cultural practices.

A rich body of resources and guidance materials has already been developed by international organizations and civil society actors about community consultations. What is lacking according to investors interviewed by Mirza et al. in their study of agribusiness investments in Africa (2014) is specific guidance and step-by step instructions that are tailored to a particular context and legal and governance structures. The Investor Playbook will respond to this need by providing detailed instruction to investors on how to design and then conduct inclusive and meaningful consultations in the country specific context.

Another example when investor actions have often not met the expectation of international standards is in the area of social and environmental impact assessment (SEIA). Although evidence suggests that investor actions around SEIA development is improving, many investors continue to view these as a "box ticking" exercise rather than as a process that should shape the investment itself and provide the basis for full community member participation and equitable compensation. Many SEIAs frequently fail to involve community members, and women in particular, in the development of assessment protocols. As a result, SEIAs have not translated into an "authentic tool" that can meaningfully be used to identify and mitigate the negative impacts of an investment. The Investor Playbook will provide investors with practical information on how to involve communities into the development of SEIAs, employ adequately trained professionals to conduct the assessments, share the assessment process and results broadly across impacted communities, refine the investment itself in light of assessment findings, and incorporate mitigation measures into written agreements that can be monitored and enforced.

Finally, one of the most important aspects of the Investor Playbook will be to provide investors with concrete advice on successfully implementing critical actions such as gender-sensitive land rights assessments, inclusive community consultations, and SEIAs, in settings where land governance is poor.

In citing their most significant challenges of the land investment process, investors frequently note the lack of clear and transparent national investment policies, procedures, and requirements, particularly in the area of land acquisition (Mirza et al., 2014). Where these policies do not exist, or where the capacity of government to implement policies and laws is limited, investors are forced to navigate the investment process on their own, leaving it to the goodwill of the investor as to whether or not they follow socially responsible practices (Cotula, 2014b). Investors are often not prepared for the fact that many host country governments have a limited capacity to effectively navigate and implement the complex issues involved in community consultation, resettlement, and compensation. (Cotula, 2014b). Navigating these issues responsibly and in conformity with best practices then falls to the investor, who is oftentimes equally unprepared, both technically and financially, to carry out these complex tasks. The Investor Playbook will directly address this scenario and provide investors with practical guidance for navigating these situations.

Government Playbook

Achieving positive outcomes from investments in land acquisition and commodity procurement requires more than just responsible, voluntary private sector behavior. Perhaps just as importantly, the government must have policies, laws, and processes in place that clearly define the rights and responsibilities of both private and public sector actors; however, this enabling backdrop frequently does not exist. Host governments – most of which actively seek investment in agricultural land and commodities as a means to increase incomes, household calories, economic growth, and export earnings – face numerous challenges in providing this land governance framework and, consequently, can be hard pressed to mitigate the risks and maximize the benefits associated with land investments.

The Government Playbook will help governments to accommodate discrete investment projects and then incrementally develop and institutionalize useful models for: assessing investment fit; implementing FPIC standards; formalizing the land rights of women, men, and communities; and concluding investment contracts. In short, the Government Playbook will not only address single investments, but it will also seek to build land governance capacity incrementally as investments occur. In this way, governments will be able to bring their national land systems more closely into compliance with international standards and best practices and set clear, consistent, and predictable expectations for investors and communities. The Government Playbooks will specifically seek to reinforce and provide guidance to help government stakeholders understand and embrace principles that affirm women's rights to land and resources and to meaningful participation in decision making regarding land-related investments. This, in turn, will improve the investment environment within countries and promote the type of stable, long-term, and socially responsible investments that will most benefit policy makers, investors, and communities. Since clearly defined rights and responsibilities reduce risk for both communities and investors and increase the likelihood that investors will make additional socially responsible investment in countries, state policymakers will be incentivized to provide adequate financial resources to further strengthen land governance structures that protect the rights of the broader society.

The Government Playbook will also identify and develop strategies for policymakers to responsibly administer prospective investments, even in situations where wholesale improvements to the legal and regulatory framework are not politically or economically feasible. To help with this, the Government Playbook will contain tools, templates, and processes to help countries effectively carry out due diligence assessments on prospective investors; conduct or supervise investment-specific environmental and social impact assessments (including assessments commissioned by investors); formalize land rights of existing rights holders within the investment area, including secondary rights holders; identify and map – using transparent and participatory processes – potential investment areas without disempowering or disenfranchising male and female smallholders; and work with investors to select the most appropriate investment model. In this way, socially responsible investment and implementation of the VGGT, for example, will not depend on land governance reform processes that might otherwise take decades to achieve. Finally, the Government Playbook will complement and facilitate effective investor use of the Investor Playbook and tie in directly with provisions of the Community Playbook. It will leverage and complement existing tools, such as the World Bank's Land Governance Assessment Framework (LGAF), the FAO's VGGT Technical Implementation Guides, and other ongoing initiatives. It will also propose specific modifications to the overall land tenure legal framework to contribute to broader efforts to improve land governance.

4. Project Development and Approach

Process for Developing the Playbooks

Playbook development will involve two major phases. The first phase involves the development of country specific playbooks for two yet to be identified countries. For each country there will be three playbooks developed – one for investors, one for government, and one for smallholders and communities. Using the knowledge and experience derived from creation of the country-specific Playbooks, during the second phase the project team will create "Model Playbooks" that can be iterated and then used in other country settings. The Model Playbooks will guide the user through processes (e.g., when a land tenure assessment must be done, how to conduct such an assessment, how to conduct a stakeholder analysis, the elements of an implementation strategy, effective monitoring and evaluation strategies, etc.) that can be applied in different settings. Each of these Playbook development phases is discussed in more detail below.

Country Playbooks

The first exercise will entail developing country-specific sets of Playbooks with the goal of informing the behaviors exhibited and the process undertaken by members of all three stakeholder groups. With input and participation from global stakeholders focused upon land governance and agricultural investments, the project team will develop the Country Playbooks in two countries. The team will select the countries using evaluation criteria that include, but are not limited to: (1) the prevalence of land-based investments and commodity procurements in the country; (2) the government's apparent openness and willingness to institute land tenure and governance reforms; (3) the vitality of rural civil society organizations, including those focused on women's rights; (4) the country's participation in G7 partnerships or the New Alliance for Food Security and Nutrition; (5) investor interest in the country; and (6) the ability to reach communities that participated in previous land-related investments.

Once the countries are selected, the next step to the development of the Playbooks will entail a detailed review of relevant laws, policies, and institutions within the country, followed by a detailed mapping of potential public as well as private stakeholders. Key to the success of these Playbooks will be the consideration of the diversity of perspectives, including those from potential and previously affected community members, interested investors, and relevant government personnel. To this end, the project team will gather relevant information both from existing secondary research on land-related investments in the selected countries, as well as through direct field investigations of recent investment projects.

In particular, field investigations of recent investment projects will yield nuanced understandings of the diversity of perspectives and needs of women and men in affected communities through carefully designed qualitative research mechanisms. The majority of this data will be collected through organized focus groups and in depth interviews with members and leaders of communities directly affected by the investments. The team will take care to involve women as well as other individuals who can be characterized as vulnerable based on social categorization, income, disability, or other criteria. The team will gather information about understanding and involvement in the investment process, as well as the nature and distribution of any compensation received.

This qualitative research will also help the team develop a deeper understanding of ground level procedural and substantive norms, which will help in designing context-appropriate mechanisms to create a path for more equitable outcomes. In particular, interviews with women and men will reveal details about subjective perceptions of gender and community-level equity, community-specific decision making and other processes, and perspectives about the process used and returns received from past investments.

In addition, each country-specific playbook will incorporate periodic input from an in-country advisory group comprising representatives from business, government, civil society, and academia. Landesa will also take advantage of, and participate in, online discussion forums on relevant land tenure issues in the project countries, including the revamped Land Portal discussion board.[10] As a result, these Playbooks will reflect local conditions and could be used largely without modification to manage specific investments in that country. This participatory approach will foster buy-in and support for the Playbooks and promote future iteration, use, and compliance in the country.

[10] See Land Portal at http://landportal.info/book/regions.

Model Playbook

Using the knowledge and experience derived from developing the country-specific Playbooks, the second phase will entail the creation of a set of "Model Playbooks" – again one for each type of stakeholder – to be used in other country settings. These Model Playbooks will guide the users through generalized adaptations of the processes included within the country-specific Playbooks and will be designed as working documents for the users to contextualize and adapt as required.

To help facilitate widespread adoption and use of these Model Playbooks during future investments, the Project will incorporate targeted awareness and capacity building protocols. The project team will work with CSOs to ensure that they have access to the Playbooks and will work with them to enhance their capacity to assist local communities to manage and respond to proposed land investments. The project team will support government and investor actors to the same end. Additionally, the team will identify ways to integrate the Playbooks into other capacity building efforts underway in countries involved in land based investments. For example, the Playbooks could form part of broader efforts to assist smallholders and other rural groups dependent on income derived from land and forests to become more productive and enhance their incomes.

The third phase of the Playbook development process involves field testing the Model Playbooks on a proposed investment. The project team will work directly with a business, government, and a local community in a pilot application of the Model Playbooks to a new investment project. Field testing will likely include assisting the parties to prepare an implementation plan and then to carry it out at least up through the point where all necessary assessments and consultations have been completed and the parties have reached appropriate agreements.

The vision for the Model Playbooks is that they will help governments put in place policies conducive to protecting rural populations from the adverse effects that are often times created by investment projects. By 2050, it is estimated that the world's agricultural sector must feed a projected population of almost 10 billion (Mirza et. al, 2014; US Census Bureau, 2014). The FAO estimates that an average annual investment of US$292 billion per year (at constant 2009 prices) is required to meet the growing demand for food and fuel (Food and Agriculture Organization of the UN, 2009). The need for agricultural land and other resources to grow additional crops is expected to have a profound impact on the livelihoods of rural smallholders and communities, particularly those that have insecure land rights. As such, it will be critical to have in place policies and practices that recognize and protect the land rights of current users and promote agricultural productivity and growth without adversely effecting food security and poverty reduction. The Model Playbooks will be living, evolving documents that improve in sophistication from the adoption and use in a variety of country settings. The hope is that the Model Playbooks will remain relevant and useful, supporting policymakers in being able to enhance the livelihoods of their rural citizens without jeopardizing investment opportunities.

The Importance of Adopting a Gender-Integrated Approach

In many countries, prevailing and persistent norms and traditions that discriminate against women fence them off from participating in decisions about investments in land and resources. These discriminatory norms and traditions also hamper efforts to ensure that men and women share equitably in the benefits of investments. It is not enough for laws, corporate and national policies, and investment-related strategies simply to be gender-neutral, since even gender-neutral frames are likely to have substantially different impacts on men and women. Therefore, direct action and targeted efforts are required to ensure that traditional gender imbalances do not persist. Any approach to promote equitable and socially responsible investments that does not explicitly respect the rights of women and seek to consider women's needs, insights, and interests is likely to further marginalize women. For these reasons, the Project will integrate gender throughout project design, planning, implementation, measurement, and evaluation.

Gender integration means recognizing that investment-related activities and processes impact men and women differently and therefore building in processes, strategies, and targeted activities to address these differences. A gender-integrated approach is one that considers men's and women's pragmatic and strategic needs and interests when developing and implementing project activities.

Investments in land and land-based commodities present uncharted challenges for women. Gender integration in the Project will support a flexible, context-appropriate, but pragmatic planning and implementation process that ensures that women participate and share in the benefits of such investments.

To accomplish these goals, the project design will be guided by a gender strategy that the team adaptively implements over the course of the Project. In short, the strategy will change as more is learned. This strategy will include a process to assess the differing implications for women and men of any planned action to ensure that women's and men's issues, needs, concerns, and participation are a central element.

Information sharing and knowledge dissemination

A critical driver for project success involves the development of a continuous feedback loop from likely users as well as other knowledgeable actors. As discussed previously, such input will prove vital during the development of the Playbooks, and mechanisms will be put into place to ensure an inclusive drafting process that invites and considers a diversity of perspectives from members of all stakeholder groups. It is also hoped that such participation will foster further investment in the project goals, and ultimately ensure widespread adoption and use of the Playbooks. For that reason, the Playbook development will borrow heavily from established Participatory Action Research (PAR) approaches, and will invite collaboration from users throughout the design and implementation of the Playbooks in order to be sensitive to their needs and interests (*see e.g.,* Ozanne & Saatcioglu, 2008).

A key element of this participatory approach is the facilitation of multi-stakeholder discussion and debate, from which information may surface about potential triggers that could derail otherwise healthy and responsible investment processes. Additionally, creating a space for stakeholders to discuss positive outcomes to collaboration may help lead to a deeper understanding of the mutual benefits to socially responsible investing and a desire to adopt and use the Playbooks to help realize that ideal. Towards this end, these consultations will be designed to ensure men's and women's candid participation, and they will be carried out with the personal security and well-being of all participants in mind.

Furthermore, in addition to the Playbooks, there is a critical need to facilitate continuous access to broader and updated resources relevant to socially responsible land related investments. Not only will this boost general knowledge, but it will also enhance commitment to the end objective of enabling equitable investment outcomes. Yet, facilitating the transfer of information across all stakeholder groups requires careful consideration of relative capabilities to understand the substantive content of the information sources as well as the relative practicalities of receiving information (e.g. taking into consideration access to internet, literacy, language, community dialogs, and other messaging drivers).

Two developing, but currently unfunded, concepts for project components would address these dual needs of enabling an ongoing feedback loop and widespread access to relevant sources of information. The first entails the set-up of a larger forum which would bring together interested investors, companies, policies, CSOs, and public interest groups. Ideally, the forum would convene on a periodic basis and focus on further development and refinement of the prototypes of the three types of Playbooks. The second involves efforts to increase the availability and usability of other resources that might help foster and encourage socially responsible investments. This will likely entail several strategically designed resource platforms, which consider the unique characteristics of each stakeholder group.

5. Project Challenges, Risks, and Opportunities

The Project will present opportunities to build better and perhaps best practices in land-related investment, leading to more equitable investment outcomes. However, the Project presents significant implementation challenges, as well as risks, to stakeholders. Here, the authors identify several of the most pressing challenges and risks. By using an adaptive and responsive program management approach to challenges and risks, and by engaging a wide variety of experts and opinions, the project team hopes to effectively address issues and respond to risks.

Project-Related Risks to Stakeholders

The DFID-Landesa Land-Related Investment Project confronts risks to project success and also presents risks to stakeholders in its various phases, beginning with the development of the Country Playbooks and ending in dissemination of the Model Playbook. Most of these risks are as yet theoretical, particularly those that may arise at the piloting phase, and the project team has not developed risk mitigation strategies for each.

There are two overarching risks to the success of the project: (1) stakeholders in the land sector, communities, civil society, governments, and investors might not buy-in to the project and will therefore not use the Playbooks as intended; and (2) investors and governments could use the Model Playbooks to legitimize investments that are not equitable and thereby harm affected communities.

To address these challenges, the Project will work closely with community, government, and corporate partners to identify a suitable context in which to build and test the Playbooks. Recognizing that no investment setting will be perfect, the project team will seek to apply the project approach in countries with strong political will and interest in equitable investments and work with companies committed to respecting the land rights of communities affected by their investments. The Project has set far-reaching goals for women's inclusion in the investment process and outcomes. There is an incremental cost to integrating gender outcomes into land-related investments, but the project team will use the human and financial resources necessary to ensure that women equitably benefit from investments and are not harmed.

Playbook Development

During the development of the Country Playbooks, there is a risk that critical components of the land-related investment landscape and process may go undetected, or that country-specific contexts that influence the success or failure of the investment will be masked. When meeting with communities, unrealistic expectations about potential investments could be set. Further, there is a risk that the Playbook will not be applicable or adaptable to other contexts. In response to these risks, the Project will convene a host-country forum comprised of representatives from a cross-section of stakeholders. This forum will provide feedback into the development of the Country Playbook, including information on the investment landscape and process and the country context.

Piloting the Playbooks

During the pilot phase of the project, the possible risks to stakeholders are largely related to implementation and outcomes of the investment. Individual smallholders and communities face specific risks during this phase. First, rights holders risk being left worse off if they consent to an investment, and the investor does not abide by the agreement. Second, rights holders also risk being left worse off if they consent to an investment, and the investment fails. The final pressing risk to rights holders is that of the unknown costs of investment to community cohesion and social understanding. The primary risks to government during the project pilot phase include increases to or failure to improve rural poverty and instability if investments fail or investors do not deliver on agreements and rights holders are left worse off. Governments also risk being perceived as anti-investment if they participate in the development and implementation of the Playbooks, which will necessarily increase the time and cost of some investments. For businesses, the risks are primarily financial and reputational. Investors risk losing time and money if they pursue negotiations with a community that then decline to participate in the investment. The investment could fail, with large financial repercussions. Finally, investors face the reputational risk associated with participating in a land-related investment, regardless of how inclusive and equitable the process and outcomes.

The project team will respond to these risks using a responsive, adaptive approach and will set high standards for inclusive, equitable outcomes. Further, it will engage outside experts and draw from past experience working in the land-related investment sector to inform the approach to these risks.

Model Playbook and Dissemination

Once the Model Playbook has been developed and broadly disseminated, there is a risk that there will not be global acceptance, adoption, or use of the tool. Further, if there is a change in the international approach to land-related investments, it is possible that the Model Playbook will lack relevance when it is disseminated. There are two possible, interlinked approaches to mitigate the former risk. First, there is a critical need for a knowledge and resource sharing platform for land-related investment stakeholders. Such a platform could support the dissemination of the Playbooks, while also serving as a hub for land-related investment data, tools, and resources including research, case studies, best practices, and manuals.

Second, a forum for land-related investment stakeholders could encourage collective action to advocate for and implement approaches to equitable investment, including the Playbooks. A forum could also: (1) allow companies to engage with policymakers and civil society; (2) facilitate multi-stakeholder discussion and collaboration on the issues arising from land-related investments; (3) encourage the creation of innovative public-private partnerships; (4) identify key issues and resource gaps that require a coordinated approach; and (5) create a space in which companies and governments can discuss how working together can lead to equitable outcomes.

Conclusion

Global attention to problematic land deals and related land governance challenges in recent years has prompted efforts by donors, governments, civil society, and the private sector to not only understand the nature of deals "gone wrong" but also to take affirmative steps to improve land governance and land-related investment practices. The VGGT represent the global community's commitment to leverage collective action to address these challenges and provide a foundation for states, investors, and civil society actors to take actions that facilitate socially responsible land investment.

The realization of the "end-state" that the VGGT envisions, however, will not happen overnight. To further encourage the sustainable management of resources and equitable investments and promote the implementation of the VGGT, in 2013 the donor community established the Donor Working Group on Land specifically aimed at addressing land tenure and resource governance issues in developing countries. Their combined efforts have been leading to greater land transparency, better coordination of implementation of land governance programs, and improved information sharing on best practices by the international community and the private sector (Global Donor Working Group on Land, 2015). By forming around a common goal and mobilizing resources to achieve an agreed upon "end-state", these efforts as well as contributions by other key stakeholders are beginning to have broader appeal. A catalytic effect is starting to generate widespread endorsement of the VGGT and other standards and principles focused on improving land tenure governance and investment outcomes. What is still lacking, though, are tools that will provide detailed guidance for on the ground application of the VGGT by stakeholders.

With this in mind, Landesa has partnered with DFID in the Socially Responsible Land-Related Investment Project to bridge the gap between intention and action with context-specific instruction and practical guidance to help investors, governments, and communities bring about more socially responsible, transparent, and financially sustainable investments in land. If successful, the Project has the potential to strengthen tenure security, improve land governance, and reduce investment risk by mobilizing and empowering business, government, and local communities to implement laws, policies, and practices that are consistent with the idealized "end state" envisioned by the VGGT and other standards and principles. However, the attainment of such success requires collective action similar to that which led to the development of the VGGT. Only with the collaboration of all stakeholders -- donors, governments, civil society, and the private sector alike – can the idealized “end state” be achieved.

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FIGURES

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