**LITTLE PROGRESS IN PRACTICE: Governments and investors are neglecting good practice principles in land – jeopardising the planet’s sustainability in the process (By Ward ANSEEUW – CIRAD & ILC)**

While acknowledging the progress made in terms of investment guidelines and land policy reforms at national and global levels over the last 10 years, the Land Matrix[[1]](#footnote-1) Initiative reveals staggeringly low compliance with these in Africa – an indication of the lack of change in investment and land governance practice.

The Land Matrix Initiative, an independent land monitoring initiative that promotes transparency and accountability in decisions over large-scale land acquisitions (LSLA), assessed the compliance of these acquisitions and investments with the Voluntary Guidelines on the Responsible Governance of Tenure (VGGTs[[2]](#footnote-2)) in Africa. The findings of this assessment reveal staggeringly low VGGT compliance – an indication of the lack of change in land governance practice by investors – foreign as well as domestic - across the continent.

*\* Low VGGT compliance of LSLAs in Africa highlights lack of change in land investment practice*

Across the continent, 78% of all LSLA deals assessed show unsatisfactory levels of VGGT uptake and implementation, and 20% do not comply with any of the VGGT principles at all. Likewise, when LSLA deals are aggregated at country level, the large majority (87%) of countries assessed present unsatisfactory results regarding VGGT implementation.

\* *Non consultative processes and non-respect of legitimate (formal and informal) tenure rights remain highly problematic*

Taking a deeper dive into the thematic areas represented by the chapters of the VGGTs, results show, at a continental level, that overall land deals in Africa are the least performing with regards to i) consultative processes, ii) respect of national law and legislation, including investment and land legislation, and iii) respect of legitimate tenure rights, including informal tenure (chapter 10) of local communities and indigenous peoples.

Against this backdrop, measures to respect human rights and provision of impartial and competent judicial and administrative bodies, including affordable and effective means of resolving disputes over tenure rights, remain limited. This is also the case for aspects related to safeguards, unlawful expropriation and application of agreed-upon compensation measures.

\* *LSLA remain highly non-transparency and opaque*

A transversal challenge to the above is access to information on land overall, on land deals in particular. Although the results of the evaluation show relatively positive results with regards the improvement of publically available information and data regarding land transactions (in certain countries (Liberia and Sierra Leone, for example), sectors (forestry) or through particular initiatives (OpenLandContracts, Land Matrix), LSLA remain characterised by a continuous lack of information.

There is still a long way to go by governments and more particularly by investors to make contracts public and transparent. Based on the data used for the monitoring presented in this report, only few deals and countries have extensive information for the aspects covered by the VGGT principles with regards land investment: Only one country (Liberia) has data for 30% of the variables covered in this VGGT monitoring exercise; most countries cover between 5 and 20%. This gives a concrete picture of the lack of data and dire state of transparency with regards to information surrounding LSLA – one of the primordial guidelines of responsible investments in general and the VGGTs in particular (chapter 12 of the VGGTs). This also exposes the factualness of the results we are presenting, and of LSLA overall, which will remain incomplete as long as transparency does not improve.

*\* Possible empty pledges and lack of enforcement…more is needed*

These results are all the more alarming since governments and private funders of the countries from which numerous of these investors originate just pledged USD 1.7 billion at the COP26 in Glasgow, in support of indigenous peoples’ and local communities’ role in preventing deforestation that fuels climate change. These global pledges and policy changes are meaningless if they are not accompanied by compliance mechanisms and do not lead to effective (sustainable and inclusive) transformation on the ground.

The European Commission’s adoption of the long-awaited proposal for a directive on Sustainable Corporate Due Diligence (SCDD), aimed at addressing human rights and environmental abuses in global value chains, is promising. But here again, while the text represents a historic opportunity to enhance protection of affected communities and the planet; as the draft stands, it might fall short of expectations. The compliance-based mechanism, relying on company codes of conducts and contract clauses between companies and suppliers, risks weakening the directive when applied in total darkness. Fast-tracking land reform and imposing more stringent and binding corporate and investor country accountability, both supported by increased transparency and monitoring, are thus indispensable.

*\* Towards more inclusive and sustainable investments in land*

Hence, despite the progress made regarding the development of global and regional land policy frameworks and guidelines, and to their uptake into policies at national level, land governance practices on the ground have yet to change. This goes beyond questioning and pinpointing the shortcomings of the frameworks and tools deployed to accompany these changes, such as the VGGTs mobilised in this report. It is about how to mobilise these relevant global frameworks, guidelines, and references in view of achieving effective change overall, and more responsible land investment and increased accountability in particular. Three indispensable follow-up actions and reforms seem to be needed if effective change in investment practice in land is to be achieved:

* Fast track land reform: Overall, besides some progress as highlighted in the report, the results show that there is still an urgent need for a large number of countries to engage in land governance reforms, and more particularly their effective implementation, aimed at sustainable, equitable, and inclusive land investments. This calls for all countries, and in particular those that ratified the VGGTs as well as other global frameworks, such as the Principles for Responsible Investment in Agriculture and Food Systems (RAIs), to effectively fast-track their implementation as a necessary and prerequisite step.
* Corporate and investor country accountability: This needs to be accompanied by corporate accountability measures throughout global value-chains in all investor countries to hold investors (and their suppliers) to account with regard to investments abroad. Legislation will need to be combined with voluntary sustainability standards, and go beyond compliance-based approaches, such as company codes of conduct and contract clauses, which could allow parent companies and investors to avoid responsibilities.
* Increased transparency and monitoring: All countries should continuously monitor land ownership and control, land transactions, and land use change. In particular, all actors engaged in LSLAs must increase transparency around agricultural investment projects. When public institutions and public capital is involved, it should be made compulsory. This applies to investor and recipient countries as part of their commitment to the implementation of the VGGTs and RAIs. This can also be done by providing a mandate to and support for independent transparency and monitoring initiatives, such as the Land Matrix, to ensure the information can be used by relevant stakeholders and in more inclusive decision-making processes, such as multistakeholder platforms, to hold investors and governments to account.
1. The Land Matrix ([www.landmatrix.com](http://www.landmatrix.com)) monitors large-scale land deals involving conversions of land over 200 hectares from either local community use or important ecosystem service provision to large-scale commercial production in the food, biofuel, mining, tourism, timber and carbon-trading sectors. To do so, the Land Matrix uses official data as well as non-official data such as company reports, contracts, analytical and research reports, press articles, etc. For this VGGT implementation assessment, 16 Land Matrix variables align with 18 VGGT articles focusing on LSLA. [↑](#footnote-ref-1)
2. The VGGTs were produced by the Food and Agriculture Organisation (FAO) and endorsed by the Committee on World Food Security in 2012. The purpose of the guidelines is “to serve as a reference and to provide guidance to improve the governance of tenure of land, fisheries and forests with the overarching goal of achieving food security for all and to support the progressive realisation of the right to adequate food in the context of national food security.” See: <https://www.fao.org/policy-support/tools-and-publications/resources-details/en/c/416990/>. [↑](#footnote-ref-2)