

LAND RIGHTS



A CHAPTER FROM THE BUSINESS TOOLKIT

This is only one chapter of the toolkit. You can download the full document or any of the other chapters from the Partner Africa website. www.partnerafrica.org/business-toolkit

WELCOME

This toolkit provides practical assistance on how to improve **Productivity, Quality and Workforce Management – areas which are inextricably linked**. People are a core and valuable asset for every business and in order to have an efficient, productive business, employees need to work in good conditions. Partner Africa, through its extensive auditing, training and consulting work have found that workers who are safe, respected and content in their work are more efficient and productive. For instance, productivity is increased by reducing the need for sick days and constant recruitment and onboarding due to high worker turnover. The connection also flows in the other direction: as productivity and efficiency improves, there are opportunities to improve wages and reduce excessive working hours without impacting price.

Productivity, Quality and Workforce Management are all essential elements to building a lasting business and a strong partnership with purchasing companies into the future.

The group of companies and organisations behind this toolkit want to share best practice and learning across the industry. This toolkit gives suppliers practical assistance on how to improve productivity, quality and workforce management in production sites. It will enable you to understand each issue and why it matters for your business, what is required, what that means in practice and will also enable you to assess your current situation and provide you with practical tools to make the necessary improvements.

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Produced by Partner Africa for The Coca-Cola Company, Diageo, ABInBev and Aim-Progress



DIAGEO

ABInBev





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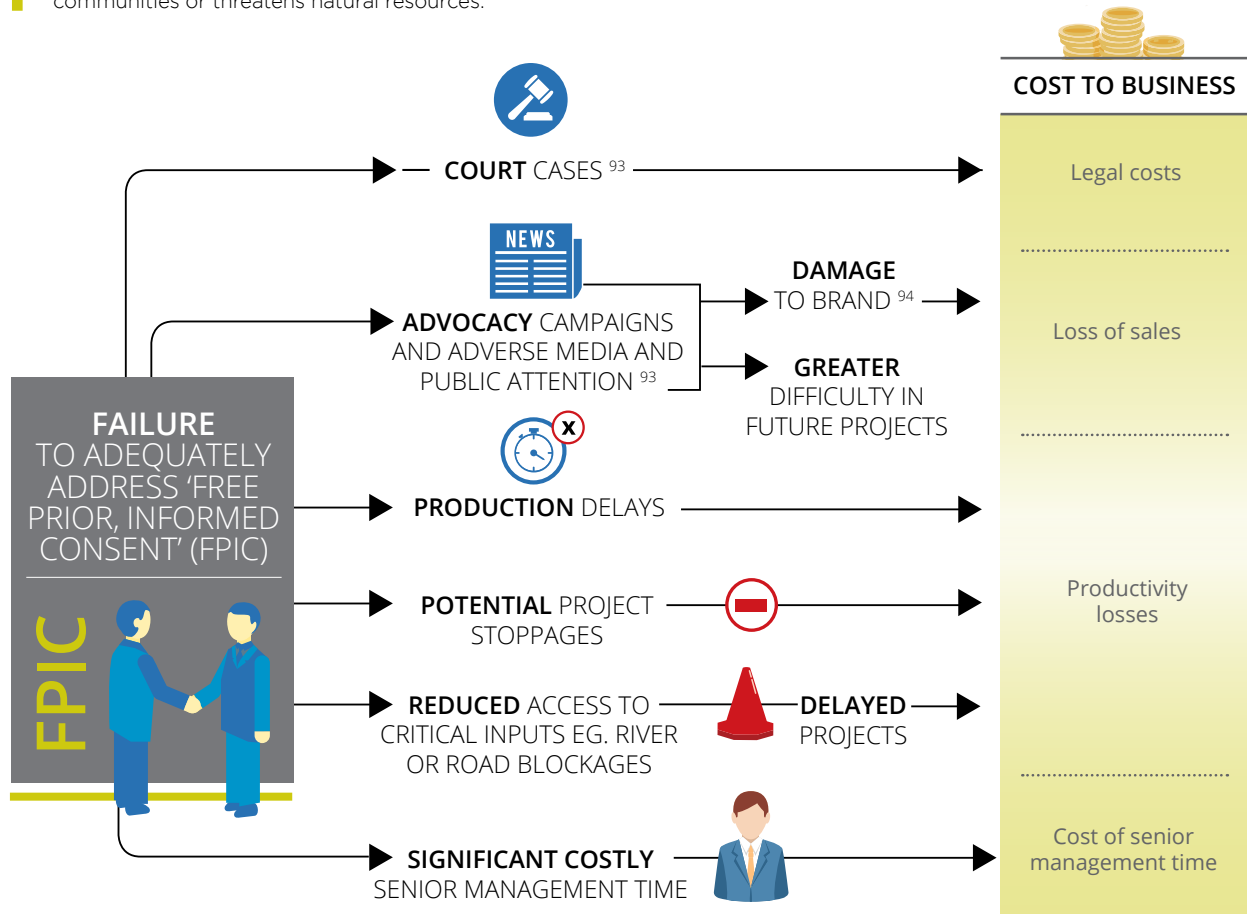
The content of this Toolkit was developed by Partner Africa and consultants, in conjunction with the participating brands. Each company may have additional and/or specific requirements on the topics covered in this document and thus this Toolkit should be utilised as a reference guidance only.



9. LAND RIGHTS

? WHY THIS IS IMPORTANT TO YOUR BUSINESS

For your business to be viable and have social and legal license to operate in a country and region, land acquisitions need to be done in a way that is legal and respects rather than antagonizes local communities or threatens natural resources.



CASE STUDY



A study evaluating the cost of insecure land tenure estimated that social conflict could increase operating costs as much as **29 times** over a normal baseline scenario.⁹⁵

✓ THE EXPECTATIONS

- Follow all applicable national laws relating to the rights of land and natural resources
- Ensure land acquisitions and changes of use are made respecting the rights of individuals and communities impacted
- Conduct due diligence around land rights and title during the development of new business opportunities and seek free, informed, prior consent
- Have a grievance mechanism in place to resolve disputes over land titles

? WHO

Who needs to be involved and informed?

Senior management, owners of the business, financial manager, those responsible for negotiating purchase of property/land.



“

“A ‘social license to operate’ is not something a company applies for and obtains at the local government office; there are many factors that can contribute to obtaining or losing it. The respect for land rights (or lack of thereof) in the communities surrounding supply chain operations, including land acquired by suppliers, are one of those factors.

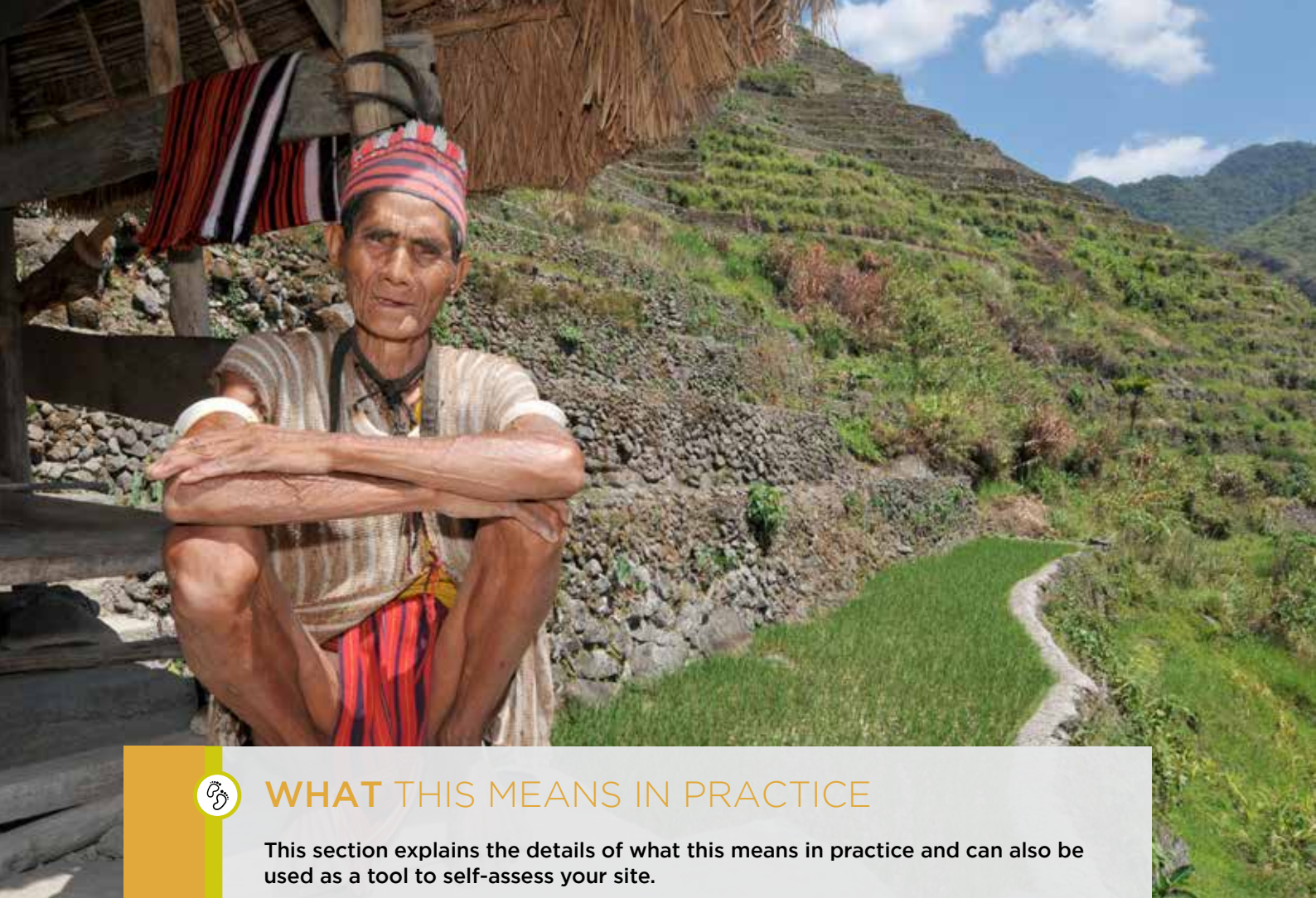
In this context, respecting local land rights is not corporate philanthropy. It is effective risk management, good business and the right thing to do.” ^{95.5}

”

Brent Wilton

*Director, Global Workplace Rights,
The Coca-Cola Company*





WHAT THIS MEANS IN PRACTICE

This section explains the details of what this means in practice and can also be used as a tool to self-assess your site.

Put a if you think that point is in place in your business and put a if it isn't or needs improvement. You can then create an action plan, to assign and follow up an action for every (sample action plans are given at the back of the toolkit).

Prior to purchasing land for your business:

- You need to obtain community support through 'Free, Prior, Informed Consent', which means actively seeking community buy-in. See below for further explanation
- Recognise and safeguard the rights of communities and traditional peoples to maintain access to land and natural resources and also recognise and safeguard the rights of individuals and communities impacted
- Identify and review all property interests and traditional resource uses prior to purchasing or leasing land
- Ensure legal land title transfer processes are followed

Within the process of acquiring land:

- Document efforts to avoid or minimize impacts on natural resources
- Provide an accessible process to receive grievances for disputes over land titles and concerns about fair compensation and engage with and address these grievances in good faith
- Ensure that affected communities are informed of land rights under national law or customary use

Documents needed:

- Ensure documentation such as titles, certificates, deed, lease, or other written instrument are available on site
- Ensure documentation is available for review describing a grievance resolution mechanism that shows how women, men, and communities can register grievances and how they were/are being resolved



PRACTICAL TIPS AND TOOLS FOR IMPROVEMENT

What does FPIC mean?

- **Free** from force, intimidation, coercion, or pressure by anyone (it can be a government, company, or any organisation)
- **Prior** implies that consent has been sufficiently sought in advance of any authorisation or commencement of any project. Also, local communities must be given enough time to consider all the information and make a decision
- **Informed** means that the community must be given all the relevant information to make its decision about whether to agree to the project or not
- **Consent** requires that the people involved in the project must allow indigenous communities to say “Yes” or “No” to the project. This should be according to the decision-making process of their choice

Key steps of FPIC

Detailed guidance on the steps involved are given in the resources listed below but a summary of the key steps is provided here:

1. Identifying appropriate decision-making institutions (allowing rights holders and local communities to select their own decision bodies)
2. Making a careful assessment of local contexts and existing land uses and claims
3. Developing a process for seeking and obtaining consent and integrating FPIC within project design, involving local people in negotiations
4. Monitoring what has been agreed in implementation
5. Verifying consent
6. Developing a grievance process

Resources, reports and tools

- Interactive online tool for supporting companies on issues of land tenure rights. <https://tinyurl.com/y7rfttpj>
- Online resource for information, data and knowledge-exchange on land governance issues. www.landportal.info
- Guidelines for responsible investment in property and land, especially where land rights of local communities are concerned. <https://www.landesia.org/what-we-do/ripl/>
- **The Coca-Cola Company** has produced a ‘Responsible Land Acquisition Guide’ (link in endnotes) ⁹⁶
- **Oakland Institute** <https://tinyurl.com/y7nlbpkc>
- **Food and Agriculture Organisation of the United Nations (FAO)** ‘Land grab or development opportunity?’ (link in endnotes) ⁹⁷
- **Business for Social Responsibility** ‘Engaging with Free, Prior, and Informed Consent’ (link in endnotes) ⁹⁸.
- **The Center for People and Forests** has produced some practical tools, resources and training on FPIC (link in endnotes) ⁹⁹





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- ⁹⁹ Free, Prior, and Informed Consent in REDD+ , The Center for People and Forests. <https://www.recoftc.org/basic-page/fpic>