

OVERVIEW

IIED NRG Group

Project name:

Legal Tools for Citizen Empowerment

Project leader:

Lorenzo Cotula

Time frame:

2006–15 and beyond

Budget:

£570,000 (DFID funding 2013–2016 only, additional funding from other sources)

Objective:

To develop analysis, test approaches, share lessons and inform policy with a view to strengthening the rights and voices of local communities in low and middle-income countries in the face of natural resource investments.

PROJECT SUMMARY

Legal Tools for Citizen Empowerment explores how to strengthen local rights and voices in the governance of land and investment. It adds value to the many grassroots efforts underway in Africa and Asia through contributing: 1) high-impact research that documents changing pressures on land and sheds light on applicable national, international and transnational legal frameworks; 2) learning materials and practical tools to strengthen local-to-national capacity to exercise rights and influence laws; and 3) platforms to share lessons, including workshops, webinars, publications and communication. The project's contributions have ranged from widely cited research on 'land grabbing' and grassroots-level legal literacy trainings in Mali's mining areas to capacity support for governments in West Africa and Southeast Asia.

CHANGE IN ACTION

A recent surge in agribusiness and natural resource investments is increasing pressures on land in many low and middle-income countries. The effective use of legal tools, by government and citizens alike, has become an important ingredient to ensure that investment responds to local and national

Harnessing the law to contest 'land grabs'

Solid evidence, practical tools and smart alliances help empower communities to voice their rights.

With the global population expected to reach nine billion by 2050, many governments want to develop agricultural and extractive industries to promote economic development and ensure national food and energy security. At the same time, the private sector has acquired large areas of land for plantation agriculture in low- and middle-income countries, believing that population growth and changing consumption patterns will lead to healthy profits.

The longer term outcomes of such large-scale deals – dubbed 'land grabs' by the critics – are still far from clear. Unquestionably, however, these deals can increase pressures on land, as witnessed by many reports of land dispossession.

These processes have triggered responses from local to international levels. Activists are mobilising to obtain better terms or to end negotiations outright. Some governments are tightening regulations. And the international community is developing standards and guidance. Through the Legal Tools for Citizen Empowerment project, IIED has supported these efforts by generating analysis to inform policy, developing tools to strengthen rights and sharing knowledge for wider impact.

Informing policy

IIED's analysis has documented changing trends, drivers and outcomes of large-scale land deals, scrutinised the content of 'land grab' contracts and shed

light on how international investment treaties can affect local land rights. Three publications alone together received 45,000 documented downloads, with many more likely from external websites. Our research has been featured on the BBC, as well as in *The Economist*, *The Observer* and *Le Monde*. One report alone, which IIED published with the Food and Agriculture Organization of the United Nations (FAO) and the International Fund for Agricultural Development, has garnered nearly 1,000 citations and featured on the front page of *The Financial Times*. Since 2013, our top four blogs have had over 10,000 views.

Research has informed policy and practice in wide-ranging contexts. In Mali, for example, our local partner the Groupe d'Etude et de Recherche en Sociologie et Droit Appliqué (GERSDA) fed into the 2012 revision of Mali's Mining Code. Other governments in Africa and Asia have asked IIED to review their investor-state contracts, and recommend improvements. In 2014, the European Parliament invited IIED to prepare and present a report on the human rights impacts of 'land grabbing'.

Our research has also informed international processes. For example, in 2010 we prepared a background paper and participated in a working group that fed into the UN Principles for Responsible Contracts. In 2014, the Land Policy Initiative of the African Union, the UN Economic Commission for Africa and

development agendas and contributes to sustainable development. These efforts may be more effective if practitioners can share lessons on what works and how to address challenges. Given that natural resource investments typically involve major power imbalances, there is need for both legal ingenuity and political savvy at local-to-global levels, which in turn demands new approaches and alliances. Generating robust evidence on investment processes and 'demystifying' the law that governs those processes (complex treaties or investor-state contracts, for example) is essential in opening up spaces for informed and inclusive debate.

KEY LESSONS LEARNT & INNOVATIONS

- Developing credible research can help create spaces for dialogue and sharing, and opportunities to feed 'challenging' analysis into national and international policy processes. Success may involve reforming laws, but also pushing the boundaries of existing legislation.
- The law raises technical issues, but often involves political choices calling for inclusive debate. Tackling transnational investments requires mobilising both law and politics, and multiple levers at local, national and international levels.
- Lesson sharing works best if participants discuss challenges, as well as successes, in a safe environment. In a budget- and carbon-constrained world, information technology provides new avenues to share internationally. However, it can't replace face-to-face contact and long-term alliance building.

PARTNERS' VIEW

The 'legal caravans' supported by the Legal Tools for Citizen Empowerment programme in Mali enabled participants to understand not only their rights and duties, but also the procedures to exercise rights in practice. They also inspired villagers to organise and work together to pursue their aspirations.

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FURTHER READING

www.iied.org/legal-tools



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Community workshop, Ghana.

the African Development Bank invited IIED to help draft guiding principles for large-scale land-based investments in Africa. In 2014–15, IIED led the preparation of an FAO technical guide for lawyers on the Voluntary Guidelines on Responsible Governance of Tenure.

Strengthening rights

Working with partners in Africa and Asia, we have developed learning materials and practical tools to strengthen capacity at local and national levels. Among others, we have published a handbook on using the law to ensure that natural resource investments promote sustainable development, as well as guides on how to prepare and scrutinise investor-state contracts and how to secure accountability in investment processes.

In selected countries, we have also worked with partners to test new legal empowerment approaches at the grassroots. In Mali, for example, IIED worked with GERSDA to help communities affected by mining activities. GERSDA, which pioneered the 'legal caravans' approach, organised mobile teams to spread legal awareness in rural areas and give practical advice about the legal system. Elsewhere, we worked with the Tanzania Natural Resources Forum to build the capacity of journalists to report on community responses to 'land grabbing', and with Dakar-based IED Afrique to train community paralegals in places with growing pressures on land.

Sharing knowledge

IIED has been sharing lessons that legal empowerment practitioners have learnt from their innovative approaches to strengthen local rights and voices in natural resource investments. Armed with this knowledge, advocates can help communities to claim their rights and

have a say in investments that affect their lives.

In 2008, 2010 and 2013, we organised regional lesson-sharing workshops in Africa and Southeast Asia, covering topics such as securing land rights and promoting accountability in agricultural investments. Since 2008, IIED has published numerous practitioner-authored reports distilling lessons from innovative approaches, following peer-review from other practitioners. IIED has also convened quarterly civil society webinars on topics such as using grievance mechanisms, developing paralegal programmes and promoting scrutiny of investment treaties and arbitration. Practitioners value these channels for reflecting on and sharing their own experience, getting inspired from new tools, learning from one another and developing new alliances.

Next steps

The work to strengthen local rights and voices in investment processes is far from over. Building on momentum from this project, IIED envisions a programme that generates evidence and feeds into policy processes; shares best practices and develops a community of practitioners; and strengthens the capacity of communities to claim their rights.



Knowledge Products

The International Institute for Environment and Development (IIED) promotes sustainable development, linking local priorities to global challenges. We support some of the world's most vulnerable people to strengthen their voice in decision making.