

## **Land Contracts: Tools and Strategies for Greater Transparency and More Responsible Investments**

### **Overview**

Land-based investments are governed by multiple legal frameworks. While a host state's domestic law should form the primary source of rules governing inward investment, contracts often play a pivotal role in defining parties' responsibilities, and in allocating risks and benefits, thereby affecting a range of socio-economic and environmental issues. Particularly where the domestic law of the host state is nascent or weak, contracts can serve to fill gaps in existing laws affecting land-based investments.

Despite their significance, investment contracts for commercial agriculture projects are often negotiated without the involvement of key stakeholders, approved through opaque decision-making procedures, and rarely made publicly available. These characteristics can lead to agricultural investments that fall short of recommendations regarding responsible investment and land governance, and that fail to contribute to the sustainable development objectives of host countries.

This MasterClass, co-organized by the Columbia Center on Sustainable Investment ([CCSI](#)) and the International Institute for Sustainable Development ([IISD](#)), **will present a range of tools, strategies, and lessons learned regarding land contracts and their implications for responsible land-based investments.** The Class will include:

- An in-depth discussion of the strategies and recommendations contained in [The IISD Guide to Negotiating Investment Contracts for Farmland and Water](#) and IISD, the World Bank and UNCTAD's [Investment Contracts for Agriculture: Maximizing Gains, Minimizing Risks](#);
- An interactive presentation of [OpenLandContracts.org](#), the world's first online repository of investment contracts for commercial agriculture and forestry contracts;
- A showcase of best practices and lessons learned from countries promoting responsible investment through a range of legal and policy reforms;
- Guided contract analysis exercise; and
- A Question & Answer session regarding the tools, best practices, and strategies presented during the session.

The MasterClass **aims to provide participants with tools and knowledge to support:** improved understanding and analysis of land contracts; better understanding of the implications of land-based investment projects; and more informed decision-making regarding the negotiation of land contracts. Participants will be introduced to key tools and strategies that are relevant for implementing recommendations made in guidelines

concerning responsible investment and good governance of land and natural resources, including the *Voluntary Guidelines on the Responsible Governance of Tenure* and the *Principles for Responsible Investment Agriculture and Food Systems*. The MasterClass will be **relevant for a range of stakeholders** working on land-based investments and land governance, but will be particularly well-suited for policy-makers in host countries targeted for land-based investments.

## Structure

The MasterClass will be structured around three main parts:

- Part 1: Introduction to Key Tools and Strategies

Following brief welcoming remarks, an overview of the tools and strategies to be discussed will be provided. The overview will include a presentation of the key elements of the *IISD Guide to Negotiating Investment Contracts for Farmland and Water* and key messages from the report on *Investment Contracts for Agriculture: Maximizing Gains, Minimizing Risks*, in addition to an interactive presentation of [OpenLandContracts.org](http://OpenLandContracts.org).

- Part 2: Practical Session on Contract Analysis

This part of the MasterClass includes a contract analysis exercise to allow participants to apply the key features of [OpenLandContracts.org](http://OpenLandContracts.org).

- Part 3: Wrap Up/ Q&A (20 minutes)

The final portion of the Masterclass will be dedicated to a question and answer session. A brief re-cap of key points will also be provided.

Questions regarding the MasterClass can be emailed to Jesse Coleman ([jcoleman@law.columbia.edu](mailto:jcoleman@law.columbia.edu)) and Mohamed Coulibaly ([mohamed.coulibaly@iisd.org](mailto:mohamed.coulibaly@iisd.org)).