

Capacity Development Webinar for Lawyers
Responsible Land-Based Investments in Agriculture

Africa Session

Program

May 26, 2022

12:00 pm GMT; 1pm London; 2pm Rome; 3pm East Africa

2-hour session

[5 minutes]	<p>Welcome and introduction</p> <ul style="list-style-type: none"> • <i>Sara Moyo, Senior Partner, Honey & Blanckenberg, Harare; Advisory Board member of IBA Agricultural Law Section</i>
[15 minutes]	<p>Session 1: Why should Lawyers worry about investments in agricultural lands?</p> <ul style="list-style-type: none"> • <i>Led by Darryl Vhugen, Land Tenure Consultant</i> <p>Attracting agricultural and other land-based investments is often a key policy goal of many governments, but the risks to governments and communities associated with these investments—including dispossession, environmental degradation, and conflict—can undermine potentially positive impacts that such projects may bring. Investors, too, face significant financial and reputational risks from such investments. What is the role of lawyers in facilitating investments that are responsible and realize sustainable outcomes? What resources are available to facilitate the work of government and company lawyers in identifying and mitigating land rights-related risks, respecting legitimate tenure rights, and addressing practical considerations for due diligence?</p> <p>Relevant background materials for this session include:</p> <ul style="list-style-type: none"> • ODI, <i>The Financial Costs of Mitigating Social Risks: Costs and Effectiveness of Risk Mitigation Strategies for Emerging Market Investors</i> (2019) [link] • FAO, <i>Responsible Governance of Tenure and the Law: A Guide for Lawyers and Other Legal Service Providers</i> (Technical Guide 5, 2016) [link] • FAO, <i>Responsible Governance of Tenure: A Technical Guide for Investors</i> (Technical Guide 7, 2016) [link]. • CCSI, <i>Agricultural Investments: A Primer for Host Government Lawyers and Local Lawyers in Private Practice</i> (2019) [link]
[15 minutes]	<p>Reflections from:</p> <ul style="list-style-type: none"> • <i>Jennifer Kunst, Group Legal Consultant, Illovo Sugar</i> • <i>Facilitated by Rose Mosi, IIED</i>
[15 minutes]	<p>Session 2: Legal Frameworks & Land-Based Investment: Why should lawyers take soft-law instruments into account?</p> <ul style="list-style-type: none"> • <i>Led by Margret Vidar, Legal Officer, FAO</i> <p>Legal frameworks are powerful forces that help to shape the outcomes of investment. Understanding how these various frameworks interact, and how international soft-law instruments (including the Voluntary Guidelines on the Responsible Governance of</p>

	<p>Tenure, VGGT) can influence these frameworks, is critical for advancing responsible land-based investment. This session will explore how legal frameworks governing land-based investment overlap and interact, how they shape the rights of stakeholders, and how soft-law instruments can strengthen laws, policies, and practices.</p> <p>Relevant background materials for this session include:</p> <ul style="list-style-type: none"> • IIED, Foreign Investment, Law and Sustainable Development: A Handbook on Agriculture and Extractive Industries (2016, 2nd ed) [link] • UNIDROIT, Legal Guide on Agricultural Land Investment Contracts (2021) [link] • CCSI, A Primer on Legal Frameworks and Foreign Investment (2019) [link] • FAO, Due Diligence, Tenure and Agricultural Investment: A Guide to the Dual Responsibilities of Private Sector Lawyers Advising on the Acquisition of Land and Natural Resources (2019) [link] <p>Additional materials:</p> <ul style="list-style-type: none"> • FAO, Protecting legitimate tenure rights: From concepts to practice (2021) [link]
[15 minutes]	<p>Reflections from:</p> <ul style="list-style-type: none"> • <i>Christine Kanini, Deputy Chief State Counsel at the Office of the Attorney General, Kenya</i> • <i>Facilitated by Darryl Vhugen, Land Tenure Consultant</i>
[15 minutes]	<p>Session 3: Community Consultation and Consent</p> <ul style="list-style-type: none"> • <i>Led by Rose Mosi, International Institute for Environment and Development (IIED)</i> <p>A core dimension of responsible investment is the identification of legitimate tenure right holders and the meaningful participation by affected rights holders and compliance with the obligation to obtain the Free, Prior and Informed Consent (FPIC) of a community or people affected by a project. This session will highlight international standards regarding consultation and FPIC and provide examples of good practice.</p> <p>Relevant background materials for this session include:</p> <ul style="list-style-type: none"> • LEGEND, Why the IFC Performance Standards are Not Enough: A Comparison with the VGGT (2019) [link] • CCSI, Government Briefing: Integrating FPIC into Investment Assessment Processes (2020) [link] • UNIDROIT, Legal Guide on Agricultural Land Investment Contracts (2021) [link] <p>Additional materials:</p> <ul style="list-style-type: none"> • FAO, Legal empowerment to promote legitimate tenure rights (2021) [link]
[15 minutes]	<p>Reflections from:</p> <ul style="list-style-type: none"> • <i>Sonkita Conteh, Director, Sierra Leone Program, Namati</i> • <i>Facilitated by Margret Vidar, FAO</i>
[20 minutes]	<p>Open Q&A</p>

	Participants will be invited to share questions on the themes and issues raised in the webinar.
[5 minutes]	<p>Closing remarks</p> <ul style="list-style-type: none"> • <i>Margret Vidar, FAO</i> • <i>Sara Moyo, Senior Partner, Honey & Blanckenberg, Harare; Advisory Board member of IBA Agricultural Law Section</i>

General background materials:

- FAO and IISD, Responsible investments in agriculture and food systems – A practical handbook for parliamentarians and parliamentary advisors [[link](#)]