

Global Donor Platform
for Rural Development



**EFFECTIVE APPROACHES TO STRENGTHEN COHERENCE ACROSS INDIVIDUAL DONOR GOVERNMENTS
REGARDING RESPONSIBLE LAND GOVERNANCE**

A study on strategies, approaches, and case studies
in which bilateral donor agencies of developed countries have engaged successfully with
the relevant agencies and departments across their own governments
to drive a coherent approach toward improved land governance
in their partner countries
and recommendations for further actions

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“The challenge is to overcome the gap between two groups of actors with different logics, namely the ‘economic efficiency or fiscal approach’ and the ‘sustainability and human rights based approach’. Policy coherence can only be achieved through a common approach of these two groups.”

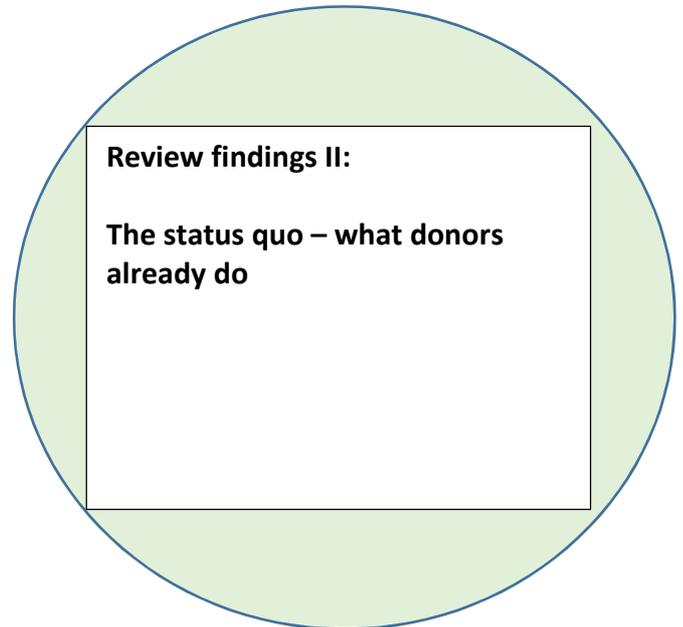
(Quote from one interview)

Contents

Executive summary	5
1. Introduction	11
1.1 Purpose of the study	11
1.2 Background of the study	12
1.3 Methodology	13
2. Review findings I: The initial situation of donors' home governments	15
2.1 The multiple roles of home governments: perceived and real conflicts of interests	15
2.2 Home governments' obligations and commitments under regional and international instruments	16
2.3 Incentives for home governments	17
2.4 Key drivers and initiators of successful approaches	17
2.5 Policies, approaches, and actions to be aligned at the national level	18
2.5.1 Policies, approaches, and actions to be aligned at the EU level	20
3. Review findings II: The status quo – what donors already do	21
3.1 Measures initiated and/or conducted	21
3.1.1 Establishment of an agreed common objective or standard, or use of an existing one	21
3.1.2 Introduction of responsible land governance into cross-sectorial national processes	21
3.1.3 Cooperation with other ministries to participate actively in their sector policy development	23
3.1.4 Introduction of land governance standards for public entities and domestic enterprises owned, controlled, or (financially) supported by the State	24
3.1.5 Introduction of regulations/standards for private business enterprises	26
3.1.6 Driving for the inclusion of responsible land governance in international policy processes, safeguards, and standards	27
3.1.7 Establishment of multi-stakeholder partnerships and cooperation	28
3.2 Enabling conditions	30
3.3 Limiting factors and winning strategies to overcome them	30
3.4 Factors to watch for or avoid altogether	31
3.5 Monitoring success and effectiveness	31
3.6 Conclusion: Many elements to build upon and a need for more comprehensive strategic approaches	31

4.	Review findings III: A road map to more policy coherence on land governance	32
4.1	Measures donors can directly initiate	32
4.1.1	Get your own house in order: from development cooperation policies to public procurement standards	32
4.1.2	Cooperate with those national entities that provide public support to land-based investments abroad to ensure that the standards linked to their support include responsible land governance	33
4.1.3	Establish cooperation with the department/ministry responsible for the negotiation of bilateral trade and investment agreements	33
4.1.4	Establish cooperation with those entities that set rules and provide guidance for the private sector to ensure their alignment with VGGT	34
4.1.5	Push for the adjustment of the safeguards of intergovernmental organisations, in particular, international financial institutions	35
4.1.6	Initiate, promote, and/or support effective remedies for negative impact on legitimate tenure rights by business enterprises originating from your country	35
4.1.7	Initiate the establishment of an agreed common objective	35
4.2	Potential contributions to ongoing processes	36
4.2.1	Get actively involved in ongoing key processes at the national level	36
4.2.2	Get actively involved in ongoing key processes at the international level to reach other public sectors from above as well as private enterprises	36
4.2.3	Get actively involved in international and national discussions on extraterritorial state duties	37
4.3	Measures to create support and ownership (networking and advocacy)	37
4.3.1	Join with willing actors from the public and private sectors and civil society, and develop a joint strategy on how to influence all relevant policy areas, and ongoing and future key processes	38
4.3.2	Set up a multi-stakeholder platform that looks at land governance at home and abroad	38
4.3.3	Link the topic to a high priority issue of your government and the public	38
4.3.4	Identify a respected key player and convince him/her to promote the topic	38
4.3.5	Identify bodies that may be interested in the topic and may put it forward	38
4.3.6	Follow the formal procedures for policy coherence	39
4.4	Checklists for country analysis	39
5.	Recommendations on bilateral, aligned, or joined efforts to strengthen coherence on land governance by influencing home governments	43
6.	References	44
Annexes:		
A1	List of key informants	46
A2	Guiding questions for the interviews	47

Executive Summary



Executive summary

The 2012 “Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security” (VGGT) set out measures to enhance land governance at all levels, to be taken by host and home governments, by private sector companies, and by civil society. Home governments are called upon to ensure that land related investments emanating from their soil are responsible (VGGT, 3.2 and 12.15).

The present study focuses on strategies, approaches, and case studies in which bilateral donor agencies of developed countries could engage or already have engaged successfully to drive a coherent approach together with other relevant agencies and departments across their own government to improved land governance in their partner countries. The study is based on literature research and interviews with key informants, including those who have been involved in creating policy coherence in regard to responsible land governance as well as researchers, policy advisors, and politicians with practical experience and/or strategic knowhow on creating policy coherence.

Review findings I: The initial situation of donors’ home governments

Concerning their partner countries, home governments may act as donors, business partners, promoting agents, and official state partners. A home government can therefore have different interests concerning land and other natural resources attached to land. In its role as donor, it may promote the application of the VGGT. In its role as business partner, the country may want to directly invest in the partner country or improve import or export. As promoting agent, the home government supports domestic business to do business in the partner country, which most often is land-based. As official state partner, still other topics are at the core of their actions.

At first glance, there are a number of conflicting interests, in particular between ensuring sustainable development in the partner country and promoting domestic business. However, if a home government aims to do no harm within its territory or beyond – these objectives could be compatible.

Apart from the VGGT, home governments have a number of long-established obligations and responsibilities under regional and international instruments that directly affect their approach to land governance in partner countries. Some key obligations and responsibilities derive from the Human Rights Code, the Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights and the UN Business and Human Rights Principles. G7 countries recently committed to align all ODA-supported investments with the VGGT and CFS RAI. They furthermore agreed to strive to promote the conformance of private investments under the New Alliance for Food Security and Nutrition with these Guidelines and Principles. EU member states have an additional relevant obligation: Directive 2014/95/EU of the European Parliament and of the Council of 22 December 2014 amending Directive 2013/34/EU as regards disclosure of non-financial and diversity information by certain large undertakings and groups. Until 6 December 2016 this directive has to be transformed into national law. This offers the chance to include compulsory reporting on land governance or land tenure impacts.

When it comes to aligning different policies, approaches, and actions at the national level, one has to bear two issues in mind:

- a) aligning different understandings of and approaches to land policy, and
- b) aligning responsible land governance and other policy areas and objectives.

Therefore, the following policies, activities and approaches need to be aligned at the national level:

- Different donor policies and approaches
- Public procurement
- Public as well as private investment
- Finance
- International trade
- Mining
- Environmental protection
- Grievance mechanisms, Ombudsmanship

Donors of EU member states need to bear in mind that certain policies need to be aligned at the EU level as EU member states no longer have any regulatory competency about them. Thus, as a result of the Lisbon Treaty, the EU has the exclusive authority to regulate foreign/external trade. Hence, to ensure that bilateral trade and investment treaties promote responsible land governance, EU member states have to get involved at the EU level. Due to the EU's policy coherence requirement, EU foreign/external trade has to contribute to sustainable development in partner/developing countries. Getting more involved in policy-making at the EU level could therefore be extremely beneficial for EU member states as policy coherence at this level is – at least in theory – guaranteed.

Review findings II: The status quo – what donors already do

Donors have come up with a broad range of activities to create or improve policy coherence on responsible land governance in partner countries. Typical measures in which donors already got involved include the establishment of multi-stakeholder partnerships and cooperation, the introduction of land governance standards for public entities and domestic enterprises owned, controlled, or supported by the State, the introduction of voluntary standards for private business enterprises as well as (ongoing) attempts to introduce responsible land governance into cross-sectorial national policies. Although most donors are involved in a maximum of two or three measures, the diversity of what they collectively do is broad. Hence, they can easily get inspired from the decisions and course of action each takes, they can learn from one another's experiences and choose additional measures to apply in their respective countries. For details on what governments have done so far, including case studies, see chapter 3.

However, what has been functioning well in one country may not be the best approach in another. The conditions vary: other processes may be currently ongoing. Key drivers may sit at other places. It is, therefore, recommended to develop a more comprehensive strategic approach based on a situation analysis of the individual country mapping the key actors and bodies and their interests as well as the key processes in which it may be useful to get

involved. In chapter 4.4, a checklist is presented that could be used for that purpose. In a second step, ways need to be identified for how to get key actors involved and how to become involved in key processes. As these things change constantly, an action plan should not be fixed, but rather offer flexible approaches, which are picked according to prevailing circumstances. What is important is that one is prepared for any windows of opportunity. For that purpose, documents and tools can be prepared and at the ready, as demonstrated by the French Technical Committee or LANDac in the Netherlands.

Review findings III: A road map to more policy coherence on land governance

The measures proposed in this chapter are based on existing good practices, recommendations by key informants, and an analysis of relevant legal instruments. This Executive Summary only provides a brief overview on the structure of this chapter. For the specific activities proposed, please refer to chapter 4.

a) Measures donors can directly initiate

- Get your own house in order: from development cooperation policies to public procurement standards
- Cooperate with those national entities that provide public support to land-based investments abroad to ensure that the standards linked to their support include responsible land governance
- Establish cooperation with the department/ministry responsible for the negotiation of bilateral trade and investment agreements
- Establish cooperation with those entities that set rules and provide guidance for the private sector to ensure their alignment with VGGT (regulations of transnational corporations)
- Push for the adjustment of the safeguards of intergovernmental organisations, in particular, international financial institutions holding them accountable for their impact
- Initiate, promote, and/or support effective remedies (grievance mechanisms and Ombudsmanship) for negative impact on legitimate tenure rights by business enterprises originating from your country
- Establishment of an agreed common objective

b) Potential contributions to ongoing processes

- Get actively involved in ongoing key processes at the national level
- Get actively involved in ongoing key processes at the international level to reach other public sectors from above as well as private enterprises
- Get actively involved in international and national discussions on extraterritorial state duties

c) Measures to create support and ownership (networking and advocacy)

- Join with willing actors from the public and private sectors and civil society, and develop a joint strategy on how to influence all relevant policy areas, and ongoing and future key processes

- Set up a multi-stakeholder platform that looks at land governance at home and abroad
- Link the topic to a high priority issue of your government and the public
- Identify a respected key player and convince him/her to promote the topic
- Identify bodies that may be interested in the topic and may put it forward
- Follow the formal procedures of your government for policy coherence

Recommendations on bilateral, aligned, or joined efforts to strengthen coherence on land governance by influencing home governments

Many measures identified in this study are to be conducted at the national level. Others are perfectly suited for collective action of the GDWGL. These are:

- Provide advice and input to the Global Reporting Initiative (GRI), which currently assesses how impacts on land tenure can be included in the current reporting structure/system (for details see 4.2.2).
- Get involved in the work of the international working group on standards for public export finance as well as in the work of the OECD Working Party on Export Credits and Credit Guarantees (see 4.1.2).
- Get involved in the discussion on the operationalisation of the new FAO-OECD Guidance for Responsible Agricultural Supply Chains to ensure (better) consistency with the VGGT (for details see 4.2.2).
- Influence the SDG indicator development to ensure that those related to land tenure are in line with the VGGT.
- Promote the inclusion of responsible land governance in relevant commodity standards that do not yet sufficiently address them. An approach could be to screen the existing labels to identify those that need to be extended to adequately include responsible land governance.
- Establish or maintain involvement in the review of the World Bank safeguards and engage with other multi-national development banks such as AfDB, ADB, and IADB to encourage and support them to adjust their safeguards to bring them in conformity with the VGGT (for details see 4.1.5).
- Make use of the ongoing process of the establishment of the Asian Infrastructure and Investment Bank (AIIB) to insist on high environmental, social, governance and human rights standards, including responsible land governance (for details see 4.1.5).
- Launch a discussion on if, how, and to which body people in partner countries could complain if they lost their tenure rights due to an investment of a business from the donor's country (for details see 4.1.6).
- Join the discussion on extraterritorial duties and push it forward (for details see 4.2.3).

EU member states among the donors may also join forces to:

- Get involved in EU foreign trade policy-making with a particular focus on the contents of bi- and multilateral investment treaties, which by now generally should include specific provisions promoting sustainable development under which responsible land governance could be added.

- Advocate for EU Land Governance Regulations in accordance with the VGGT. In preparation of this, lessons learnt should be collected from the previous failed attempt to establish an EU Land Tenure Directive.



LANDac conference 2015 (Utrecht, 8-10 July 2015)

LANDac: Netherlands Academy on Land Governance for Equitable and Sustainable Development bringing together different ministries, implementing agencies, academia, and civil society.

1. Introduction

The 2012 “Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security” (VGGT) are an unprecedented international agreement among 123 member states of the Food and Agriculture Organisation of the United Nations (FAO), which endorsed these globally negotiated minimum standards on their 38th Special Session of the Committee on World Food Security (CFS) on 11 May 2012. The VGGT set out measures to enhance land governance at all levels, to be taken by host and home governments, by private sector companies, and by civil society.

Home governments are called upon to ensure that land related investments emanating from their soil are responsible:

- *“Where transnational corporations are involved, their home States have roles to play in assisting both those corporations and host States to ensure that businesses are not involved in abuse of human rights and legitimate tenure rights. States should take additional steps to protect against abuses of human rights and legitimate tenure rights by business enterprises that are owned or controlled by the State, or that receive substantial support and service from State agencies” (VGGT, 3.2).*
- *“When States invest or promote investments abroad, they should ensure that their conduct is consistent with the protection of legitimate tenure rights, the promotion of food security and their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments” (VGGT, 12.15).*
- *“States, in accordance with their international obligations, should provide access to effective judicial remedies for negative impacts on human rights and legitimate tenure rights by business enterprises” (VGGT, 3.2).*

The present study focuses on the intersection of home states’ role as investment promotion agent and as development donor. This dual role is where coherence is currently often not clearly visible.

1.1 Purpose of the study

The objective of the study was to identify strategies, approaches, and case studies in which bilateral donor agencies of developed countries have engaged successfully with the relevant agencies and departments across their own governments to drive a coherent approach to improved land governance in their partner countries.

The assignment’s specific task, therefore, was to review:

- the existing evidence on elements of a broader government approach that are relevant to strengthen land governance in partner countries and to ensure that no advantage is taken of weak land governance;
- how these have been aligned towards an agreed common objective or standard;
- what the winning strategy has been to overcome possible opposition, disarm perceived or real conflicts of interest and deliver a joined-up approach; and
- how the effectiveness or success of the joined-up approach was identified and what it consisted of.

Finally, broader recommendations were to be derived from those cases where coherence (or efforts to strengthen it) has been positively noted.

1.2 Background of the study

Many of the GDWGL's bilateral donors' home governments are active in their developing partner countries in multiple roles: as donors, business partners and promoting agents, and as official state partners. Most donor governments have outward investment interests that may be land related. Some of the group's members rank as the world's top "land traders" in terms of being the home to the world's most interested investors in land in frontier markets. This trend is projected to continue (Seaquist et al., 2014).

The land of developing countries also manifests in multiple roles: as a productive asset of the state and of citizens of the partner country; as a socially, environmentally, and culturally valuable good of the people; as a common resource; as an investment target; as an investment tool and potential collateral for national and international investors; and as a source and target of development programmes on agriculture, infrastructure, energy production, sustainable natural resource management, etc.

In a number of donor countries, work has already strengthened coherence of policy and action on matters related to land governance across all government operations. This is often undertaken along the lines of compliance with agreed minimum standards such as the VGGT, the national action plans for the UN Business and Human Rights Principles, roles under the UN Global Compact, and other tools. However, there is also sometimes resistance, because of perceived (or real) conflicts of interest between business and investment goals and the often voluntary commitment to human rights or related other citizen rights in an extraterritorial space. While home states are generally hesitant to reach out into territory other than their own, an increasing number recognize that they actually do have extraterritorial obligations¹, which is ***to ensure that in the very least investments with their home base in the donor state do not harm to (i.e., "respect") the human and related***

¹ Extraterritorial Obligations (ETOs) refer to the obligations of States to respect, protect, and fulfil human rights outside their territorial jurisdiction. These obligations especially apply to economic, social, and cultural rights (ESCRs), as made evident in numerous cases in the light of current globalisation processes. For further information see UN Business and Human Rights Principles (2011), the legal obligations under international law upon which the Ruggie Principles are based, and related legal commentaries. For the furthest legal interpretation to date, see the 2011 Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights (ETO Consortium 2013).

land/property rights of citizens in host states. This is particularly important where the host government is unable to enforce rights protection for the benefit of its citizens.

In addition, in an era of globalisation, more and more customers care about where and under what conditions the products they buy have been produced. This is an additional incentive for home states to ensure that “their” investments comply with agreed standards and do not constitute a reputational risk for their home country.

With this study, the GDWGL aimed to better understand what the main levers are and what approaches have worked in systematically strengthening coherent action by different departments in donors’ home governments to improve land governance policy and practice in developing countries. This is why the GDWGL agreed to commission the present study, to identify good practices from the available evidence, while focusing in particular on what works (i.e. the ‘winning ingredients’) to transform land governance through a coherent cross-government approach by donor countries. The findings of this study will be used to inform further thinking within the group about bilateral, aligned or joint efforts to strengthen coherence on land governance by influencing home governments.

1.3 Methodology

A qualitative approach has been chosen for the study as the objective was to identify what has been done so far, how it has been done, how successful different approaches have been, and what lessons can be learned for the future. For that purpose, interviews have been conducted with key informants of different types:

- Individuals (mainly from public but partly also from private sector) who have been involved in creating policy coherence in regard to responsible land governance;
- Individual who have been involved in creating policy coherence in regard to similar topics;
- CSO representatives and experts in the area of responsible land governance;
- Experts / researchers doing research on home country measures that promote responsible foreign agricultural investment; and
- Politicians and policy advisors with practical experience and strategic knowhow on creating policy coherence.

The following steps have been conducted:

- Literature research (very limited as hardly any accessible literature exists on that issue)
- Request to GDWGL members to express interest to participate in the study, to provide literature, to indicate good practices and to hint to potential informants
- Initial scoping of available literature and inputs, analysis of relevant international instruments, identification of first findings, drafting of the structure of the study, preparation of raster for case studies

- Preparation of list of key informants to be interviewed and preparation of questions for semi-structured interviews with key informants
- Agreement with GDWGL study lead on final version of questions and on list of key informants to contact
- Conducting key informant interviews (by telephone and online video conference)
- Analysis of interviews
- Review and modification of the structure of the report
- Production of draft report
- Discussion of draft report with study lead (written comments)
- Production of final version of report

The list of key informants and the guiding questions for the interviews are attached as Annex 1 and 2.

2. Review findings I: The initial situation of donors' home governments

2.1 The multiple roles of home governments: perceived and real conflicts of interests

Concerning their partner countries, home governments may act as donors, business partners, promoting agents, and official state partners. A home government can therefore have different interests concerning land and other natural resources attached to land. In its role as donor, it may promote the application of the VGGT. In its role as business partner, the country may want to directly invest in the partner country or improve import or export. As promoting agent, the home government supports domestic business to do business in the partner country, which most often is land-based. As official state partner, still other topics are at the core of their actions.

Even as a donor, a home government can bear different objectives in mind, such as ensuring local or national food security in the partner country, sustainable natural resource management in selected regions (e.g., with high biodiversity or with particular risks of desertification), and improving the investment climate.

Finally, a home government is also a member of intergovernmental organisations, including United Nations and international financing institutions and as such has additional obligations and responsibilities that can affect land governance in the partner country in a positive or negative way.

At first glance, there are a number of conflicting interests, in particular between ensuring sustainable development in the partner country and promoting domestic business, e.g., supporting smallholder farmers in partner countries to ensure national food security as part of the development cooperation policy versus supporting domestic agribusiness to invest in the same country could be a contradiction. However, if a home government aims not to cause any harm – neither within its territory nor beyond – these objectives could be compatible.

The reality in many donor countries, however, is that there is hardly any inter-sectoral dialogue on these issues. Few countries have set up an inter-ministerial mechanism, forum, platform or working group, or even a multi-stakeholder platform so far to discuss the relevant issues. In many cases, there is a lack of communication and little or no coordination (exceptions are referred below, see 3.1.7). Support from high-level authorities within the donor agency may facilitate entering into cooperation (see 4.3 for further actions).

Overcoming the prevailing hesitation to set up an inter-ministerial mechanism, forum, platform or working group, or even a multi-stakeholder platform would be a crucial first step towards greater consistency and coherence. Remember that this is also what donor agencies expect from developing country partner governments.

2.2 Home governments' obligations and commitments under regional and international instruments

Apart from the VGGT, home governments have a number of long-established obligations and responsibilities under regional and international instruments that directly affect their approach to land governance in partner countries.

Some key obligations derive from the **Human Rights Code**. For instance, all States Parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights agree that “all peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence” (article 1.2 of both covenants).

Although not binding, the **Maastricht Principles on Extraterritorial Obligations** of States in the Area of Economic, Social and Cultural Rights (ETO-Consortium 2013) clarify very precisely the extraterritorial obligations of states to respect, protect and fulfil human rights outside their territorial jurisdiction on the basis of standing international law. The Maastricht Principles distinguish between two types of extraterritorial obligations of equal importance:

- a) Obligations relating to the acts and omissions of a state, within or beyond its territory, that have effects on the enjoyment of human rights outside of that state's territory; and
- b) Obligations of a global character that are set out in the Charter of the United Nations and human rights instruments to take action, separately, and jointly through international cooperation, to realize human rights universally.

Key extraterritorial obligations – in the context of this study – are:

- To desist from acts and omissions that create a real risk of nullifying or impairing the enjoyment of economic, social, and cultural rights extraterritorially;
- To conduct prior assessments, with public participation, of the risks and potential extraterritorial impacts of their laws, policies, practices on the enjoyment of economic, social and cultural rights; and
- To elaborate, interpret, and apply relevant international agreements and standards in a manner consistent with their human rights obligations. Such obligations include those pertaining to international trade, investment, finance, taxation, environmental protection, development cooperation, and security.

State responsibility extends to acts and omissions of non-state actors acting on the instructions or under the direction, or control of the state and the state as member of international organisations.

The **UN Business and Human Rights Principles** outline in detail the state duty to protect against human rights abuse (abroad) by third parties, including business enterprises. “States should set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operations” (UN Business and Human Rights Principles, principle 2). A number of home governments are currently transforming the Ruggie Principles into a National Action Plan on Business and Human

Rights. This offers a good opportunity to increase policy coherence by integrating responsible land governance into these national action plans.

EU member states currently have the opportunity to increase policy coherence when transforming Directive 2014/95/EU into national law, which has to be accomplished by 6 December 2016. Directive 2014/95/EU of the European Parliament and of the Council of 22 December 2014 amending Directive 2013/34/EU as regards disclosure of non-financial and diversity information by certain large undertakings and groups calls for large undertakings “to include in the management report a non-financial statement containing information to the extent necessary for an understanding of the undertaking’s development, performance, position and impact on its activity, relating to, as a minimum, environmental, social and employee matters, respect for human rights, anti-corruption and bribery matters, including a brief description of the undertaking’s business model; a description of the policies pursued by the undertaking in relation to those matters, including due diligence processes implemented; the outcome of those policies”. When drafting the national laws, regulations, and administrative provisions, reporting on land tenure impacts could be included.

Finally, **G7** countries recently committed to align all ODA-supported investments with the VGGT and CFS RAI. They furthermore agreed to strive to promote the conformance of private investments under the New Alliance for Food Security and Nutrition with these Guidelines and Principles (Annex to the Leaders’ Declaration G7 Summit, 7–8 June 2015). The alignment of ODA-supported investments with the VGGT and CFS RAI will be monitored from now on through the G7 Food and Nutrition Security Scorecard which was agreed under the outgoing German Presidency.

2.3 Incentives for home governments

As for private business, there is a **reputational risk** on the part of home governments if the investments that they support, or that emanate from their soil, do not comply with internationally agreed standards to which the state has committed itself. Hence, there is an incentive to maintain a good reputation. This may become particularly relevant before elections when such incidences may influence the electoral behaviour of voters.

2.4 Key drivers and initiators of successful approaches

A quick analysis of successful examples of policy coherence shows that it generally requires at least one, or better two out of three key ingredients: a respected, well-known, powerful/influential person who is promoting the issue, a disaster or crisis to which the issue can be linked, or a fortunate coincidence. Social and environmental standards in the textile industry gained relevance after the Rana Plaza accident. In Germany, the campaign is promoted by the Minister of Economic Cooperation and Development. The French MoFA tried in vain for a year to contact private investors and to draw their attention to the topic of responsible land-based investments. Only ten days after an elderly former Ambassador got involved, a workshop with representatives from the private sector was agreed upon. ***If not a crisis, a fortunate coincidence combined with quick strategic reaction can also help to get the topic on the agenda.*** A land governance expert from USAID took part in a working group

on agriculture, which was one of the original themes on which consultations were held to inform the development of the White House National Action Plan for Responsible Business Conduct, when suddenly land issues came up. USAID then talked to the US Association of Business to get their support to have an additional thematic group on land, suggested this to the National Security Council, and prompted the creation of a thematic group on land, labour and human rights. The USAID land governance expert in cooperation with a representative from the State Department led the land group and fostered the initiative to submit a proposal on land issues to be included in the National Action Plan.

The examples show that there is no one single strategy. Donors should have different strategies at hand and try them in parallel. It would definitely be useful to win somebody over to promote responsible land governance in partner countries who is well known and respected by all stakeholders. But even without influential support, progress can be made by getting actively involved in relevant ongoing processes which are led by other government entities. It may also make sense to stress the link between land grabbing or poorly assessed and implemented land-related investments and the increasing number of refugees to get other stakeholders attention. Similarly, the positive correlation between respect for and protection of people's tenure rights and them being incentivised to build their future in their own country with the help of these assets could be pointed out. In brief: Secure land rights for people in developing countries (and responsible investments in frontier markets) as the solution to economic migration by current large numbers.

2.5 Policies, approaches, and actions that need to be aligned at the national level

When it comes to aligning different policies, approaches, and actions at the national level, one has to bear two issues in mind:

- a) ***aligning different understandings of and approaches to land policy***, and
- b) ***aligning responsible land governance and other policy areas and objectives***.

Regarding the first issue, one has to be aware that different departments may have a different understanding of what land policy should achieve. One may primarily focus on an effective and efficiently functioning land market contributing to quick land developments and resulting in rapidly increasing land values, contributing to increased public revenues via land tax and other taxes ("economic efficiency or fiscal approach"). Other departments may aim to secure poor people's access to land and/or the environmentally sustainable use of land ("sustainability and human rights based approach"). These two different objectives and approaches based on different ideologies or understandings have to be reconciled. As one interview partner said, "If we want to promote coherence, we have to achieve a common approach of these two groups".

The second issue refers to policies and actions that do not directly focus on land issues but impact land tenure and/or land use. Examples include mining policies, investment policies, environmental protection policies etc.

Therefore, the following policies, activities and approaches need to be aligned at the national level:

Donor policies and approaches:

Donors are involved in a broad range of policy areas that also need to be aligned. Critical areas could be investment promotion (supporting partner countries to set up an investment friendly environment) or public finance (which may include land taxation as a source promoting conventional land registration that only considers formal rights, securing them to the detriment of other legitimate tenure rights). Aligning donor policies can imply the cooperation of different ministries as in many countries several if not all ministries have a division or unit on international relations that sometimes directly enters into development support, e.g. the French Ministry of Finance and Trade which supports countries in Northern Africa to increase domestic revenue through better (land) tax collection.

Public procurement:

Donors, but also ministries are continuously involved in procurement. Procurement standards should be looked at to check if they contribute to responsible land governance in partner countries, or at least that they do not take advantage of weak land governance. For example: All public entities need office equipment/furniture and paper for printing and copying. How are considerations being taken in terms of: Where has the wood and cellulose been produced and how has the land been acquired? How about the food that is served in the canteens or at events? Other relevant procurements are generally related to public investments. The key issue is that ***in the procurement process contributions to common societal goals, environmental and social criteria, as well as human and tenure rights issues need to be considered in addition to economic criteria*** – acknowledging that respective measures result in higher costs which should not become a competitive disadvantage. This may require the adjustment of the national law on public procurement.²

Investment – public as well as private investment (regulation of transnational corporations):

- Safeguards for public investments and those supported by the government (see 3.1.4 for examples)
- Investment and business promotion guidance, regulation or voluntary commitments (see 3.1.5 for examples)
- Guidance for investment contracts
- Bilateral investment agreements to include a standard paragraph on responsible land governance

Finance:

Governments need to hold their own public banks, public export credit agencies, international financing institutions and domestic private banks accountable for their impacts on human rights and legitimate tenure rights abroad (see 4.1.2).

International trade:

Governments – when negotiating trade agreements – need to ensure that the legitimate tenure rights of all legitimate rights holders are respected (see 4.1.3 and 4.2.2).

Mining:

² EU member states are supported by Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement promoting better use of public procurement in support of common societal goals and to consider environmental, labour and social issues in addition to economic criteria in the procurement process.

Governments generally have an explicit policy on mining – in-country and abroad – with the primary objective to ensure their supply of raw materials. Social and environmental issues are rarely taken into consideration (sufficiently). However, mining is well known not only for negative social and environmental impacts, but also for negative impacts on local people's tenure rights (see 3.1.3 for an example good practice).

Environmental protection:

Certain policies to protect the environment can have negative impacts on local people's legitimate tenure rights and need therefore be assessed, e.g., policies/approaches to mitigate climate change.

Grievance mechanisms, Ombudsmanship:

If such mechanisms are in place, their area of application may need to be broadened (see 4.1.6).

2.5.1 Policies, approaches and actions that need to be aligned at the EU level

Donors of EU member states need to bear in mind that ***certain policies need to be aligned at the EU level as EU member states no longer have any regulatory competency about them.*** Thus, as a result of the Lisbon Treaty, the EU has the exclusive authority to regulate foreign/external trade (Treaty on the Functioning of the European Union, Article 207). Hence, to ensure that bilateral trade and investment treaties promote responsible land governance, EU member states have to get involved at the EU level. Due to the EU's policy coherence requirement, EU foreign/external trade has to contribute to sustainable development in partner/developing countries (see below)³.

Driving for coherence between development cooperation policy and other policy areas at the EU level is facilitated by provisions of the Treaty on European Union and the Treaty on the Functioning of the European Union (both 2012). Article 21 of the Treaty on the European Union states that "the Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law". Among others, the article specifically refers to "foster[ing] the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty". In addition, article 208 of the Treaty on the Functioning of the European Union states among others that "the Union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries". "Through ***Policy Coherence for Development***, the EU seeks to take account of development objectives in all of its policies that are likely to affect developing countries. It aims at minimising contradictions and building synergies between different EU policies to benefit developing countries and increase the effectiveness of development cooperation" (EC 2015). The EU issues annual reports on that issue, listing in detail policy area by policy area what has been achieved.

³ For a detailed discussion (in German) see also Berger/Harten 2012.

Getting more involved in (development cooperation) policy making at the EU level could therefore be extremely beneficial for EU member states as policy coherence at this level is – at least in theory – guaranteed.

3. Review findings II: The status quo – what donors already do

3.1 Measures initiated and/or conducted

From the interviews conducted for this study, I got the impression that ***policy coherence is at different stages in different donor countries***. Some countries did not yet focus on it – for different reasons, e.g., unfavourable political situations, lack of capacity, lack of opportunity or lack of inspiration. Other countries focussed on two or three key actions. As those are complementary, countries may become inspired from what the others are doing and may add similar activities at home. ***None of the countries that I looked at or that I'm aware of has a comprehensive policy coherence strategy***. For that reason, a road map to more policy coherence is proposed in chapter 4.

3.1.1 Establishment of an agreed common objective or standard, or use of an existing one

One of the tasks in the terms of reference was to analyse how the existing elements of a broader government approach relevant to strengthen land governance in partner countries have been aligned towards an agreed common objective or standard. What I found is that ***rarely does a common objective or standard concerning responsible land governance exist at the national level as overall policy objective nor has it been introduced***. If common objectives or standards in relation to responsible land governance have been agreed upon, this has been done within a smaller group of actors who started cooperating on that issue (see 3.1.7).

In a few cases, national policy objectives have already been in place and can be used and have been used to align measures to improve land governance in partner countries respectively to stop actors from taking advantage of weak land governance in partner countries. One example is France with an official policy that reads as follows, “Private investment can be a good leverage, but only if it does not harm the development of smallholder farming”.

3.1.2 Introduction of responsible land governance into cross-sectorial national processes

Few countries got so far involved in cross-sectorial national processes to enshrine therein responsible land governance abroad (and at home) as a national policy objective.

Relevant cross-sectorial national processes could, for instance, be:

- Development of the policy paper and action plan for the next legislative period or the development of a coalition treaty
- Development of the National Action Plan on Business and Human Rights
- National implementation of commitments made on responsible business conduct during engagements with OECD, ILO, G20, G7, and other international organisations and bodies

- National implementation of the Sustainable Development Goals (including three targets on land rights)
- For EU member states only: incorporating responsible land governance when transforming the CSR due diligence reporting for large undertakings into national law

Germany: Incorporating responsible land governance in partner countries as an official state target in the coalition treaty	
Objective	To ensure that the coalition treaty of the current government refers to the implementation of the VGGT
Process/Activity	The Ministry of Economic Cooperation and Development and the Ministry of Food and Agriculture both pushed for the inclusion of the VGGT in the coalition treaty.
Result/Output	In the coalition treaty, coalition partners commit themselves to the implementation of the VGGT which are referred to in the context of food security and the right to food in the section on “responsibility in the world”.
Strengths/Impact	The implementation of the VGGT is on the political agenda. Their visibility might have been slightly increased.
Weaknesses	The VGGT are only dealt with as part of development cooperation. Land governance is not seen as a cross cutting issue. No other topic refers to it. On the contrary, the respective paragraphs in the coalition treaty on, for instance, export business assistance or (domestic) mining read rather contradictory.

USA: Incorporating responsible land governance into the White House National Action Plan for Responsible Business Conduct	
Objective	Incorporating responsible land governance into the White House National Action Plan for Responsible Business Conduct – an inter-agency effort to ensure that U.S. businesses are investing responsibly abroad
The process	<ul style="list-style-type: none"> • President Obama announced the interagency process. • Originally, land was not a theme on which consultations were held. • The topic of land rights/governance came up during consultations on agriculture. A USAID land governance expert was present and followed up on the issue • After the consultations, USAID talked to the US Association of Business to get their support to have an additional thematic group on land, suggested this to the National Security Council and the sub-committee on land, labour and human rights was created. • USAID co-chaired the land sub-committee together with the State Department (Ministry of Foreign Affairs). • USAID and the State Department with other agencies have jointly put forth several land-related draft commitments for the U.S. government to make.
Key drivers and their motivation	<ul style="list-style-type: none"> • President of the United States – Motivation to adhere to commitments made at the international level and to highlight what the U.S. government is doing, including actions with partners, to encourage an enabling environment for responsible business conduct – leading to the development of the NAP. • USAID land governance expert – Motivation to keep the topic on the development cooperation agenda. • US Association of Business – Motivation to reduce reputational risks of US business. • State Department (Ministry of Foreign Affairs)
Positive pre-conditions	A USAID land governance expert being present in NAP consultations on agriculture and quick in reacting and benefiting from a sudden opportunity.
Opposition encountered	No opposition was encountered.
Efforts (time and budget) required	So far, an average of 8 hours per month, over the last 9 months.
Impacts achieved	Increased visibility of the topic.
Main lessons	It is worth the effort to be involved in national policy processes even if in the beginning

learned and recommendations	it does not look very promising.
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In Germany, an expert on land governance, human rights and extraterritorial obligations of states from the German Institute on Human Rights is involved in the preparation of the National Action Plan on Business and Human Rights. He reports that land will be taken into consideration as an important sector. However, it is still undetermined if there will be sector specific recommendations. At the current stage, it seems probable that land will be relevant in the implementation phase of the National Action Plan and will then be dealt with in more detail. Private sector representatives are very much interested in the topic. As input for the discussion, the New Alliance Analytical Framework has been distributed.

In the first UK National Action Plan, the VGGT have been included as the key guidance for land-related investments by UK business anywhere in the world. DFID also fed into the NAP update which will be finalized by the end of 2015 emphasizing that a large number of human rights is directly affected by tenure rights and how land-related investments deal with them.

3.1.3 Cooperation with other ministries to participate actively in their sector policy development

Relevant sector policies would be those on investments in partner countries, trade (import and export), finance, mining, and environmental protection (see 2.5). Specific activities could be to cooperate with the ministry of economy and/or trade in the negotiation of new or the review of existing bilateral investment/trade treaties. Another area for cooperation with different ministries, e.g., ministry of economy or ministry of agriculture, could be a review of existing export promotion policies/approaches. A joint topic to look at with the ministry of mining and others could be on requirements for the supply of raw materials. From the information that I received, I observe the only involvement of donors in other sectors appearing in form of recommendations on their safeguards (see 3.1.4). I did not find evidence on cooperation between a donor ministry and another ministry with the goal of adjusting the existing sector policy of the latter to the VGGT.

An example that goes partly into this direction is the initiative of USAID to include land tenure security of artisanal miners into the Kimberly Process.

USA: Incorporating land tenure security for artisanal miners into the Kimberley Process, the international mechanism that prevents rough diamonds from fuelling conflict	
Objective	To secure property rights of artisanal diamond miners to create positive incentives for them to be good stewards of the land and to sell through legal channels
Process/Activity	USAID in cooperation with the State Department acts at two levels: <ul style="list-style-type: none"> In 2013 when the US had the chair, land tenure security of artisanal miners has been included in the Washington declaration. USAID supported by the State Department and the EU assists a number of African countries to comply with the Kimberley Process, including measures to ensure tenure security of artisanal diamond miners.
Result/Output	Land tenure security of a generally disadvantaged group is now considered in a sector that so far has ignored the issue.
Strengths/Impact	Land governance has been brought down to a tangible issue that can easily be digested

	by non-land experts and has thereby been introduced to a critical sector.
Weaknesses	The Kimberly Process is not binding; countries can choose the recommendations they adhere to. There are no enforcement mechanisms.

Closely related to this topic is also the good practice of the French Ministry of Foreign Affairs that produced and distributed brochures to target their embassies in partner countries to develop activities with government agencies in the respective country.

Another good practice, also from France, is the current joint development of a strategy for inclusive business by the Ministry of Foreign Affairs and the Ministry of Economies for French companies to do social and inclusive business in Africa, which is supposed to be ready by the end of 2015.

3.1.4 Introducing land governance standards for public entities and domestic enterprises owned, controlled, or (financially) supported by the State

This is an area in which several donors are already active. A distinction is generally made between regulations for business enterprises, including banks, pension funds, and development organisations owned or controlled by the state and regulations for private business enterprises (financially) supported by the state, including private public partnerships.

Concerning the ***introduction of standards for business enterprises***, including banks, pension funds, and development organisations ***owned or controlled by the state***, donors conduct the following measures:

- ***Establishing mandatory regulations on land governance for official development aid projects.***

An example is the “Guide to due diligence of agribusiness projects that affect land and property rights” produced by the French “Technical Committee on Land Tenure and Development” (“AFD-Guide”).

- ***Ensuring that safeguards of domestic development banks are in line with the VGGT.***

An example is the current gap analysis of the safeguards of KfW and DEG that provide public finance to private enterprises investing in developing and emerging market countries initiated by BMZ and conducted by the German Institute on Human Rights with the objective that these safeguards will be adjusted to reflect the VGGT (see below for details).

France: “Guide to due diligence of agribusiness projects that affect land and property rights” produced by the French Technical Committee on Land Tenure and Development	
Objective	Establishing mandatory regulations on land governance for official development aid projects
Process/Activity	So far: <ul style="list-style-type: none"> • Development and publication of the guide • Application of the guide for official development aid projects Up-coming and planned: <ul style="list-style-type: none"> • Promotion of responsible agricultural investment to French companies. First workshop in November 2015.
Result/Output	Application of the guide for official development aid projects.
Strengths/Impact	Regulations are mandatory for official development aid projects.
Weaknesses	<ul style="list-style-type: none"> • The regulations still need to be promoted to be used by other ministries such as the Ministry of Economy and Finance when providing assistance to partner countries.

	<ul style="list-style-type: none"> • Only private investors asking for public finance can be reached. Others can only be made aware of the issue and the risk. • Some investors became afraid and are no longer interested in investing in agriculture abroad. AFD therefore plans to encourage investors by showing them how they can invest responsibly.
Germany: Ensuring that the safeguards of KfW and DEG (through which public finance is provided to private enterprises investing in partner countries) comply with the VGGT based on a gap analysis, which compares IFC Performance Standards and World Bank Safeguards with the VGGT to identify gaps in the IFC PS and WB Safeguards on which KfW and DEG safeguards are based	
Objective of the measure	The objective is to ensure that the standards/safeguards of <i>Kreditanstalt für Wiederaufbau</i> (KfW) and its subsidiary <i>Deutsche Investitions- und Entwicklungsgesellschaft</i> (DEG) - that provide public finance to private enterprises investing in developing and emerging market countries as a contribution to sustainable growth and improved living conditions of the local population – comply with the VGGT. As KfW and DEG standards/safeguards are based on the IFC PS and WB Safeguards, the gap analysis is done in the form of comparison of norms of the VGGT and those of IFC PS and WB safeguards.
The process so far	<ul style="list-style-type: none"> • The German Federal Ministry on Economic Cooperation and Development (BMZ) initiated the project in summer 2014. • KfW and DEG have been involved in the design of the project (August 2014) to ensure that the results are implementable and to create ownership. • Development of the methodology. • Preparation of first draft. • Three consultations with different stakeholders (implementing agencies, development cooperation and NRO) in February and April 2015. • Preparation of second draft (October 2015). • Consultations with KfW and DEG (<i>up-coming</i>). • Publication of final draft (<i>up-coming</i>). <p>Desktop research / analysis:</p> <ul style="list-style-type: none"> • Identification of the relevant provisions of the VGGT. In a first step, the VGGT have been analysed to identify the behavioural norms for each stakeholder group. In a second step, the structural elements of the FAO Private Sector Guide have been used to structure the norms for private actors. • Comparison with IFC performance standards and World Bank safeguards. • Conclusion on which aspects are included and dealt with satisfactorily in the IFC performance standards, aspects that even go beyond the VGGT and others that are missing or should be dealt with differently to comply with the VGGT. • Conclusion on which aspects are included and dealt with satisfactorily in World Bank safeguards, aspects that even go beyond the VGGT, and other aspects that are missing or should be dealt with differently to comply with the VGGT. • Conclusions on potential modifications of safeguards for KfW and DEG which also consider the practical implementation of the IFC PS.
Key drivers and their motivation	The key driver of this initiative is BMZ, which is motivated to keep its own house in order and to implement VGGT at home.
Positive and negative pre-conditions	Positive preconditions include supportive backing from the coalition treaty and the willingness in KfW and DEG to cooperate, as they understand the risks of irresponsible land governance and are interested to learn and to do it “right”.
Opposition encountered and how it was dealt with	The initial resistance could be overcome by the early involvement of KfW and DEG.
Efforts (time and budget) required	About 50 working days were needed for the gap analysis, including consultations and feedback loops. The gap analysis is part of a bigger project that will also include a guide. The budget for the guide, the analysis, and the consultations amount to € 220,000 of which only a small part was needed for the analysis.
Impacts achieved so	<ul style="list-style-type: none"> • Awareness creation in the respective institutions.

far	<ul style="list-style-type: none"> • Substantial input for the World Bank safeguards review process. • Substantial input for the preparation of the “Analytical Framework for Land-based Investments in the African Agriculture”, a due diligence and risk management tool by the New Alliance.
Main lessons learned and recommendations	<p>The early involvement of KfW and DEG helped specifying the research questions in a way to ensure that the results will be formulated in a manner that they are ready for implementation.</p> <p>The use of the FAO Private Sector Guide was useful as a) it is better accepted due to the multilateral process of its development, and b) its structure was also applied for the Analytical Framework produced for the New Alliance, so that an increasing amount of key documents now share a homogenous structure – contributing to more coherence.</p>

Concerning the ***introduction of standards for private business enterprises (financially) supported by the state***, including private public partnerships, donors could conduct the following measures:

- ***Making it mandatory that these projects comply with the VGGT.***
An example is the French practice where business enterprises that are financially supported by the French Development Agency AFD have to apply the VGGT and aforementioned “AFD-Guide”.
- ***Using publicly supported or owned overseas investment insurances as a tool to promote responsible land governance.***
The Norwegian Export Credit Guarantee Agency (GIEK), a public enterprise, always looks how their customers (plan to) deal with land rights. They do it for their own reputation and because they do not want to pay compensation. This was not an initiative by the Norwegian government. But the government is pushing for the national implementation of international instruments such as the OECD Guidelines for Multinational Enterprises which feature stakeholder engagement in the case of land based investments to avoid negative impacts on local communities. For the implementation of these guidelines, a national action plan has been developed. The OECD Guidelines together with the National Action Plan provide a much better base for GIEK to investigate on their customers’ behaviour in regard to land tenure rights than GIEK previously used to have. This demonstrates a good example how some actors do not need to be pushed or convinced to support responsible land governance as they have an inherent motivation to do so. In this case, the motivation was to avoid business and reputation risks. These actors, however, benefit tremendously from support in the form of international guidance and standards, and their promotion by their own government at the national level.

3.1.5 Introducing regulations/standards for private business enterprises

Donors have been very active in this area. However, everything that has been produced so far is – as with the VGGT – voluntary. The following two guides are noteworthy to mention in particular:

- “Responsible Land-Based Investment – A practical guide for the private sector” developed by USAID, and
- “Analytical Framework for Land-Based Investments in African Agriculture – Due Diligence and Risk Management for Land-Based Investments in Agriculture” jointly developed by land governance experts from the French Ministry of Foreign Affairs

and International Development, USAID, BMZ, DFID and Land Policy Initiative/UNECA for the New Alliance for Food Security and Nutrition.

What is still due, is to promote these guides and to ensure that they are applied by private enterprises. For this purpose, cooperation with other national actors that are closer to private enterprises as well as directly with the private sector may be useful.

One initiative to promote the operationalisation of the VGGT and the New Alliance Due Diligence tool that just started is the Challenge Fund launched under DFID's LEGEND programme – or *Land: Enhancing Governance for Economic Development* – which aims to improve land rights protection, knowledge and information, and responsible land investment. LEGEND aims to translate robust guidance to operationalise the VGGT into real change on the ground. The Challenge Fund is a key vehicle to pilot the New Alliance Due Diligence tool and other relevant efforts to this end where land-related investments are concerned. The Fund Manager of the LEGEND Challenge Fund is KPMG. The objective of the Challenge Fund is to support the development and testing of innovative approaches and partnerships for strengthening land governance, with a specific focus on piloting approaches to responsible land-related investments. The geographic focus is on seven countries in Africa: Ethiopia, Malawi, Mozambique, Nigeria, Tanzania, Zambia, and Sierra Leone.

3.1.6 Driving for the inclusion of responsible land governance in international policy processes, safeguards, and standards

As argued above when presenting the good practice by the Norwegian Export Credit Guarantee Agency, land governance related policies and safeguards at the international level can provide the urgently needed support for willing actors. It may sometimes also be easier to achieve policy coherence at the national level, if responsible land governance features prominently in a broad range of international policies covering those areas, which are observed by key stakeholders at the national level. A representative of a private enterprise and a staff member of a ministry of economy both told me independently that for them guidelines produced by OECD are much more relevant than those, for instance, produced by FAO or CFS. Hence, it is important to ***ensure that the core provisions of the VGGT are included in those policies and standards that are primarily used by business, finance, and trade, and the respective ministries.*** The necessary measures can be conducted by individual donors, but may be more successful if conducted by several donors or even by the GDWGL as such.

Possible measures are:

- ***Promoting high standards on responsible land governance in the revision of the WB safeguards.***
Example are the joint/coordinated review of the WB safeguards by the French Ministry of Foreign Affairs and the French Ministry of Finance as well as the continuous support from the German Ministry of Economic Cooperation and Development in the form of expert input, consultations, reviews and recommendations.
- ***Cooperating with Global Compact and GRI to include responsible land governance in sustainability reporting.***

- **Promoting the inclusion of responsible land governance in relevant commodity standards** that do not yet sufficiently address them. An approach could be to screen the existing labels. Such screening could be done not only for land governance, but for a whole set of topics which a donor or a government considers relevant.
- **Incorporating responsible land governance into multilateral agreements.** An example is the commitment to implement the VGGT in the outcome document of the 2015 G7 summit.

3.1.7 Establishing multi-stakeholder partnerships and cooperation

This is another area in which several donors got involved successfully. They did it in different ways for different purposes. The following measures could be – and partly have been – initiated:

- **Establishing a national platform** with representatives from the public and private sector as well as civil society to discuss land governance issues abroad (and at home). An example is the Dutch Land Governance Multi-stakeholder Dialogue-Forum that has been established to discuss how to prevent land grabbing in developing countries (for details, see below).
- **Establishing expert groups** with representatives from the public sector, implementing agencies, academia, and civil society to improve information exchange and collective action. Examples are
 - The French “Technical Committee on Land Tenure and Development”, which is a partnership between French public (MOFA, AFD, Ministry of Agriculture) and non-public organizations (NGOs, research institutes from European and African countries) working on land governance (for details, see below).
 - LANDac, the Netherlands Academy on Land Governance for Equitable and Sustainable Development, which is a partnership between Dutch organizations working on land governance (for details, see below).
 - The German Working Group “AG Land” with representatives of the Ministry of Economic Cooperation and Development (BMZ), the Ministry of Food and Agriculture (BMEL), GIZ, DIE, and CSO. Slightly different from the previously mentioned two multi-stakeholder groups, AG Land primarily focusses on regular information exchange on ongoing and planned initiatives, activities, projects, etc. related to land governance in partner countries.

Netherlands: From Linking Policy-Making with Research to Multi-stakeholder Dialogue	
Objective of the measure	<ul style="list-style-type: none"> • At the onset (2009): Improving and strengthening linkages between academia and development practitioners in the field of land governance (LANDac) • Later (2013): Applying the VGGT at home (Land Governance Multi-stakeholder Dialogue)
The process	<p>LANDac The Netherlands Academy on Land Governance for Equitable and Sustainable Development (LANDac), is a partnership between the Ministry of Foreign Affairs and Dutch organizations working on land governance. The partners comprise the International Development Studies (IDS) group at Utrecht University (leading partner), African Studies Centre, Agriterra, the Sociology of Development and Change (SDC) group at Wageningen University, HIVOS, the Royal Tropical Institute (KIT), the Netherlands Ministry of Foreign Affairs, and Enclude Solutions.</p> <p>LANDac is one of the IS-Academies, a series of programs sponsored by the Ministry of</p>

	<p>Foreign Affairs, to improve and strengthen linkages between academia and development practitioners in the field of international cooperation. The process started with a call for bids by the MoFA. The winner insisted that the network should be an open one and include not only academia but also CSO/NGO and private sector.</p> <p>LANDac organized debates, prepared policy briefs, published books and provided small research grants for research in the South.</p> <p>Land Governance Multi-stakeholder Dialogue</p> <ul style="list-style-type: none"> • A preparatory team set up terms of reference that stipulated the establishment of case teams and the realization of high level dialogues to learn together; • So far, case teams have been established on “fit for purpose land administration”, alternative business and tenure models, FPIC and palm oil in Indonesia; • The ministries (MoFA, Ministry of Finance and Ministry of Agriculture and Economic Affairs) participate as equal partners in high level dialogues with the same role and obligations as the other stakeholders.
Key drivers and their motivation	<p>LANDac</p> <ul style="list-style-type: none"> • In 2009, the Ministry of Foreign Affairs got alerted by the increasing number of land grabs and wanted to be better informed on that issue. • Each institution involved wanted to improve their performance. <p>Land Governance Multi-stakeholder Dialogue</p> <ul style="list-style-type: none"> • In 2013 (after the endorsement of the VGGT), the Ministry of Foreign Affairs initiated a public hearing on land governance. In three sessions, NGOs and knowledge institutes, the private sector, and World Bank and others had been invited. Afterwards, NGOs sent a letter to the Ministry with ten recommendations on how to apply the VGGT. One request was to set up a multi-stakeholder platform. • All institutions/stakeholders involved were interested to learn together. • Top CEOs of banks, pension funds and development banks saw a chance to gain access to specific relevant knowledge and information.
Positive and negative pre-conditions	<p>Positive preconditions for both:</p> <ul style="list-style-type: none"> • Complementarity of members who have access to different stakeholders and can easily bring them in. <p>Constraints (Land Governance Multi-stakeholder Dialogue):</p> <ul style="list-style-type: none"> • Constituents are more than fully occupied. Time is a scarce factor.
Opposition encountered	None
Efforts (time and budget) required	<p>LANDac</p> <p>Euro 1 million from the Ministry of Foreign Affairs over a period of five years and Euro 1.2 million (in kind (working time) and cash) from the group at Utrecht University and the other partners.</p> <p>Land Governance Multi-stakeholder Dialogue</p> <p>Case teams require time that people do not readily have.</p>
Impacts achieved	<p>LANDac</p> <ul style="list-style-type: none"> • The process and the outcome helped the land governance people at MoFA to broaden their network within the ministry and across ministries, in particular towards the Ministry of Agriculture and Economic Affairs. • The fact that the network is an open one resulted in more feasibility for the topic. <p>Land Governance Multi-stakeholder Dialogue</p> <p><i>Still too early to judge.</i></p>
Main lessons learned and recommendations	<ul style="list-style-type: none"> • It is very easy to get pension fund and banks on board, but it is hardly possible to get the real investors who directly invest in land on board – just a few traders. Although they may (meanwhile) consider it as an important/relevant topic, they do not invest in types of processes such as multi-stakeholder dialogue which for them is too abstract. • Without LANDac it would have been more difficult to start the Multi-stakeholder Dialogue.

The **French Technical Committee on Land Tenure and Development** was created in 1996 and gathered a large number of partners: CIRAD, IRD, GRET, IIED, EHESS, Pôle foncier de Montpellier, University Paris I Panthéon Sorbonne, etc. The technical committee has been set up by the French MoFA (and now financed by the AFD) and aims at 1) supporting and promoting information exchange; 2) guiding policy choice and contributing to international debates; and 3) supporting land policy actors. This committee benefits from its informal character, which allows addressing critical issues that the individual institutions could not address. The Technical Committee hires researchers to do studies that are used to feed the official French position. As many stakeholders have been involved in the Technical Committee, those who are pushing responsible land governance in partner countries can tell their partners that they have already supported a certain standard within the Technical Committee. In a way, the Technical Committee goes undercover for some time and when the time is ripe for an official position, it can pull out a publication. These are used within the Ministry of Foreign Affairs as well as across ministries. The work of the committee had been assessed by IIED, GIZ, ILC, and FAO in 2010 and received excellent feedbacks for the coordination of actors and development of collaborative actions.

3.2 Enabling conditions

Favourable conditions can be found in **countries whose governments feature human rights high on the agenda**, consider corporate social responsibility a key issue for the economy or push for the national implementation of international instruments to which they have committed themselves such as Norway.

Compared to other countries, it was extremely easy in the Netherlands to find key informants in the Ministry of Economy and the private sector to talk to. During the interviews it became obvious that they were very knowledgeable on the topic and involved in many different initiatives. One reason may be that in the Netherlands – different from many other countries – **Corporate Social Responsibility is and has been considered from the beginning a trade issue**. In Germany, in contrast, the topic is hosted at the Ministry of Social Affairs and Labour and politicians do not get tired stating that it is and will remain voluntary.

Another enabling condition is the existence of **divisions on international affairs** at different if not all ministries. These can often provide an entry door to the respective ministry.

Finally, policy coherence depends a lot on people and how well they know the staff of other ministries and how familiar they are with the logic of other ministries. Countries that maintain a **civil servant exchange program** to facilitate the improvement of relationships between different ministries and to bring in expertise from one ministry to another provide far better conditions than those countries where civil servants only know their sector.

3.3 Limiting factors (real or perceived barriers) and winning strategies to overcome them

My impression is that the most crucial limiting factors are the hesitation to connect with the stakeholders/actors of “the Economy”, including the Ministry of Economy, public banks,

export credit agencies etc. and their minimal interest or motivation to get involved on the matter. The challenge is **to overcome the gap between two different understandings of development**, namely the “economic efficiency or fiscal approach” and the “sustainability and human rights based approach” (see 2.5). Policy coherence can only be achieved through a common approach of these two groups.

Looking at the Netherlands, **a strategy to bridge the gap is to set up a platform**, which first can be used for awareness raising and later for the discussion of joint measures. Aforementioned enabling conditions are also very helpful. Hence, it may be worthwhile to reflect on whether at least one of these strategies is feasible to initiate.

Last but not least, government ministers need to demonstrate a strong **political will** to build coherence (or even further to respect existing legitimate tenure rights and to demand the same from their domestic businesses) for their ministries to cooperate and build coherence. Where such a political will is weak or absent, the **voting public needs to be informed and mobilised** which could be an initiative to be taken on by the alliance of the willing (see 4.3.1).

3.4 Factors to watch for or avoid altogether

One thing that should be avoided is the production of additional independent **voluntary policies and tools**. Instead, the focus should be on existing national and international instruments. These may either be extended or adjusted or enriched when transforming them to the national level.

3.5 Monitoring success and effectiveness

To my knowledge, **donors do not monitor their progress on policy coherence**. The reason may be that they do not consider it as an objective in and of itself. They may initiate individual measures, but those are not part of a bigger strategy to create or improve policy coherence. Where there is no clear objective, no strategy and no action plan, monitoring can hardly take place.

3.6 Conclusion: Many elements to build upon and a need for more comprehensive strategic approaches

Donors have come up with a broad range of activities to create or improve policy coherence on responsible land governance in partner countries. Although most donors are involved in a maximum of two or three measures, the diversity of what they collectively do is broad. Hence, they can easily get inspired from the decisions and course of action each takes, they can learn from one another’s experiences and choose additional measures to apply in their respective countries.

However, what has been functioning well in one country may not be the best approach in another. The conditions vary: Other processes may be currently ongoing. Key drivers may sit at other places. It is, therefore, recommended to develop **a more comprehensive strategic approach** based on a situation analysis of the individual country mapping the key actors and bodies and their interests as well as the key processes in which it may be useful to get

involved. In a second step, ways need to be identified for how to get key actors involved and how to become involved in key processes. As these things change constantly, an action plan should not be fixed, but rather offer flexible approaches, which are picked according to prevailing circumstances. What is important is that one is ***prepared for windows of opportunity***. For that purpose, documents and tools can be prepared and at the ready, as demonstrated by the French Technical Committee or LANDac.

4. Review findings III: A road map to more policy coherence on land governance

The measures proposed in this chapter are based on existing good practices referred to in chapter 3 and recommendations by key informants. They are not presented in a chronological order as this may vary from one country to another. The chapter rather starts with core measures that donors can initiate either by themselves or with a limited number of partners. These are followed by measures focussing on ongoing processes to which donors may contribute to further improve policy coherence. The last set of measures are supposed to raise awareness, to create alliances, to jointly define objectives and strategies, and to create the necessary ownership of key stakeholders.

4.1 Measures donors can directly initiate

4.1.1 Get your own house in order: from development cooperation policies to public procurement standards

Policy coherence only within the donor agency already requires a broad range of actions. All aspects should be screened to identify those areas where action is needed. Potential measures are:

- ***Establishing mandatory regulations on land governance for official development aid projects***, e.g., establishing value for and making compliance compulsory with the VGGT for a partner country when signing a bilateral contract for developing assistance or finance. This may affect other ministries in addition to the ministry responsible for development cooperation as in certain countries some ministries have their own international divisions that among others provide development aid.
- ***Ensuring that the VGGT (or above mentioned mandatory regulations) are known by all technical staff and decision-makers***. For that purpose, a PR campaign should be designed which may include several of the following elements: a special meeting for decision-makers, a one-hour informational event with a well-known speaker at a convenient time for staff and decision-makers, a poster exhibition in the entrance or cafeteria, information flyers accessible everywhere, continuous messages via the intranet, a follow-up workshop for those who want to make the VGGT operational in their area.
- ***Analysis of sector policies*** within the ministry responsible for development cooperation to ensure that they are in line with the VGGT (or previously mentioned mandatory regulations).
- ***Briefing*** of those staff who are working in sectors that may affect land governance. Typical sectors are investment, public finance / revenues, climate change, etc.
- Development of recommendations for project finding missions in critical sectors and their fulfilment.

- ***Analysis and potential adjustment of procurement standards*** to ensure their coherence with the VGGT (see 2.5).
- ***Targeting embassies*** – via their development cooperation officers (if applicable) – to make them aware of the issue and to agree on joint initiatives.

4.1.2 Cooperate with those national entities that provide public support to land-based investments abroad to ensure that the standards linked to their support include responsible land governance

Such entities may be implementing agencies, public and private export credit agencies/banks, overseas investment insurance companies, private corporate consulting companies that handle public export support, etc.⁴ What they have in common is that they provide public finance to private enterprises investing in developing and emerging market countries. Potential measures are:

- **Conducting a gap analysis of the safeguards** of those entities that provide public support in close cooperation with these agencies and early involvement of their Board.
- **Development of recommendations of the safeguards** of those entities that provide public support based on the gap-analysis and joint preparation of an action plan of measures to ensure that the existing safeguards will be adjusted.
- **Pushing for the topic to be discussed at Board meetings** to ensure that it receives the necessary support from above.
- **Getting involved in the work of the international working group on standards for public export finance**, which is either identical or linked to the negotiating forum known as the International Working Group (IWG) on export credits. The IWG brings together both OECD and non-OECD countries and discussions are underway to try to reach agreement on export credit terms and conditions. The international working group on standards for public export finance has been set up to negotiate global standards for export credit financing. It is referred to in this year's G7 summit's leader declaration, which emphasizes the leaders' support for it.
- **Getting involved in the work of the OECD Working Party on Export Credits and Credit Guarantees** (the Export Credit Group, or ECG). The ECG negotiated the Arrangement on Guidelines for Officially Supported Export Credits (1978) and additional Sector Understandings, which seem to be regularly updated.⁵ This seems to be an opportunity to get involved and to advocate for responsible land governance as a standard – as both the ECG and the Participants consult with relevant stakeholders, such as non-governmental organisations (NGOs), business and banking groups, labour unions, and other international organisations, on an annual basis and in one-off special sessions when negotiating revised disciplines (The Treasurer's Wiki, 2015).

4.1.3 Establish cooperation with the department/ministry responsible for the negotiation of bilateral trade and investment agreements

Bilateral trade and investment agreements or treaties are considered to be one of the biggest barriers to responsible investments as they primarily, if not exclusively, focus on investors' protection and do not consider the rights of the people in the country where the

⁴ Examples for private credit insurances and private consulting companies handling public export credit guarantees are PricewaterhouseCoopers and Euler Hermes in Germany acting on behalf of and for the account of the state.

⁵ Although the Arrangement is not legally binding, it becomes binding for EU member states through EU legislation.

investment is being made. As such bilateral investment treaties are legally binding, they may even prevent a government from improving its social, environmental, human rights, and/or governance standards – thereby reducing the host government’s policy space and hindering the national implementation of commitments made at the international level (Diaby-Pentzlin, 2015). Bilateral investment treaties should therefore include minimum social, environmental, human rights and governance standards – responsible land governance being one them. Donors could contribute to it in the following way:

- **Identifying the contact person within the donor agency who is involved in inter-ministerial consultations** that generally precede the signing of bilateral investment treaties and ensuring that responsible land governance becomes a topic of such consultations. This may require quite some advocacy within the donor agency ahead of such consultations (see 4.1.1).
- **For EU member states:** As the negotiations of bilateral investment treaties are done by the EU, the process for getting involved proceeds the finalizing of such an agreement by the EU. Generally, ministries involved in the development of an EU policy or treaty need to seek agreement from other sector ministries within their government before giving their final support to it. Hence, inter-ministerial consultations normally take place also in this case (see 4.2.2).

4.1.4 Establish cooperation with those entities that set rules and provide guidance for the private sector to ensure their alignment with VGGT (regulations of transnational corporations)

By now, there are sufficient guides for the private sector. There is no real need to develop additional ones. However, sometimes stakeholders are more willing to get involved if they can be involved in the development of the respective regulations. As such, it may still be useful to produce a set of national guidelines in the form of a collective exercise with all key stakeholders. Such an exercise may be based on the existing guides to ensure high standards as well as coherence among the different guides. An additional advantage of such an exercise is the increased awareness and understanding of those who participated. Regardless, if such a guide will be produced or if an existing one is selected to be used, more activities have to precede and follow the pure development of a guide. Potential measures are:

- Cooperation with the **ministry/ies of economy and foreign trade** to identify existing regulations which could be used (or extended) to cover land governance, to jointly analyse the relevant policies in view of their consistency with the VGGT, and/or to develop a joint strategy on responsible land-based investments.
- Cooperation with the **ministry of agriculture** to analyse jointly policies on supporting agro-business abroad in view of their consistency with the VGGT and to reach out to domestic agro-businesses investing abroad.
- Cooperation with the **ministry of mining** to analyse jointly mining policies in view of their consistency with the VGGT and to reach out to domestic mining business investing abroad.
- Cooperation with the **ministry of construction** to reach out to domestic construction companies investing abroad.

- Cooperation with the **chambers of industry and commerce** to introduce the topic to their agenda. Some chambers of commerce currently promote CSR and organize events on that issue. This could be a starting point for cooperation.

In this context, ***responsible land governance should be equally discussed as a CSR issue, an element of due diligence, and part of extraterritorial duties. Reference should be made to the existing international instruments, in particular by OECD, as those are highly respected among private businesses.***

4.1.5 Push for the adjustment of the safeguards of intergovernmental organisations, in particular, international financial institutions (holding them accountable for their impact)

Several donors have been or still are involved in the review of the World Bank safeguards. Additional, pro-active steps should be taken to also analyse the safeguards of other multi-national development banks such as AfDB, ADB, IDB etc. Such analysis should, however, not be conducted from the outside. The process should start with open discussions with high-ranking decision-makers of these banks with the objective to come to a joint agreement on a procedure that ideally leads to an adjustment of safeguards where necessary. There may also be mileage in donors on the boards of these institutions taking a more joined-up approach; both in home capitals and in these boards.

The ongoing process of the establishment of the Asian Infrastructure and Investment Bank (AIIB) should be used to insist on high environmental, social, governance and human rights standards, including responsible land governance. Governments should condition their accession to certain minimum standards.

4.1.6 Initiate, promote, and/or support effective remedies (grievance mechanisms and ombudsmanship) for negative impact on legitimate tenure rights by business enterprises originating from your country

Donors could launch a discussion on if, how, and to which body people in partner countries could complain if they lost their tenure rights due to an investment of a business originating from the donor's country. In some countries, there may be ongoing discussions on general grievance mechanisms and ombudsmanships to deal with negative impacts caused by domestic business abroad. If such discussions have started already, e.g., in the context of OECD grievance mechanisms, they should be joint.

4.1.7 Establishment of an agreed common objective

Logically, it should be the first thing to do: to negotiate and establish a common objective or standard concerning responsible land governance at the national level. However, this requires a lot of awareness and support of all key stakeholders. In practice, it may therefore be an objective in itself, which may only be reached after some other activities have already been accomplished, in particular those listed under 4.3 (networking and advocacy).

It may be also worthwhile to screen if there is any common national policy objective already in place under which responsible land governance in partner countries could be subsumed.

Ideally, the establishment of an agreed common objective would – in the long run – lead to the development of a legally binding act on that issue.

4.2 Potential contributions to ongoing processes

In addition to measures directly initiated, donors do well to join ongoing processes, not only because initiating own cross-sectorial activities can be very cumbersome, but also because it is crucial to ensure that relevant regulations that are currently prepared include land governance.

4.2.1 Get actively involved in ongoing key processes at the national level

I am evidently not aware of all relevant ongoing processes in all donor countries, but there seem to be a number of processes that currently go on in several of them. There may be many more and this is why each donor should do a quick analysis of relevant ongoing processes. Examples are:

- Preparation of a government program or a *coalition treaty*
- Development of a *national action plan* to implement the UN principles on business and human rights
- *National implementation of commitments made on responsible business conduct* during engagements with OECD, ILO, G20, G7 and other international organisations and bodies
- *National implementation of the Sustainable Development Goals* (including three targets on land rights)
- *Screening of commodity standards* to identify gaps between them and standards the country has committed to. The results can be used to provide transparency to the public on the quality of different standards as well as to push for the adjustment of those commodity standards that do not correspond with internationally agreed standards
- For EU member states: Incorporating responsible land governance when transforming the *CSR due diligence reporting* for large undertakings into national law; this initiative needs to be done in cooperation with the ministry of justice

4.2.2 Get actively involved in ongoing key processes at the international level to reach other public sectors from above as well as private enterprises

Ministries of economy, trade, and finance as well as the private sector may have never heard of CFS and only vaguely of FAO. They prefer to comply with OECD, UN Global Compact, WTO, ILO etc. It is therefore crucial to anchor the topic there. This may be an area, in which GDWGL may act jointly.

- The Food and Agriculture Business Principles under the UN Global Compact promote “respecting land and natural resources rights” (as part of principle 5). Accordingly,

the **Global Reporting Initiative**, which develops the indicators that companies generally use to report on their UN Global Compact commitments, is currently assessing how the topic can be included in the current reporting structure/system. This could be a good opportunity for GDWGL to provide advice or input.

- Soon the **FAO-OECD Guidance for Responsible Agricultural Supply Chains** will be published. I heard from a private sector representative that they consider this guide much more useful than the FAO private sector guide as they have been much more involved in the FAO-OECD guide than in the FAO guide. They consider the FAO guide to be of no use as according to them: “there was no structural dialogue behind it, instead private sector people have been randomly chosen and other stakeholders put in all they did not manage to put in during the proper negotiation process.” Accordingly, there is little to no buy-in from the private sector; whereas there is a lot of buy-in from the private sector in the FAO-OECD guide. The problem is that the FAO-OECD guide – at least the last available draft – **is far behind the VGGT**. There may therefore be some need to get involved in the discussion when it comes to the operationalisation of this guide.
- Getting involved in the work of the **international working group on standards for public export finance** as well as in the work of the **OECD Working Party on Export Credits and Credit Guarantees** (see 4.1.2).

Other useful measures could be:

- Influencing the **SDG indicator development** to ensure that those related to land tenure are in line with the VGGT.
- For **EU** member states: Getting involved in **foreign trade policy-making** with a particular focus on the contents of bi- and multilateral investment treaties, which by now generally include specific provisions promoting sustainable development under which responsible land governance could be added.
- For **EU** member states: Advocate for **EU Land Governance Regulations** based on the VGGT.

4.2.3 Get actively involved in international and national discussions on extraterritorial state duties

Repeatedly, the issue of extraterritorial state duties is discussed in different countries. It may be useful to join that discussion and to push it forward. In some donor countries, this discussion should be extended also to include the issue of economic criminal law, which does not exist in a number of countries. Where economic criminal law does not exist, there is hardly any base to prosecute a company for any negative impact it has created that is not violating any legally binding regulations.

4.3 Measures to create support and ownership (networking and advocacy)

This set of measures will help raising awareness, creating alliances, jointly defining objectives and strategies, and creating the necessary ownership of key stakeholders. Again, not all measures may be relevant for a given donor, but they may be worthwhile to think about to derive an individual approach on networking and advocacy.

4.3.1 Join with willing actors from the public and private sectors and civil society, and develop a joint strategy on how to influence all relevant policy areas, and ongoing and future key processes

In most if not all countries, there is a huge number of actors from all different stakeholder groups who are interested in the topic and committed to improve policy coherence on that issue. Many of them may not be in a position to make the relevant changes, but may have useful ideas on what needs to be done and how it can be done. This potential could be used much more systematically by inviting these actors to a strategy-development workshop and the joint development of an action plan.

4.3.2 Set up a multi-stakeholder platform that looks at land governance at home and abroad

The VGGT recommend that multi-stakeholder platforms be set up. This does not apply only for partner countries; donor countries would benefit from it, as well. Such platforms could deal with two separate issues: First, they could be used to ensure that home governments and private business originating thereof strengthen land governance in partner countries and do not take advantage of weak land governance. Second, they could be used to address weak land governance issues in the donor country – an issue which is much too often neglected, giving the impression that land governance is without shortcomings in developed countries, which is not necessarily the case.

4.3.3 Link the topic to a high priority issue of your government and the public

It seems to be so simple and evident and it probably is done in most countries: to link responsible land governance to a high priority issue of the government and the public. Still, I have the impression that it could be done more obviously; using very simple causalities. The issue of land grabbing could easily be connected with the current number one media topic: “refugees”.

4.3.4 Identify a respected key player and convince him/her to promote the topic

The analysis of good practices shows that in addition to a crisis, accident, or other emergency issue a key player respected in wide sections of the population and among key stakeholders is often key to success. Once a network has been established of those who are willing to push for national consensus on responsible land governance in partner countries, it may become easier to identify such a key player and to get in touch with him/her through one of the network members.

4.3.5 Identify bodies that may be interested in the topic and may put it forward

When looking closer at the institutional landscape, one realizes that in most countries, a surprising number of bodies exists that are or could easily become interested in land governance. Potential measures could be:

- Conducting a **screening of existing bodies** within the government to identify potential bodies with which to cooperate.
- Identifying relevant **international departments of other ministries** as entry points to those ministries, as well as to ensure that their development cooperation activities are in line with the VGGT. Potential ministries are the ones of agriculture, finance, economy, minerals, environment, and, eventually, justice. This depends on how ministries in a home country are set up and which responsibilities they have.
- Introducing the topic in an existing suitable **inter-ministerial committee**, e.g., in Germany there is an inter-ministerial working group on CSR (“CSR Ressortkreis”) which could be requested to deal with the issue.
- Identify **parliamentarians** who might be interested in the issue and willing to push for it.
- Identify a **parliamentary technical committee** that could be responsible for the topic AND has influence. For instance, in Germany there is a parliamentary technical committee (“Fachausschuss”) on human rights, which already has dealt with topics such as human rights and trade policy and therefore, would probably be interested in the issue. However, many politicians consider its members starry-eyed idealists and do not take them serious. It would therefore be more promising to win the technical committee on economy or the one on agriculture, both of which enjoys higher recognition. I would not recommend the technical committee on economic cooperation and development as this would probably not help to move the discussion on the topic beyond development cooperation.

4.3.6 Follow the formal procedures of your government for policy coherence

Finally, yet importantly, probably every country has clear administrative instructions on how to achieve inter-ministerial agreement and establish policy coherence on a certain issue. These formal procedures may be long, cumbersome, and sometimes risky. However, they are the ones that are accepted by all public entities. I, therefore, highly recommend not neglecting this official pathway. One should not rely on it solely, but it may cause a negative impact if it is neglected.

4.4 Checklists for country analysis

The following checklists support the analysis of the initial situation in a given country and the development of an action plan to improve policy coherence regarding responsible land governance in partner countries. The checklists are presented in the form of a grid. In each line, one box has been filled in. The others need to be completed according to the situation in the country. One grid is designed for analysis and action planning at the national level, the other one for analysis and action planning at the international level. The example on p. 39 has been prepared to model the use of the grid. For a complete analysis, however, all lines should be filled in.

a) Checklist for national level action planning

Type of actor / institution	Name of actor / institution	Ongoing process(es)	Existing policy coherence or ongoing measures to establish it	Required action(s)
				Common objective
				Standards
				Promoting standards/guidance
				Awareness raising
				Multi-stakeholder platform
	Donor: Minister			
	Donor: Other departments			
	Donor	Public procurement		
		Relevant inter-ministerial discussions + consultations (to be specified)		
Implementing Agencies				
National entities that provide public support to land-based investments ⁶				
Ministries whose policies affect land tenure (governance) in partner countries				
Entities that set rules and provide guidance for private sector				
		Establishment of grievance mechanisms		
		National government program or coalition treaty		
		National implementation of the UN principles on business and human rights		
		National implementation of SDG		
		National implementation of other commitments made at international level, incl. OECD, ILO, G20, G7, etc. (to be treated one by one)		

⁶ These can include implementing agencies, public and private export credit agencies / banks, overseas investment insurance companies, private corporate consulting companies that handle public export support, etc.

		For EU members only: National implementation of the EU Directive on disclosure of non-financial and diversity information		
		Other processes (to be specified)		
Willing institutions ⁷				
Respected key player(s)				
		Key event (crises, etc.)		

b) Checklist for international level action planning

Type of actor/institution	Name of actor / institution	Ongoing process(es)	Existing policy coherence or ongoing measures to establish it	Required action(s)
	International Working Group on standards for public export finance			
	OECD Working Party on Export Credits and Credit Guarantees			
	EU: responsible entity for International Investment Treaties			
	EU: responsible entity for development policy			
				Advocacy for EU land governance regulations
International Development Banks	WB, AfDB, ADB, IADB, AIIB			
		Development of indicator by Global Reporting Initiative		
		Development of SDG indicators on land issues		
		Establishment of grievance mechanisms		
		Finalization and Implementation of FAO-OECD Guidance for Responsible Agricultural Supply Chains		
		Discussion on extraterritorial		

⁷ Think of public and private entities as well as CSO and academics. Within the public sector, CSR and human rights officers, inter-ministerial working groups, as well as parliamentary committees on economy, trade and foreign policy can among others be relevant. Willing private actors can be easily found among banks and insurance companies.

		obligations		
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Example:
Selected lines filled in for Germany

Type of actor	Name	Ongoing processes	Existing policy coherence or ongoing measure	Required action(s)
National entities that provide public support to land-based investments	- KfW - DEG - PWC - Euler Hermes ...	-- -- -- -- ...	Gap analysis Gap analysis -- -- ...	- Follow-up to ensure adjustment of standards - Establishing contact - Establishing contact ...
Responsible ministry	Foreign Ministry	National implementation of the UN principles on business and human rights At present: 12 expert consultations in 2015	Land governance expert involved in the consultations; land governance receives attention	Establish direct contact with responsible person at Foreign Ministry and stress the importance of the topic; Get more land experts involved; Ensure that those people involved in the drafting of the national action plan are well aware of the topic
Responsible ministry	Ministry of Justice	National implementation of the EU Directive on disclosure of non-financial and diversity information At present: Drafting of the corresponding national law	---	Establish contact with the responsible person(s) at the Ministry of Justice and promote the inclusion of land governance or land tenure impacts as one compulsory topic to report on.

5. Recommendations on bilateral, aligned, or joined efforts to strengthen coherence on land governance by influencing home governments

The measures that have been proposed to improve policy coherence on responsible land governance within a donor country can be divided into those that are done within that country and others, which take place at the supra-national level. These measures are of equal importance as it may in some cases only be possible to convince other sectors if they receive respective guidance from above. These measures are perfectly suited for collective action of the GDWGL. They are:

- ***Provide advice and input to the Global Reporting Initiative (GRI), which currently assesses how impacts on land tenure can be included in the current reporting structure/system*** (for details see 4.2.2).
- ***Get involved in the work of the international working group on standards for public export finance as well as in the work of the OECD Working Party on Export Credits and Credit Guarantees*** (see 4.1.2).
- ***Get involved in the discussion on the operationalisation of the new FAO-OECD Guidance for Responsible Agricultural Supply Chains to ensure (better) consistency with the VGGT*** (for details see 4.2.2).
- ***Influence the SDG indicator development to ensure that those related to land tenure are in line with the VGGT.***
- ***Promote the inclusion of responsible land governance in relevant commodity standards that do not yet sufficiently address them. An approach could be to screen the existing labels to identify those that need to be extended to adequately include responsible land governance.***
- ***Establish or maintain involvement in the review of the World Bank safeguards and engage with other multi-national development banks such as AfDB, ADB, and IADB to encourage and support them to adjust their safeguards to bring them in conformity with the VGGT*** (for details see 4.1.5).
- ***Make use of the ongoing process of the establishment of the Asian Infrastructure and Investment Bank (AIIB) to insist on high environmental, social, governance and human rights standards, including responsible land governance*** (for details see 4.1.5).
- ***Launch a discussion on if, how, and to which body people in partner countries could complain if they lost their tenure rights due to an investment of a business from the donor's country*** (for details see 4.1.6).
- ***Join the discussion on extraterritorial duties and push it forward*** (for details see 4.2.3).

EU member states among the donors may also join forces to:

- ***Get involved in EU foreign trade policy-making with a particular focus on the contents of bi- and multilateral investment treaties, which by now generally should include specific provisions promoting sustainable development under which responsible land governance could be added.***
- ***Advocate for EU Land Governance Regulations in accordance with the VGGT. In preparation of this, lessons learnt should be collected from the previous failed attempt to establish an EU Land Tenure Directive.***

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A1 List of key informants

Name	Institution
Boche, Mathieu	MoFA, France
Borkenhagen, Anna	Scientific Assistant of a Parliamentarian of the German Bundestag , Germany
Brugman, Olaf	Rabobank, Netherlands
Brynestad, Sigrid	Norwegian Export Credit Guarantee Agency (GIEK), Norway
Cosgrove, Heath	USAID, USA
Diaby-Penzlin, Friederike	Professor on Corporate Law and Economic International Law, University of Applied Science Weimar, Faculty of Economics, Germany
Fiedler, Yannick	FAO consultant / Université de Paris
Gerhardus, Birgit	Ministry of Economic Cooperation and Development, Germany
Jung, Fritz	Ministry of Economic Cooperation and Development, Germany
Karlsson, Jesper	Trade and Markets Division, FAO
Krebber, Iris	DFID, Great Britain
Kruckow, Caroline	Land Conflict Expert, FriEnt – Working Group on Peace and Development, Bread for the World, Germany
Manukjan, Elisa	German Federal Ministry of Food and Agriculture, Germany
Müller, Alexander	Policy Advisor, previously ADG at FAO, former German State Secretary, Germany
Müller, Ulrich	Senior Policy Advisor, GIZ, Germany
Neyman, Yuliya	USAID, USA
Papazian, Vatché	AFD, France
Payne, Geoffrey	Senior International Land Tenure Expert, Consultant, Great Britain
Plancon, Caroline	World Bank, formerly French MoFA, France
Sorg, Friederike	GIZ (involved in the screening of existing labels), Germany
Wal, Frits van der	Ministry of Foreign Affairs, Netherlands
Windfuhr, Michael	Deutsches Institut für Menschenrechte, Germany
Visser, Elisabeth	Ministry of Economic Affairs, Netherlands
Yee, Kim Kim	USAID, USA
Zimmermann, Willi	Senior International Land Governance Expert, Consultant, Germany

A significant number of experts from additional countries have been contacted but they replied that they could not contribute to the issue.

A2 Guiding questions for the interviews

a) Questions for key informants with a focus on one specific country/government

What to do:

- What are the relevant policies, activities and approaches that need to be aligned across your government to be more coherent on land governance, specifically to safeguard respect for and protection of land rights in developing countries? Do all of them need to be part of a coherent approach? If not, which ones are essential?
- Has an agreed common objective or standard concerning responsible land governance (in partner countries) already been established? If so, how?
- Which policies, activities, and approaches have already been aligned?
- Which ones have to follow urgently and why?
- What are specific measures that should be taken or are already in the pipeline?
- Potential additional question: Does your government already provide guidance regarding responsible land governance for investment contracts or bilateral investment agreements?

Who to do it:

- Who drove the successful processes, and through what type of alliances?
- Did anyone (a person, a department, a sector etc.) oppose the process? Why? How was this opposition overcome?
- Who are the other key main actors in your government (and externally) who need to be involved? Why have they not yet been involved?
- What needs to happen for these actors (those who oppose(d) the process and those who have not yet been involved) to play a positive role in strengthening coherence on responsible land governance across the entire government?
- Potential additional question: What has been so far, and currently is, the role of the ministries responsible for economy, trade, and agriculture in the process of establishing coherence on land governance? How do these ministries cooperate with the ministries of foreign affairs and/or development cooperation?

How to do it:

- How are the main actors in government (and externally) driving more coherent approaches? (Think about thematic measures as well as partnerships.)
- Have success and effectiveness be measured? If so, by which institution(s)? And how?
- What conditions need to be in place to facilitate change successfully?
- What needs to be watched for or avoided?

Evaluation:

- What are the strengths of the attempts of your institution to strengthen coherence on land governance within your government?
- What are the weaknesses of the attempts of your institution to strengthen coherence on land governance within your government?
- What major problems occurred? Which existing barriers still need to be overcome?

- What are your personal key lessons learnt and recommendations on this issue?

Final question:

- Do you have any document(s) that could serve as guidance for others that you would like to be attached to the study?

b) Questions for key informants with focus on theoretical aspects, international good practices, and lessons learnt

- What are the relevant policies, activities, and approaches that need to be aligned across a government for this government to be more coherent on land governance – specifically to safeguard respect for and protection of land rights in developing countries? Do all of them need to be part of a coherent approach? If not, which ones are essential?
- Who are the main actors in governments (and externally) to drive more coherent approaches?
- Who are the main actors in governments (and externally) who oppose more coherent approaches? Why do you think they oppose coherence on land governance? What could be done to change their minds/positions?
- Are you aware of any examples for coherent and effective approaches on land governance across one government? Could you provide some information on this case?
 - What was the objective?
 - Who drove the (successful) processes, and through what type of alliances? Did someone oppose the initiative? How has this opposition been overcome?
 - Do you know any further details of the process or could you recommend a person to talk to?
 - Are you aware of any country that provides guidance regarding responsible land governance for investment contracts or bilateral investment agreements? If so, please provide some insights.
 - Could you provide an example where the ministries responsible for economy, trade, and/or agriculture are pro-actively involved in the process of establishing coherence on land governance?
- Are you familiar with similar approaches in other sectors? What can be learnt from them?
- What conditions need to be in place to facilitate change successfully?
- Are you aware of any example in which success and effectiveness were measured? And if so, by which institution(s)? And how?
- What would you consider to be the main strengths of ongoing activities of different governments to achieve more coherence on land governance?
- What would you consider to be the main weaknesses of ongoing activities of different governments to achieve more coherence on land governance?
- What are your personal key lessons learnt and recommendations on this issue?

