Legal empowerment in agribusiness investments: harnessing political economy analysis

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Agricultural investments and local communities

- Hopes and fears for rural livelihoods: inclusion in business venture as farm workers or outgrowers, better infrastructure but also potential negative impacts
- Challenge when investor comes in: ensuring that rural people can make informed choices, exercise their rights and have their voices heard
- Role of legal empowerment practitioners is to support local people
What is legal empowerment?

- Helping people to engage with the law so that they can achieve what they value
- Traditionally: interventions at the grassroots level
- In agribusiness investments: legal services to help people secure their land rights, consultations processes, negotiate with companies or redress grievances, etc.
### What is legal empowerment?

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<th>Aim of intervention</th>
<th>Examples of approaches</th>
<th>Examples of issues/arenas</th>
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<tr>
<td>Raise awareness, provide information</td>
<td>Trainings, radio broadcasts, village theatre</td>
<td>Land rights, investment approval process, remedies, proposed laws</td>
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<td>Strengthen ability to act on the awareness</td>
<td>Support to local organisations, charters and committees; hotlines, exchange of experience, community paralegals</td>
<td>Land rights, community-investor negotiations, investor-state contracts, legal redress, proposed laws</td>
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<td>Provide direct support in law-related processes</td>
<td>Legal advice, law clinics, technical support, community paralegals</td>
<td>Administrative processes, litigation, grievance mechanisms, community-investor negotiations, participation in law making</td>
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Economic reality of AB: multiple dimensions

- In FDI, transnational corporate/business relations
- Relations with government: approvals, contracting, compliance…
- Local relations and operational activities
Vested interests

• Land: politically sensitive issue, vested interests & power imbalances
• Diverse national contexts, varying roles of national elites – from land acquirers to partners, intermediaries, facilitators
• Local-level distribution via patronage networks, but trickle down depends on context-specific settlements
• Transnational business relations, political economy of trade and investment treaties
Role of Political Economy Analysis in designing Legal Empowerment Interventions

- PEA tools can help make sense of these issues / different levels
- Identify appropriate levers of influence
- Manage risks involved
- Assess whether legal empowerment appropriate, and which approaches/cases – based on likely effectiveness, risks
- Design and implement more effective interventions
- Broaden range of possible approaches at local, national and international levels
Examples

- Local level: Experiences with local charters to diffuse power within community, eg Senegal, Cameroon, Tanzania
- National level: Supporting national government eg FAO/CFJJ’s “twin track” approach in Mozambique, and improving transparency eg CCSI & CED’s investor state contract scrutiny
- International level: Supporting scrutiny of international frameworks eg Myanmar CSO BIT advocacy, activating transnational levers for redress, international human rights proceedings; eg FPP’s RSPO complaints
- Risk management strategies, eg diffuse community representation
Key take away messages

1. Politics matters
2. Broaden the scope to activate the most effective levers
3. Take a holistic approach: not just LE, but work with PS, technology
4. Ensure communities are in the lead
5. Consider the risks as well as the opportunities
6. Develop new alliances
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. It includes the development and start-up of new DFID country land programmes, alongside knowledge management activities, a challenge fund to support land governance innovations, and management of complementary DFID grants, MoUs and contracts, and supported by a Core Land Support Team.