

Learning from Civil Society - Business Innovation Pilots for Governance
of Agricultural Investments in Sub-Saharan Africa

Julian Quan

**Natural Resources Institute, University of Greenwich
and
DFID LEGEND PROGRAM
(Land: Enhancing Governance for Economic Development)**

j.f.quan@gre.ac.uk

Preliminary Working paper

presented at

**Land and Poverty Conference 2018: Land Governance in an
Interconnected World**

March 21, 2018 Washington, DC

Learning from Civil Society - Business Innovation Pilots for Governance of Agricultural Investments in Sub-Saharan Africa

Contents

Abstract.....	3
1. Introduction	3
2. The Legend Challenge Fund pilot projects.....	4
Learning objectives and target stakeholders.....	6
Learning themes.....	6
3. Emerging Lessons.....	7
i) Approaches to community engagement and consultation	8
ii) Practical innovations to protect land rights.....	10
iii) Change, adaptation and innovation in business models, and partnership arrangements with rural communities	12
Opportunities for taking innovation and learning to scale.....	14
5. Conclusions	15

Disclaimer

This is a preliminary working paper, based on work undertaken with the DFID Legend Programme, specifically the work supported by Legend’s Challenge Fund. The views expressed here are those of the authors and should not be taken to reflect those of DFID, the Legend programme, its grantees or their business partners. Any errors are the responsibility of the author.

Please do not quote or cite this paper without explicit permission from the author. Any comments and suggestions are welcome, and further iteration is intended as more results and lessons from the projects discussed become available.

[Land: Enhancing Governance for Economic Development \(LEGEND\)](#) is a DFID programme that aims to improve land rights protection, knowledge and information, and the quality of private sector investment in DFID priority countries.

Abstract

Given the role of private sector investment in agricultural transformation and concerns surrounding negative impacts of large-scale investments on customary land rights, some donor and civil society - private sector partnership initiatives seek to test how practical engagement by corporate business can leverage broader concerted action by governments to improve land rights protection and the environment for sustainable investment and economic development. This paper examines a set of localized, donor assisted civil society - business partnerships that test innovations in company practices, tools, and business models, and the lessons emerging, to identify the value these potentially add to governance systems that are ultimately territorial jurisdictional responsibilities of states. It identifies available channels to connect the learning underway with broader improvements in company practice and national governments' performance. In conclusion, some emerging implications and questions for policy and research to achieve sustainable improvements in land governance for economic development are identified.

1. Introduction

The theory of change implicit in the Voluntary Guidelines for the Governance of Tenure (VGGT: CFS&FAO 2012) is that voluntary commitments by states, civil society and private sector actors can strengthen land governance. Whereas actors in all three sectors have begun actively to adopt and implement VGGT principles, their primary emphasis is on states. Yet, given growing aspirations for the role of private sector investment in transforming smallholder agriculture, and concerns surrounding negative impacts of large scale investments on insecure customary land rights, some donor supported civil society - private sector initiatives adopt an important subsidiary hypothesis: that demonstration of practical commitments by corporate business can leverage broader, more concerted actions by governments to improve land rights protection and strengthen the governance environment for sustainable and more inclusive economic development.

In seeking to test this theory of change and learn lessons, bilateral donors and multilateral agencies have directed some limited public funding into trialling partnerships between civil society and private companies, development of practical tools and associated studies to assess and demonstrate how business can implement the VGGT (and associated CFS RAI principles) to secure tenure rights, in customary settings in which the capacity of the state to deliver robust land governance systems and provide security to land rights is relatively weak. While private business partners have committed to changing practice to ensure their investments and operations do not harm existing land rights and wherever possible achieve positive good, in doing so they also seek to establish sustainable businesses by releasing investment from financial and reputational risk. In order to establish how to do this in practice, they remain largely reliant on public funding to access and utilise independent skills and capacity in civil society and research institutions which business itself does not have.

This paper examines some ongoing donor assisted partnership initiatives and the innovative tools and practices they seek to develop and trial, to assess the value these initiatives potentially add to land governance systems (i.e. the policies, infrastructure and mechanisms for protecting rights and adjudicating and mitigating land related conflicts) that are ultimately the territorial jurisdictional responsibility of states. It will address three specific research questions, drawing on empirical findings derived from a selection of these pilot projects and obtained through field visits, interaction and interviews with local partners and stakeholders, and from project reports and field investigations and analysis they have undertaken:

- How do these partnership initiatives strengthen land rights in practice and what private business partners can do directly to contribute to improved land governance?
- What are the key areas of business practice and types of methodologies used that need to be strengthened, and associated gaps in private sector awareness and capacity?
- What channels and mechanisms are available to connect the learning underway to broader transformations within the private sector itself (at company and agri- or commodity sector level nationally and internationally) and with land policy and governance practice of governments at the country level.

The paper is structured in three main sections: First it describes briefly the specific pilot initiatives studies from the UK Government's LEGEND¹ programme challenges fund portfolio and the contexts in which they operate. Second, it summarises and discusses learning so far in relation in three cross-cutting thematic areas: (i) community engagement and consultation (ii) changes and adaptations developed in business models, land holding arrangements and contractual arrangements for partnership between companies and local communities and (iii) practical innovations to secure land rights and manage disputes and conflicts². Third, it draws some general conclusions, not yet fully developed in this working version, and raises key questions for policy.

2. The Legend Challenge Fund pilot projects

The LEGEND Challenge Fund supports innovative partnerships between non-profit organisations and agricultural investors with the goal of encouraging responsible agricultural investment. The £3.65 million fund is a core component of DFID's Land: Enhancing Governance for Economic Development (LEGEND) programme.

The fund was launched through a call in November 2015 targeting non-profit organisations operating in Ethiopia, Malawi, Mozambique, Nigeria, Sierra Leone, Tanzania, and Zambia.

¹ LEGEND: Land- Enhancing Governance for Economic Development.

² Other related learning themes for the LEGEND Challenge Fund not covered by this paper but potentially addressed by other submissions to this conference and studies / investigations underway include a) due diligence and risk assessment tools; b) deeper analysis of impacts on land rights for women and girls and related land based economic opportunities, identified and briefly discussed as part of the three areas of focus noted; and c) innovations in land rights and land use mapping undertaken by these partnerships.

Non-profit organisations were asked to partner with a private sector company to demonstrate innovative approaches to strengthening land governance and securing land rights linked to private sector investments. These approaches include the application of recently developed tools for due diligence of land investments and other approaches that apply the principles of the Voluntary Guidelines on Governance of Tenure.

Following a process of screening and assessment of proposals, LEGEND awarded 7 grants which became operational from October 2016 that will run for periods of between 21 to 30 months. The projects use a variety of approaches that ensure protection of legitimate local tenure rights. These approaches also enable investments that deliver shared value for local people while contributing to inclusive growth, to test the boundaries of what is possible in responsible land investment. The seven projects that received grant funding are summarised below:

- I. **Bonsucro with TMP systems (Ethiopia, Mozambique, Tanzania, Zambia):** Operationalising land rights and sustainability verification for sugar production, embedding new standards, risk assessments and due diligence tools within Bonsucro member company operations and supply chains. **Value: £444,000**
- II. **Landesa with Illovo Sugar (Malawi, Tanzania and Mozambique):** New Alliance DD Tool adapted and piloted at key Illovo investment sites and across diverse supply chains in multiple countries, with attention to land legacy and gender issues.
- III. **MICAIA foundation with Baobab Products Mozambique Ltd (Mozambique):** Secure resource rights, improved land use planning, and sustainable value chain integration for women Baobab harvesters in central Mozambique.
- IV. **ORAM with Terra Firma and Portucel (Mozambique):** Integration of individual and community land rights registration, readjustment of Portucel concession boundaries, and development of business and partnership models for the company collaboration in community-based forest and agri-enterprise.
- V. **Solidaridad with Natural Habitats Sierra Leone (Sierra Leone):** Application of VGGT principles and the NA DD tool to a new Oil Palm investment. This will formalise community land rights and land transfer arrangements based on participatory mapping and planning.
- VI. **Welthungerhilfe with Balmed Ltd(Sierra Leone):** Testing sustainable tenure, business and partnership models for a Cocoa Production Cluster (CPC) approach including community consultation, land use planning, land transfers, and revenue / benefit sharing arrangements.
- VII. **VSF-B with Dorobo Safaris Ltd and UCRT (Tanzania):** Securing group rights over grazing and hunting / gathering areas for community groups through active involvement in village land use planning. The project will also establish a sustainable

tourism development plan and code of conduct for tourism management and revenue sharing amongst safari operators, guides, communities and local government.

Learning objectives and target stakeholders

The learning objectives of the Challenge fund are to influence key decision makers within businesses, government and other key stakeholders, by disseminating learning on:

- How Business practices in land and agricultural investments could be improved to better benefit communities and minimise risk for investors. Which approaches, processes and tools work and which do not, and why?
- How partnerships between civil society organisations, investors, government and other key stakeholders can promote better understanding, innovative thinking, and collaboration, to secure improved outcomes for communities and investors.
- How successful approaches can be up-scaled and with a focus on the sustainability of improved business practices in land and agricultural investments.

This broad range of stakeholder interest and engagement has generated a set of principle learning themes, to which the various Challenge Fund grants can be expected to contribute, in addition to their own project specific learning.

Learning themes

Before the launch of the Challenge Fund the following three principle learning and innovation objectives were identified by CLST in consultation with DFID:

1. Application, development, adaptation and usefulness of **New Alliance Analytical Framework for Land-Based Investments in African Agriculture (NA DD Tool)**³ and similar tools that reflect VGGT principles.
2. **Testing inclusive business models**, including the productive organisation, land access and tenure arrangements, and arrangements for benefit, revenue and profit sharing.
3. How **partnerships between civil society and businesses** contribute to more secure land rights and better land governance at the investment sites and across supply chains. Amongst other things this involves considering how effectively the projects are able to link up with the local and national governance processes and institutions that concern land.

³ New Alliance for Food Security and Nutrition (2015) 'Analytical Framework for Land-Based Investments in African Agriculture'. <https://new-alliance.org/resource/analytical-framework-responsible-land-based-agricultural-investments>

4. **Community engagement and consultation processes** - methods used and tools for capturing community level information. CLST is required to report to DFID (and so grantees to CLST) on levels of community satisfaction with consultation processes, and respect for and protection of land rights.
5. Effectiveness in ensuring protection of land rights and developing **new economic opportunities for women**.
6. Sustainable, scalable and cost-effective approaches to **land rights mapping**, utilising new technologies and land use planning and zoning processes to reach an agreement on community, company and producers' plot boundaries.

Each of these objectives are adopted in different ways and extents by the different grantees, combined with their own project specific objectives. A further key theme at portfolio level for attention by CLST and DFID, to which grantees can also contribute is:

7. Successful strategies for **scaling up successful learning and innovation** – for example at district level, across specific commodity sectors, in national policy and law, and internationally.

Some of the grantees also proposed additional learning objectives focused on the effectiveness of the approaches being tested in:

- Reducing investor risk (Bonsucro, Solidaridad).
- Reducing deforestation and enhancing ecological integrity as a basis for sustainable and responsible tourism business (VSF- Belgium).
- Integrating community and individual household or family level land registration processes to protect community assets and provide secure rights (ORAM).

3. Emerging Lessons

This section of the paper summarises and discusses learning so far in relation in three cross cutting thematic areas: (i) How approaches adopted by business partners to community engagement and consultation can be improved; (ii) practical innovations to strengthen land governance through land rights documentation and mechanisms to address land disputes and conflicts, and (iii) changes, adaptations and innovations in business models land holding arrangements and contractual arrangements for partnership between companies and local communities and farmers in order to ensure compliance with VGGT.) In addition (iv) brief consideration is also given to current and potential opportunities utilised to take learning and innovation on these and other topics to greater scale.

Specifically, it draws on two partnership initiatives underway in each of two countries: Mozambique and Sierra Leone:

- Innovation to enable integrated registration of individual and collective land rights, and local capacity building to enable sustainable business models and land holding arrangements for company-community collaboration in Portucel's IFC plantation forestry investment in central Mozambique. (Implemented by Mozambican NGO ORAM with Terra Firma Ltd).
- Value chain integration for marginalised women (Boabab harvesters) in non-mainstreamed areas to incrementally improve their land tenure and land-use rights and ensure sustainable resource management. Implemented by MICAIA foundation, with Mozambique Baobab products
- The NGO *Welthungerhilfe* (WHH) in Sierra Leone: Business and partnership models for a Cocoa Production Cluster (CPC) approach tested, including community consultation, land use planning, land transfer and revenue / benefit sharing arrangements. WHH has explored implementation partnerships with cocoa traders in Sierra Leone.
- Application of VGGT principles and due diligence tools to a new Oil Palm investment, formalization of community land rights and land transfer arrangements utilising participatory mapping and land use planning approaches, aiming to enhance food security and incomes and to promote industry-wide adoption nationally and beyond. (Implemented by Solidaridad with SL Natural Habitats Ltd).

These cases can also be considered in relation to the challenges to achieve sustainable agricultural and natural resource-based business by populations, communities and companies within the broad agrarian landscapes of the sub-humid semi-arid woodland savannas in south east Africa and degraded West Africa high forest in which they operate and their evolving economic geographies.

Assessment of progress and emerging lessons is ongoing based on continuing empirical findings and lessons reported by the projects themselves and through field visits by the Legend team and the civil society Challenge Fund grantee partners. This current version of the working paper presents only interim summary findings distilled from grantee reports, conversations with field and management staff of CSO grantees and business partners, and further investigation and corroboration with local stakeholders through field visits to each project, including discussions with participating community groups. At present the intention is that project-specific and broader analysis will be further developed as the projects reach their conclusions from late 2018 to mid-2019 and for the time being some of the findings are presented in summary note form.

i) Approaches to community engagement and consultation

- Both companies and civil society partners generally underestimated the length of time, numbers of visits by project staff to different communities and the overall level of resources required for engagement and consultation. WHH for example had undertaken a total of 238 community visits (to approximately 7 different villages) in

an approximately 16-month period in laying the groundwork for cocoa production clusters in Sierra Leone. ORAM hired a team of approximately 12 field facilitators to cover around 20 communities over a two-year period in only a small part of the overall concession area in which the forestry investor planned to operate. Solidaridad invested a substantial part of project resources in mobilising regular meetings of a multi-stakeholder platform involving two community land-owning associations, local government, the oil palm investor Natural Habitats (NH) concession. This has turned out to be one of the principle spending areas of the grants and something for which there is continuing demand for public funding, especially given the limited coverage of the existing projects vis-à-vis the wider landscapes and concession areas and the need for further scaling up.

- All of the Legend pilot projects seeking to assist communities in an external investment context report the need for distance separation between company and development partner efforts at engagement, and independent, trusted intermediaries for legal awareness raising.
- Without in depth consultation and deployment of good local knowledge, there are risks of misunderstandings of nature and structure of communities, customary authority and leadership, including the place of women. In particular patterns of extended family ownership and control over land need to be assessed in relation to customary authority (a chief will often be a head of a land owning family, but does not have direct authority over other family / lineage lands, even though they may seek to assert it to access the benefits of land deals with companies and because governments and companies seek simple ways of obtaining consent, overriding principles of FPIC
- There is need to make explicit the steps required for in depth community consultation including consultation of and within extended land holding families, and land holding family, as Solidaridad in Sierra Leone have done (and in different ways ORAM with Terra Firma are doing in Mozambique), as opposed to speaking to chiefs or elders only about land, or one-off consultation meetings with assemblies of community members.
- Needs for reform in company community outreach, and separation / coordination between community development and business objectives e.g. company engagement has been directed at obtaining land for planting and development by the company and has thus sought to short cut consultation and to pressurize and persuade people to release land, without understanding land holding structures and ownership rights.
- Participatory processes for tenure assessment and land use planning needs to be prior, (or at least parallel and simultaneous) to consultations about making land available to investors, to facilitate identification of land potentially available for investment or development partnerships with private sector operators.

Community-based organisations of varying types such as Land-holding families' associations established in response to the Oil Palm investment in Sierra Leone and Village based land associations established with and assisted by Legend CSO partners within the Portucel concession area can play vital roles in facilitating community engagement processes.

ii) Practical innovations to protect land rights

The routes open for the Legend projects to protect legitimate and established rights are to work to introduce appropriate measures of formal recognition of land rights under the law, beginning with mapping and documentation, and to promote grievance and dispute resolution mechanisms, linked to prevailing customary and formal judicial systems. Where commercial agri or forestry investments are underway, the companies need to be directly involved, and some grantees are working directly with business partners to introduce them. As work remains at an early stage, this discussion focuses on land rights mapping and documentation.

The two projects in Mozambique are actively securing land rights for beneficiary communities, using provisions of Mozambique's 1997 Land Law. MICAIA has delimited 20 village community land areas and is in process of obtaining formal certifications from government. Due to the extensive, shifting cultivation based agricultural land use, and combined dependence of the local communities on subsistence-oriented farming and on regional (baobab) trade and labour markets, and relative absence of commercial farming opportunities, securing rights to individual household parcels is not a current priority. Natural resource governance is problematic in the project area because of ongoing uncontrolled logging, and associated forest degradation, opening up new areas for agricultural clearance and settlement in addition to frequent incidence of fire. The project hopes to address this, to safeguard the baobab resource in community areas by promoting effective land use planning and cross-village approaches to regulation, but without stronger government regulation there is little scope to do so in more remote woodland areas

ORAM and Terra Firma have adopted the challenge clarification of extended family and household level land rights nested within wider community land areas, broadly coinciding with territories governed informally by principal lineages, in a context of matri-local marriage and matrilineal inheritance practice. This is done by deploying an intensive, step-wise participatory methodology, and an on line spatial data platform and set of open-sourced data tools, denominated CaVaTeCo (Terra Firma 2017, Norfolk 2018 - this conference) which cannot be described here in full. The innovation of registering and building capacity of community land associations, at levels determined through consultation, enables the local issue of land use right certificates to land holders, and if these rights can be recognised in practice and parcel maps linked to the national cadastre, more cumbersome, slow and expensive government survey and registration procedures can be effectively short cut. The project seeks to demonstrate the approach as a scalable, low cost methodology capable of assisting government to deliver its current flagship programme Terra Segura, to deliver secure household land rights at scale.

The project has uncovered significant demand for family and household parcel delimitation and together with legal awareness raising, this strengthens families' hands in negotiating potential release of land for tree planting by the investor, or participation in outgrower schemes. Where the project has been able to do prior clarification of rights, within the Portucel concession area, this enables FPIC in practice, and this is now the desirable aim for the company.

In Sierra Leone, both projects involve partnerships to facilitate sustainable investments with direct participation of land holding families and community members, leading to clear and transparent benefits. Not only must business partners introduce grievance mechanisms, but full assessment of existing tenure arrangements within the investment areas are needed. These tenure assessments are at an early stage and will need to diagnose inter-relationship of male and female specific rights or household rights to specific land areas for food production or other purposes (generally established by first clearance and / or by agreement of land holders) and officially recognised customary landownership vested in extended family lineage land ownership over which the elders hold authority (who may also be chiefs or their relatives) the challenges of prescribed family land access rules and prescribed local rules vs local land use practice.

Across most of the country outside Freetown metropolitan area there is no pre-existing cadastral capacity whatsoever, and no pre-existing legal basis to capture and document customary land rights although the land policy provides for this. In the context of the investments, family rights over land areas granted to the companies for planting and producer rights over outgrower plots with links to the formal legal system, individual parcels will be needed. Therefore, in absence of a working government land information and registry system, arrangements for locally held and managed land rights or deeds registration systems, parcel maps and land use maps and legal instruments as management tools would need to be invented (see the experience of Customary Land Secretariats in Ghana (Ubink and Quan 2008, Quan, Antwi and Ubink 2008)).

In concluding this section, the question arises how business partners and private investors themselves can contribute to strengthening land governance at scale. On the one hand the private sector clearly requires access to independent land expertise to access and utilise available land information where this exists, and to the technical mapping, legal and process skillsets required to assess it and generate necessary land tenure information and information. The private agribusiness sector does not itself have these skills so needs to pay for them and find out where to get them, though it could also be argued that this type of information is essentially a public good.

On the other hand project experience indicates that significant independent CSO initiative and sustained public funding would be required to assist and facilitate the extension of emergent community-based systems at scale but in the absence of programmes to do this, it is worth asking what kind of pre-competitive company contributions to private-public and producer organisation partnerships companies could make to enabling appropriate measures of land rights formalisation, in and around investment areas. In this context is also worth noting the growing interest in public-private finance for integrated landscape management

and landscape restoration which could in principle be extended to degraded miombo woodland and sub-humid guinea forest landscapes in South-east and West Africa respectively, and specifically into areas where the Legend projects are operating.

iii) Change, adaptation and innovation in business models, and partnership arrangements with rural communities

The importance of changes in company-community engagement and consultation practices, company requirements for reliable land information to help de-risk investments, and of access to independent land-related skills, and the potential scope for precompetitive private finance for land governance initiatives have been noted above. Turning specifically to the question of business models, the Legend CF projects involves both:

- a) standardised company defined models, working within and acceptable parameters for specific value chains / sector commodity and country contexts in country, and
- b) social enterprise models (*discussion of these is not yet covered in this version of the working paper*).

For company – value chain models, company decisions and specific business planning objectives tend to be driven by bulk processing and aggregation requirements, distances to mills and markets, available transport and infrastructure, applicable quality and sustainability standards, demands for and supplies of suitable labour and other micro - conditions under which commodities are produced. Availability and ownership of land can have a determining effect.

Support to the development of outgrower schemes and fairly established contractual and tenure arrangements for outgrowers, and linked to tenure security programmes directed towards agri-investment catchments and farm landscapes is one area for action. The projects have not so far come to address existing outgrower arrangements, but the Sierra Leone projects have planned to develop a new outgrower scheme for Oil Palm and a clustered production and revenue sharing for producer groups for Cocoa, linked to an offtake agreement for a cocoa trader (WHH), both in Pajehun district in the south east of the country.

The Solidaridad project, working with Dutch organic agri-food company Natural Habitats could be described as a relatively straightforward model for the oil palm sector, despite its complications in terms of land access and community relations, and its potential to transform and simplify existing agroecological diversity, albeit within an already highly degraded natural environment. The WHH initiative has been more complicated, in pushing the boundaries of existing cocoa block farming approaches by reorganising land holdings into larger contiguous clusters under temporary (10 – 15 year) management by an investor and eventual establishment of a community (land holding family / direct beneficiary – worker) owned enterprise. According to cocoa trader Balmed (a beneficiary of current donor assisted block farming arrangements, and collaborator with WHH), prevailing high price and low-quality conditions in a market dominated by Lebanese traders using cocoa sales as a source of forex

to sustain bigger import-export businesses constrain available margins in Sierra Leone's cocoa value chain.

Land availability and ownership, if established community and farmer rights are properly assessed and respected can have a determining effect on the options available to companies and the feasible balance of concentration between centralised estates / plantations and more dispersed planting strategies is affected by actual land availability, and willingness of communities and families to cede land under what terms and conditions and for what purposes. In Mozambique For the ORAM / Terra Firma project, changes in Portucel's planting strategy and business plan are a case in point. Portucel has now modified original plans for large contiguous plantations to embrace creation of an "extended agro-forestry mosaic, hitherto unique in Mozambique" (Portucel communiqué, 15 December 2017). The business model has shifted to focus on woodchip and pole production for local markets and energy generation, more suited to current circumstances than bulk production of pulp, as decisions on location and financing for the proposed paper plant and export infrastructure, including new port facilities suffer various delays.

ESIA, HCV / HCS assessments, tenure assessments and tenure analysis and participatory land use planning are all processes that lead to narrowing down of land areas actually available for planting within concessions. Companies may be reluctant to accept further dispersal of planting strategies as a result of community and /or family reluctance to participate by releasing land. Thus, there are risks of continuing tensions between business objectives and respect of initially expressed community wishes. The tendency of large scale investments, pending shifts in business models has been to continue to persuade families to participate and where possible assemble more concentrated and contiguous land parcels for planting. This may require involve provision of incentives and technical and financial assistance to support household and community land use practices and livelihood strategies / portfolios, through CSR projects or provision of additional employment, as part of land adjustments or consolidation required. For example, Portucel may seek to establish multiple small- scale planting blocks, by negotiating with families to release adjacent land parcels to help meet production targets, rather than relying on more highly dispersed tree production by individual outgrowers and participating households.

Land holding arrangements

Land holding arrangements depend on the land tenure and ownership laws and practice in different jurisdictions within which land investment projects operate. Where laws and national constitutions recognise community or family land ownership, as in Sierra Leone, some customary land rights may be quasi-freehold in nature, albeit held by corporate community bodies (land holding families), available land can be leased out to investors, and appropriate forms of lease are under development by the projects. Ultimately land is held by and returns to the community. Appropriate forms of leasehold contract are under development by the Legend projects, in collaboration with the legal empowerment NGO Namati.

In Mozambique, where land is formally owned by the state although customary beneficial land use rights (DUATs) provide a measure of tenure security, appropriate legal instruments equivalent to leases can be developed for release of land parcels for investment purposes. Suitable standardized legal instruments and processes are not yet in place to enable this; moreover, the agreements would also need to govern the distribution of benefits and returns from land made available to companies. In practice for the ORAM project, the obverse holds: land rights have been granted by the state to the forestry company, prior to any type of tenure assessment over a large area, and villagers may ultimately need to invoke the same legal procedure to restore land used by the company for planting that land holding families did not intend to release, or negotiate the terms under which this can happen, if plantations have already been established on the land.

SL case – concluding point?: scope for development of farm development / management role including labour organisation, training and supervision technical inputs and husbandry techniques, and plantation management in return for offtake agreements – implies a new type of agri-entrepreneur and business mode, for which finance is not yet available: PPP initiatives would need to be designed to promote emergence of a group of capable entrepreneurs for multiple projects

Opportunities for taking innovation and learning to scale

A wide variety of Legend partners and stakeholders are interested in the outcomes of and findings of the Legend Challenge Fund. These include:

- Grantees and business partners. The challenge fund grantees and business partners are interested in how they can use learning from their projects to address problems that arise to improve their approach and extend it to other projects and wider endeavours. Business partners are also interested in how the learning from these pilot projects can be used to better address land issues in future and improve engagement and with host producers and small-scale farmers.
- Members of the Global Donor Working Group on Land (GDWGL). Linked to the Global Donor Platform for Rural Development, members include DFID and USAID which also funds a set of responsible investment pilots, with associated case studies, as well as IFAD, Netherlands DGIS, Germany's GIZ, AFD (French Cooperation), the World Bank, MCC and others, with shared policy objectives on land investment and some have pertinent initiatives of their own.

- OECD has a pilot project to test on implementation of OECD-FAO Guidance on Responsible Agricultural Supply Chains through work with a number of collaborating companies.
- Development Finance Institutions may have interest in the learning from these pilot initiatives and the scope for development of social enterprise and partnership arrangements developed with local communities and other actors.
- Other LEGEND partners. Two established Legend grant partners, Landesa and TMP Systems, are direct partners in Challenge Fund projects, and other partners such as Cadasta and Namati are collaborating with grantees at a country level. Other LEGEND partners, notably RRI, which hosts the Interlaken Group as a safe space for dialogue between companies, NGOs and DFIs on land investments, are interested in policy and technical level learning and have policy and technical interests in Challenge Fund results and outcomes.

5. Conclusions

Alongside thorough consultation and engagement with communities by companies, the Legend projects have found that land tenure assessments that utilise improvements in mapping techniques and use of technology are needed. These require intensive, recurrent engagement with communities and farmers and generally require public support to independent CSOs to undertake them. Many of the projects take place in an official land governance vacuum, where governments do not have the capacity to document and secure land rights in investment areas. Thus, there is room for innovation by civil society to assist the documentation and mapping of land rights, foster development of hybridised structures for land management through engagement of customary leaders, influential and skilled community members and family heads, registration of new community level institutions and construction of an interface with formal land management systems.

The evidence provided by these heterogeneous and still incomplete case study examples discussed here demonstrates the need for continuing public financial support to strengthen land governance in practice and add value to national systems by strengthening land rights in practice. There is also scope to promote change and transformation of company and business practice, and transfer and adapt successful approaches to other geographical contexts, similar forest -agricultural landscapes and value chains to take specific lessons to take innovations to greater scale. Further compilation of evidence and deeper analysis of results from various current and recent initiatives and effective communications of lessons and results to decision makers in both public and private sectors is likely to be an important enabling condition.

These opportunities need to be considered in context of broader debates about responsible agricultural investment and in relation to other initiatives and studies that can shed light on these same questions. There is also need for broader reflection on the overarching hypothesis framing the discussion, of how practical commitments and changing practice by private business, in particular, the corporate agri-food sector, can leverage greater

government commitments to improved land governance. As yet however, the momentum still rests with government and civil society to engage more deeply with the private sector to strengthen these corporate commitments in practice, along supply chains. Development Finance Institutions, both public and private can also potentially play a critical role.

The paper ends with some questions to which this paper has already suggested some partial answers, but on which much further evidence and broader debate:

- What should be the future priorities for public funding to achieve sustainable improvements in land governance for economic development in sub-Saharan African countries?
- How best could continuing and future public support to civil society – business partnerships be directed and what should be the priorities for further research to evidence the value that donor and international agency programming in these areas can add to strengthen the governance of tenure, in context of global efforts to implement the VGGT?