

Meeting Summary

Sustaining Corporate Initiatives to Secure Land Tenure for Communities

Co-Chaired by Mark Constantine and Bryson Ogden

Location: IFC Bangkok Offices
28th Floor, Siam Piwat Tower
989 Rama 1 Road, Pathumwan
Bangkok

1 November 2019

9h00 to 17h00

Background

The Interlaken Group held a global convening in Bangkok, on November 1, 2019. The meeting was hosted by partners the IFC; scheduled in advance of the Roundtable for Sustainable Palm Oil (RT 17) taking place the following week in Bangkok.

The Group, with leadership from its Steering Committee, set forth three goals for the convening:

- To assess the potential for communities and the private sector to directly collaborate in support of supply chain sustainability, and appropriate modes for doing so;
- To reflect on lessons from in-country workshops (Kenya, Malawi, Laos) and identify next steps for engaging at the national level; and
- To assess the suite of emerging issues inhibiting private sector support for secure land rights.

Introduction and Welcoming Remarks from Meeting Chairs

The meeting opened and the Chairs welcomed participants to the proceedings. The Chairs reminded the room, especially first-time observers, that the purpose of the Interlaken Group is to provide a multi-stakeholder space in which to scale-up private sector support for secure land rights. Persons involved in the Interlaken Group participate in their capacity as individual leaders, rather than as representatives of their organizations. In addition, the Chairs reminded participants that the meeting would be held under the Chatham House Rule.

The Chairs called to the Group's attention the updated *Respecting Land and Forest Rights Guide*, which had just been completed and relaunched on the Group's website. IG participants collaborated over the course of 2018 and 2019 to mainstream issues of gender throughout the text. The Chairs congratulated participants on this achievement, which is indicative of the collaborative and multi-stakeholder spirit upon which the Group was initiated and continues to function.

Tour de table

A tour de table followed, in which participants updated one another on recent experiences including: developing new frameworks, guidelines, and policies; particularly for responsible sourcing of palm oil, rubber, and other commodities; advancing NDPE implementation for palm oil, supply chain transparency, quantifying land tenure risk, supporting human right's defenders and FPIC work, and best practice on conflict resolution and community engagement.

Integrating Community Based Monitoring: How can communities and companies work together towards verifying supply chain performance and enhancing transparency?

Leads opened the session by asking: "How can we make local peoples' voices heard to companies in a meaningful way, given dynamic situations and the high costs associated with audits?". A participant contributed lessons from a recent workshop in Indonesia which brought together community monitors from around the world, many of whom are monitoring subsidiaries of the same company(ies) in different countries and have developed corporate policies to respect land rights and reduce deforestation in their supply chains. Discussants observed that the situation on the ground in Indonesia – and in other countries and sectors - is often at odds with the commitments of the companies involved. Communities have been absorbed into palm plantations, lack secure tenure rights, and struggle with a host of other environmental justice concerns, caused by investments. Another participant contributed lessons from legal mediation work done between companies and communities in Indonesia, underscoring the challenges that come with capacitating communities to engage in mediation with companies directly, and some of the strategies involved to facilitate this approach. This was followed by a discussion of Earthworm Foundation's [Kumacaya Initiative](#), which is a black box mechanism in which communities can use technology to anonymously report incursions on their lands in a manner that can make them visible to downstream players sourcing from that region. Questions and comments addressed the continued need for grievance mechanisms, understanding of the financial sustainability of these systems, how to protect their integrity, and the privacy of companies (and their data) using such platforms. There was general agreement that opportunities exist to improve supply chain practice and responsiveness by integrating and linking to local, community-generated data on status and impacts.

Innovations to Demonstrate Progress: Assessment of new tools to measure and communicate progress on respecting local land rights.

The Group learned about four new tools that have recently been created to help companies and investors monitor and assess their progress to implement sustainability commitments, including on land and human rights, through their supply chains. These tools included:

- ACRE (Landesa) - ACRE is a tool to monitor, assess, and report progress on the implementation of corporate land tenure-related commitments. The tool is structured around four themes: Aware of responsible practice (assessing risk), Commit to responsible practice (land tenure policies and staff capacity building), and Engage in responsible practice (compliance with national laws and international best practice), which results in Respect for land rights.
- NDPE Implementing Reporting Framework (ProForest) – which is a tracking and reporting tool designed to help downstream companies to systematically understand and monitor progress in

delivering responsible sourcing commitments, including land rights, across all their volumes. The tool captures activities taking place, without prescribing specific outcomes, centered at the mill level.

- Tools for Transformation & Engagement for Policy Implementation (Earthworm Foundation) - These tools track how Earthworm Foundation member companies are assessing progress and monitoring their own performance on NDPE requirements, including: labor rights; FPIC; respecting land rights; conflict resolution; and supporting smallholders. EPI is targeted to downstream players like retailers and brands, whereas T4T is for upstream players, particularly mills, refineries, and plantations.

The Group observed that the tools that were described in this session represented substantial progress and much improved capability for the private sector and development partners to understand the effectiveness and impacts of strategies to implement commitments to respect land rights. It was clear that collective understanding of the issues impeding uptake of best practices to respect land rights in supply chains has improved drastically.

At the same time, the Group observed that these tools, and others like them, are top-down in nature and heavily reliant on self-reporting. Data is sourced, largely, from supply chain stakeholders. By contrast, there are few avenues to integrate data points sourced from local communities and rights-holders to feed into these frameworks and validate the results. One participant reminded the Group that despite these more sophisticated tools and frameworks, many communities still face major environmental and social challenges driven by investments and exacerbated by insecure land tenure.

There was general agreement that there were opportunities to improve supply chain practice and responsiveness by integrating and linking to local, community-generated data on status and impacts. But there were also important challenges and risks that bore further assessment. From the company side, there are risks associated with privacy, and ensuring the validity of local data. From the community side, there are similar risks associated with privacy and, in some locations, the safety of local monitors.

Update on tenure risk assessment tools and analysis

The Group heard a short update on the development of [Landscape](#). Landscape is a land tenure risk assessment tool that draws on a geospatial database and qualitative assessment of over 600 cases of land tenure-related conflicts between companies and communities to measure tenure risks. Tenure risks include those risks that a real asset will face significant financial or operational problems because of local opposition driven by insecure land rights. Concession areas are never uninhabited, and almost always inhabited by poor and marginalized people. Interlaken Group participants piloted and tested Landscape during its Beta phase. Landscape is now in use by major banks and financial service firms.

Convening Stakeholders to Address Land Issues: Emerging lessons from Interlaken Group country engagements

The Group was briefed on the status of ongoing in-country initiatives. The purpose of the Interlaken Group's in-country engagement is to leverage the supply chain and portfolio connections of IG

participants to unlock national-level opportunities and spaces for local companies and investors, civil society, and developing country governments to collaborate in support of secure local land rights:

- Malawi - The Platform on Large Scale Land Based Investment (catalyzed by the Interlaken Group in 2018) organized a workshop and field visit in September to explore the potential for wider application and adoption of the community-based Phata Sugar Growers Cooperative, which sells into the Illovo Sugar and Coca Cola supply chains. The workshop and field trip were attended by 48 stakeholders from government, civil society, traditional chiefs, companies, and development finance. The Platform is currently planning its second workshop for early 2020, which will debut partner efforts (led by our friends at Oxfam) to map large scale concessions in the country. (IG participants involved: Coca-Cola; Illovo Sugar; Landesa; Oxfam).
- Kenya –The Interlaken Group has advised the Community Land Act Now (CLAN) Platform since 2018 on strategies to engage with and negotiate with investors and project developers in and around community territories. In 2019, the IG facilitated a dialogue between CLAN leaders and colleagues at the European Investment Bank, who agreed that there is a need for a community-led entry point and resource for State and private investors on matters that affect community lands. They also agreed to further explore this concept in an initial roundtable with other DFIs present within the Interlaken Group and operating in Kenya. (IG participants involved: European Investment Bank; CDC Group; IFC; Forest Peoples Programme).
- Laos: Scoping activities commissioned by the Interlaken Group in early 2019 revealed that the opening of 600 thousand hectares of degraded Production Forest Areas for development of plantation forestry in Laos represented a strategic opportunity for engagement. The Group convened a workshop in Vientiane on November 5th, consisting of nearly 30 representatives of companies, investors, development finance, and development partners. Participants agreed to develop a shared position paper defining the consensus view of the critical policy and regulatory requirements needed facilitate responsible plantation forestry investment in these areas to the benefit of both companies and local communities. This document will be used as the basis for expanded dialogues to engage and inform key government stakeholders. (IG participants involved: Stora Enso; New Forests; IFC; GIZ; Earthworm Foundation).

Conclusion and Next Steps

Participants recommended several items to consider and prioritize over the coming months:

- *Explore opportunities and options to ensure that community voices are heard by companies.* There was agreement that this represented a substantial opportunity to empower communities and support more sustainable supply chains, but that there were substantial risks involved for both groups. Many companies are concerned with identifying strong community partners who can help broker interactions with local communities. The Group recommended that additional information gathering be undertaken.
- *Strategic expansion of engagement with a greater diversity of private sector players.* This could include, but is not limited to, “business as usual companies”, Chinese outward investments, and investment funds/institutional investors. In Southeast Asia, in-country engagements are increasingly confronted by the need to engage private sector players who are selling into regional and/or Chinese markets, and who are not linked to the supply chains and portfolios represented in the Interlaken Group.
- *Continue to document and share alternative models of production and land-use predicated on secure local land tenure.* Participants made clear that more examples and cases of emerging practice are required to facilitate shifts in business models. There could be further exploration of jurisdictional and landscape approaches.

PARTICIPANT LIST

#	First Name	Last Name	Organization	Title
1	Elim	Sritaba	APP	Director of Sustainability
2	Librian	Angraeni	APP	Deputy Director of Sustainability
3	Andiko	Mancayo	AsM Law Offices	Senior Sustainability Lawyer
4	Huichun	Zhang	China Chamber of Commerce of Metals, Minerals, and Chemicals Importers and Exporters (CCCMC)	Rubber Project Coordinator
5	Junzuo	Zhang	UK-China Collaboration on International Forest Investment and Trade (InFIT)	Team Leader, Programme Management Office
7	Robin	Barr	Earthworm Foundation	Director
8	Kien	Yeong	Earthworm Foundation	Sustainability Innovation Manager
10	Marcus	Colchester	Forest Peoples Programme	Director
11	Khankeo	Oupravanh	GIZ	Technical lead: Quality Investment Promotion
12	Carsten	Gloeckner	GIZ	Technical Expert- MRLG
13	Justin	Pooley	IFC	ESG Manager, Asia
14	Jorge	Villanueva	IFC	ESG Manager
15	Mark	Constantine	IFC (former)	Co-Chair, Interlaken Group
16	Megan	Olson	Landesa	Program Officer
17	Marthe	Tollenaar	New Forests	ESM Manager, SE Asia
18	Madeleine	Brasser	Oxfam	Private Sector Specialist-sustainable value chains
19	Natasha	Schwarzbach	PepsiCo	Sustainable Commodities
21	Jasmine	Arnould	Proforest	Project Manager
22	David	Ganz	RECOFTC	Executive Director
23	Bryson	Ogden	Rights and Resources Initiative	Associate Director
24	Amanda	Peçanha Hickey	Rights and Resources Initiative	Sr. Associate
26	Michael	Looker	The Nature Conservancy	Senior Advisor, Global Indigenous People
27	Sophia	Murday	TMP Systems	Partner
28	Chloe	Christman	Oxfam (via phone)	Senior Advisor, Land Rights and Markets