Responsible Land-Based Investment

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January 25, 2018
AGENDA
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- Define responsible land-based investment
- Outline potential rewards of investments
- Describe land-based risks and costs of investments
- Walk through key steps to undertake in investing responsibly
- Conclusion
DEFINING RESPONSIBLE LAND-BASED INVESTMENT
RESPONSIBLE LAND-BASED INVESTMENT

• Investment that respects the legitimate land and resource tenure rights of people who derive benefit from the land in or near proposed investment sites

• Whether rights are rooted in statutory law or customary or traditional tenure systems, they are legitimate and should be respected by investors
RESPONSIBLE LAND-BASED INVESTMENT

• Investments will be structured to not only do no harm but will also provide additional benefits to such legitimate tenure holders and the broader economy

• Such investments will be environmentally sustainable
WHY IS THIS TOPIC IMPORTANT?

• Protecting the land and resource rights of the poor is critical, yet over 70 percent of land is estimated to be unregistered in the developing world.

• More and more investors are interested in sustainability, and many certification standards include land criteria.

• But 93 percent of concessions in emerging markets are inhabited; many protests and conflict over land-based investments.
KEY TAKE AWAYS

• Responsible investment respects the legitimate land and resource tenure rights of people who derive benefit from the land in or near proposed investment sites

• Such investment should provide benefits to these rights holders

• Critical for the poor, who depend on land for food, shelter, livelihoods, etc.

• More and more attention is placed on responsible investing

• Nonetheless, protests and conflict over land-based investments continue
POTENTIAL REWARDS
OF LAND-BASED INVESTMENT
POTENTIAL REWARDS OF LAND-BASED INVESTMENTS IN DEVELOPING COUNTRIES

• People near investments can potentially benefit through:
  – Employment opportunities, at least in the short-term
  – New or expanded markets for their agricultural goods or timber (if the investment sets up a mill or processing plant, for example)
  – Access to electricity
POTENTIAL REWARDS OF LAND-BASED INVESTMENTS IN DEVELOPING COUNTRIES

• Governments are often supporters of large-scale investments because they have the potential to:
  – Create economic growth via jobs, goods or services produced, etc.
  – Earn foreign reserve
  – Provide benefits such as electricity to their people
  – Create personal wealth
POTENTIAL REWARDS OF LAND-BASED INVESTMENTS IN DEVELOPING COUNTRIES

• Returns for investors can be substantial because of:
  – Cheaper inputs (land, labor, etc.)
  – Nascent markets for products
  – Government incentives for investment
  – Certain countries boast natural resources for particular investments – e.g., arable land, wind energy potential, etc.
### Nine countries contain 90% of Africa’s unutilized arable land

<table>
<thead>
<tr>
<th></th>
<th>Non-forested unutilized land¹ (million ha)</th>
<th>Proportion</th>
<th>Cumulative Proportion</th>
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<tr>
<td>DRC</td>
<td>84.8</td>
<td>46.5%</td>
<td>46.5%</td>
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<tr>
<td>Angola</td>
<td>18.9</td>
<td>10.4%</td>
<td>56.9%</td>
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<tr>
<td>Congo</td>
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<td>7.1%</td>
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<tr>
<td>Zambia</td>
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<td>Cameroon</td>
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<td>Mozambique</td>
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<td>4.9%</td>
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<td>CAR</td>
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<tr>
<td>Gabon</td>
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<tr>
<td>Sudan</td>
<td>5.8</td>
<td>3.2%</td>
<td>91.2%</td>
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<tr>
<td>Rest of Africa (n=45)</td>
<td></td>
<td>8.8%</td>
<td>100.0%</td>
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</table>

(Source: Schoneveld 2014)
Average wind speed 1km at 200m height DTU 2015

HOW ARE THESE RISKS MITIGATED?

• Many of these investors reduce these risks by not investing in certain geographies

• Some investors don't invest in Africa because they feel that the land-based risks are simply too great

• Some investors also reduce risks by favoring brown field investments over green field investments
HOW ARE THESE RISKS MITIGATED?

• Some investors reduce their risks by strategically choosing co-investors with political connections

• Finally, investors may also reduce their risks by investing responsibly
LAND-BASED RISKS & COSTS OF INVESTMENTS
LAND-BASED RISKS & ASSOCIATED COSTS

• Investors can face myriad risks related to the land on which they are building their investment:
  – Uncertain land tenure puts whole investment at risk
  – Legal uncertainties (weak legal frameworks, laws not enforced)
LAND-BASED RISKS & ASSOCIATED COSTS

• Investors can face myriad risks related to the land on which they are building their investment:
  – Often overlapping or conflicting tenure systems (customary and statutory)
  – Costs of risks materializing can be staggering – e.g., Case studies from a 2012 Munden Report point to costs upwards of US$20M for cancelled projects in Africa and South America
In many low-income countries, where disputes over land use are already acute and land ownership is horribly skewed, communities depend on their land for their lives and livelihoods. Yet companies and governments are seizing land and evicting families to grow crops for export. The Behind the Brands Scorecard looks at whether the big food companies say they do the right thing by the land and the communities who live on it, and have policies in place to deal with suppliers who violate land rights.
LAND-BASED RISKS & ASSOCIATED COSTS

• Local people often face the greatest risks and costs, because this land is their home and source of livelihood. They may:
  – Be involuntarily resettled without economic compensation
  – Lose access to grazing lands, water or other resources
  – Lose land or resource rights because local leadership approves
LAND-BASED RISKS & ASSOCIATED COSTS

• Local people often face the greatest risks and costs, because this land is their home and source of livelihood. They may:
  – Lose friends when compensation schemes create jealousy and unrest
  – Protests can lead to bodily harm or death – according to the Guardian and Global Witness, 200 people defending their community’s land, natural resources or wildlife were killed in 2016 alone
LAND-BASED RISKS & ASSOCIATED COSTS

• Governments can also face substantial risks and costs:
  – Social unrest (e.g., uprisings in Ethiopia)
  – Litigation (e.g., Agro EcoEnergy dispute in Tanzania)
  – Lost opportunities with political and/or financial liabilities (lost tax revenue, etc.)
AGUA ZARCA HYDROELECTRIC PROJECT

Size: 22MW

Location: Santa Barbara, Honduras

Developer: Desa

Construction began: 2011

Financing: US$44 million
COMMUNITY ENGAGEMENT & OPPOSITION

• 2006 – Began voicing opposition
• 2013 – Outright opposition and road blockade
• 2013 – Indigenous leader Tomás García killed and others wounded
• 2016 – COPINH co-founder Berta Caceres killed
• 2016/17 – 7 more activists killed
KEY TAKE AWAYS

• For investors, land-based investment risks are real and can be very costly if they materialize, including both financial and reputational costs.

• For local people, there are great risks to their lives and their livelihoods, cultural and spiritual identities if land-based investments are undertaken in ways that do not respect their rights or seek to benefit them.

• For governments, the costs of protests or conflict over investments can likewise be damaging to the ruling party’s reputation, can incur substantial costs, and are lost opportunities for growth and development.
KEY STEPS TO UNDERTAKE IN INVESTING RESPONSIBLY
RESPONSIBLE LAND-BASED INVESTMENT

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• Whether rights are rooted in statutory law or customary or traditional tenure systems, they are legitimate and should be respected by investors

• Investments will be structured to not only do no harm but will also provide additional benefits to such legitimate tenure holders and the broader economy

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CONTEXT

• Years of programming and discussion on the importance of strengthening land tenure, resource rights, and governance

• 2012 – Creation of Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT or “Voluntary Guidelines”)

• 2014 – Creation of Principles for Responsible Investment in Agriculture and Food Systems (RAI)
PRACTICAL STEPS TO INVEST RESPONSIBLY

• Tenure Rights:
  – Understanding, identifying and recognizing rights
  – Assessing potential direct and indirect impacts on tenure rights
  – Mitigation measures

• Participation, consultation and negotiations
• Grievance mechanism – dispute resolution
• Transparency and corruption
• Food security, human rights, environmental sustainability and local capacity building
Baja California Sur Wind Farm

Size: 50MW

Location: 25 miles NW of La Paz

Developer: Energía Veleta

Land secured: 2013

Projected online: 2018

Capital investment: US$100 million
Average wind speed 1km at 200m height DTU 2015

Source: International Renewable Energy Agency (IRENA)
- Global Atlas for Renewable Energy
COMMUNITY ENGAGEMENT & BENEFITS

• Visits, group meetings, and videos
• Community has option to hire counsel
• Contract limited to 7 years
• Landowners receive 3-5% of gross income
• Preferential contracting for locals
KOKISH RIVER HYRDOELECTRIC PROJECT

Size: 45MW

Location: British Columbia, Canada

Developer: Brookfield Renewable Energy and ‘Namgis First Nation

Environmental Assessments: 2004-2010

Commercial Operation: 2014

Capital investment: US$190 million
USAID’S WORK ON RESPONSIBLE INVESTMENT

• Developed guidance documents for the private sector on responsible investment

• Partner with private companies on live investment opportunities to enhance their due diligence around land
USAID’S WORK ON RESPONSIBLE INVESTMENT

• Created an investor survey on land rights, which helps build the case that:

  – Clear, secure land rights are paramount for responsible investment;

  – Substantial sums are left on the table when investors don't pursue projects because of uncertain land rights;

  – Significant costs are incurred if projects are delayed or abandoned because of land issues; and

  – Responsible investments that benefit local landholders are possible
KEY TAKE AWAYS

• Voluntary Guidelines and RAI show international agreement on the importance of tenure security, including for responsible investments
• Multiple guidance documents collated into Analytical Framework: 5 main steps to investing responsibly
• Case studies show how investments can be made that benefit local people and generate broader economic growth
• USAID is actively working to increase responsible land-based investments
CONCLUSIONS

• Responsible Land-Based Investments respect the legitimate land and resource tenure rights of people who derive benefit from the land in or near proposed investment sites.

• Support for responsible land-based investment is available: For instance, tools and guidance described here, as well as USAID and other donors’ efforts are promoting responsible investment.

• Investing responsibly is challenging but it’s the right thing to do. It reduces land-based risks and potential costs for investors, communities and governments, and it creates important benefits for each of these stakeholder groups.

  – The case studies of the wind farm and the hydroelectric project provide evidence of this.