



# LandAssess Tool User Guide



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The LandAssess Tool is a risk assessment and management framework. It provides a clear and simple set of checklists that generate a report to help companies assess and manage how they respect land rights. This tool responds to the gap between companies' commitments to recognize land rights and their ability to give life to that commitment in their operations.

In recent years, numerous companies have made commitments to better recognize and respect land rights throughout their supply chains. Although making such commitments is a critical first step towards achieving more responsible investments, many companies struggle with how to practically implement such commitments – from not understanding what questions to ask to measure compliance with best practices to not knowing what internal and external support is needed to ensure the company has the capacity to meet its commitments.

The LandAssess Tool is designed to help build this capacity by providing a clear and simple system for companies to track and manage their journeys toward better recognition of and respect for the land rights of smallholder farmers and communities. With funding from UK Department for International Development, Landesa created the LandAssess Tool based on the New Alliance for Food Security and Nutrition's *Analytical Framework for Land-Based Investments in African Agriculture*. The Tool expands the reach of the Analytical Framework and applies to both new and existing operations, as well as to a range of business models (e.g., large-scale estate landholdings, outgrower schemes). Landesa worked closely with Illovo Sugar Africa to pilot the tool throughout Illovo's operations in Malawi, Mozambique, and Tanzania and refined the tool based on input from company staff, local civil society organizations, and expert practitioners.

## When & How Should A Company Use The LandAssess Tool?

The LandAssess Tool will help companies undertake land rights due diligence and monitoring to support compliance with principles for responsible land-based investment. The Tool should be implemented at several junctures to support a company's progress towards improving its recognition of and respect for the land rights of smallholder farmers and communities.

First, the Tool should be administered as a baseline assessment to help a company more clearly understand the land-related issues that it faces and develop and integrate a plan to address such issues through its policies and processes. Because many companies adopt land policies after operating for years or even decades, this assessment will encompass existing land holdings, supply chains, and past land acquisitions, as well as any prospective land acquisitions or supply chain expansions.

This first assessment and the resulting report will provide the framework for integrating appropriate processes and actions into the management plans and day-to-day operations of the company.

The Tool should be readministered periodically to ensure that these processes are working well and are being implemented effectively.

Finally, the LandAssess Tool should be implemented again in advance of any supply chain expansion or proposed land acquisition or significant land use change.

## How to Implement the Tool

Capacity building must be a foundational part of company efforts to achieve more responsible land-based investments. Most companies that have made land rights commitments have little to no experience implementing land-related policies or dealing in a systematic way with land issues in their supply chains. Consequently, company leadership and staff tend to not have a strong understanding of why such policies are important or of what it means to comply with such policies.

To address this gap in land-related capacity, companies should first familiarize their leadership and staff with the existing international standards and best practices for responsible land-based investment and the potential negative impacts that such policies are trying to avoid or mitigate. This training will ensure that staff understands the objective and importance of land policies and the relevance of the activities needed to implement such policies (e.g., impact assessments, community engagement and consultations, etc.). By knowing what activities are required for implementation, companies will also then be able to identify what skillsets are needed to complete such activities, as well as who is best suited to perform such activities. This could range from company staff to external stakeholders (e.g., CSOs, government, practitioners, etc.).

## Who Should Implement the LandAssess Tool?

While responsibility for upholding a company's land commitments rests with senior leadership, and activities and policies may affect staff across departments, direct responsibility for implementing the LandAssess Tool should be clearly delegated to a single individual or team. Each company is unique in its management structure, departmental mandates and capabilities, and staffing arrangements; accordingly, each company may situate land and the LandAssess Tool differently. Key factors that a company should use to guide this decision include:

**Access to information:** The LandAssess Tool implementer will require access to a wide range of information about the company's land holdings, legal matters (including

production contracts, lease agreements, legal disputes, and other issues), production processes, and human resources policies, to name just a few. The successful and timely implementation of the LandAssess Tool will therefore require sufficient access to company-wide information.

**Management authority and decision-making:** The Tool implementer should have sufficient authority to make recommendations for needed actions and strategic responses to ensure that the LandAssess Tool and resulting reports are integrated into company processes and procedures.

Important core competencies for the implementer or implementing team include legal and policy compliance, grievance processes, community relations, and management processes. Due to the range of competencies, a company should likely assign more than one individual to be responsible for implementation.

Establishing and streamlining internal processes, gathering data, and building capacity so that company staff can effectively implement the Tool are important steps. But no company working on its own can address all the relevant land issues around an investment: to be successful, a company must systematically and consistently engage with communities, government stakeholders, and civil society. Understanding engagement and communication as a necessary element of doing business, and incorporating strategies and processes into its systems accordingly, is imperative.

## Checklist Features

The LandAssess Tool is comprised of a series of checklists that one can use to measure whether a company's operations align with the key elements of responsible land-based investments. Such key elements range from consulting and engaging with communities impacted by operations to ensuring a company enters into fair and equitable contracts to obtain or use land.

**Navigation:** Separate checklists are provided depending on whether the company is assessing its own **estate landholdings** (e.g., a large-scale plantation it directly owns or users) or **outgrower farming arrangements** (e.g., land directly owned or leased by company suppliers). The checklist for estate land is located in the second tab; the checklist for outgrower land is located in the fourth tab. Detailed instructions for the estate and outgrower checklists are available in tabs one and three, respectively.

## ? QUESTIONS

The first column of each checklist includes questions a company should answer to assess whether it has carried out specific actions that demonstrate compliance with the key elements of responsible land-based investments. Such questions include, for example, whether the company has adopted a land rights policy or whether it provided proper compensation to those whose land it obtained or is using.

## STATUS

Instead of simply answering “yes” or “no” to each question, in the second column titled “status,” the user should indicate the amount of progress it has made by selecting one of five options defined below. The user will notice that there is not a 100% option. This omission was intentional because a company’s efforts to responsibly invest in land are dynamic and ongoing. Therefore, compliance with the key elements of responsible land-based investment should never be considered a one-time exercise. Instead, a company should assess its performance on a regular – ideally yearly – basis to ensure progress is being made.

- **< 25%** - This status indicates that the company has made minimal or no progress in the category. For example, for the question asking whether the company conducted an environmental and social impact assessment (ESIA), the company identifies that it has not conducted such an assessment.
- **26 – 50%** - This status indicates that the company has made marginal progress in the category. For example, for the question asking whether the company

conducted an ESIA, the company identifies that it has not conducted such an assessment, but has concrete plans to conduct one in the near term.

- **51 – 75%** - This status indicates that the company has made considerable progress in the category. For example, for the question asking whether the company conducted an ESIA, the company identifies that it has completed an ESIA; however, the assessment did not comprehensively assess social impacts.
- **76 – 99%** - This status indicates that the company has made substantial progress or is near completion of its objectives in the category. For example, for the question asking whether the company conducted an ESIA, the company identifies that it has completed the ESIA. It should be noted, however, that this ranking does not mean that future actions in this category will not be required. For example, ESIA's may be warranted in the future if the company's land rights or uses change.
- **N/A** – This status should be used *sparingly* and only if a category is clearly not applicable to a company's operations. For example, for the question asking whether domestic laws and policies governing outgrower schemes exist in the country where a company operates, it is possible to mark the status "N/A" if such laws do not exist. This status option should only be used if a category clearly does not apply to the context in which the company is operating. This option should not be used to avoid answering certain categories of questions.



## COMMENTS & DOCUMENTATION

In the third column, users have the option to provide comments and documentation to explain and support the status selected in the second column. This gives the user an opportunity to provide an explanation for why the company has not made considerable or substantial progress in a category in order to guide the company's efforts to better address an issue over the long term. For example, it may be the case that a company's land rights policies do not address the importance of women's land rights; however, the company could be in the process of consulting a gender expert to include such content. In such a case, the company would include an explanation detailing plans to include



such content and a note to follow up and update the LandAssess Tool once the category is complete.

The Tool also allows users to include links to documentation to support progress made in a category. For example, if a company indicates that it has a land rights policy and staff capacity to implement the policy, the user can provide links to documents or other sources detailing the land rights policy and who is responsible for carry out duties pertaining to its implementation. By including links to documentation and other sources, the LandAssess Tool serves as a single repository for information to support or explain a company's progress to date. The LandAssess Tool can then be shared with staff internally to ensure key personnel are informed of progress made; the Tool can also be shared externally with key stakeholders to demonstrate that the company is working towards meeting its land rights commitments.

## RISK

In the fourth column, users are asked to assign a risk level of 1 – 3, with 1 meaning low risk, 2 meaning medium risk, and 3 meaning high risk. Although the type of risk could vary by category, risk is understood to include the following:

- Risk to the company's reputation and social license to operate
- Risk of disruption, resulting in increased operational cost or delays
- Risk of harm to women and men farmers and communities' land tenure security
- Risk of adverse social, environmental, and economic impacts on women and men farmers and community members
- Risk of excluding the perspectives of women and men farmers and community members
- Risk of conflict between the company, farmers, and community members
- Risk of any other harm to the company, farmers, or communities impacted by operations

It is possible that the status for each category will correlate with the risk assigned. For example, making minimal or no progress in a certain category could pose a risk that this

area of noncompliance will cause issues in the future. However, status and risk will not necessarily correlate. For example, a company could make significant progress towards mapping areas of past, current, and emerging encroachment; however, the issue of encroachment could still be prevalent and ongoing. Therefore, the user would want to assign a higher level of risk to reflect the fact that the category still poses a risk to the company, farmers, and communities and, therefore, should be prioritized.



## Reports

While the checklists help the company ascertain where they are in relation to their commitments, the reporting section of the LandAssess Tool supports short- and medium-term planning by highlighting and prioritizing areas for improvement and providing space for the company to plan next steps.

After completion of each checklist, a report will automatically generate on the next tab for all categories assigned a status of completion of < 51% *or* any category assigned a risk of 2 (medium) or 3 (high). These parameters were set in an effort to help companies prioritize areas where they have made moderate, minimal, or no progress, as well as areas that pose heightened risk to companies, farmers, and communities. Columns one through four will respectively and automatically populate with the checklist item, section (main checklist title), status, and risk. That way, the user will be reminded of what status and risk they assigned to the checklist item, thus limiting the need to reference back to the checklist.

### → FOLLOW-UP ACTIONS

In the fifth column titled, “follow-up actions,” users are asked to detail follow-up actions that the company will take to make progress towards completing the checklist item and to mitigate the risk. Detailing follow-up actions is critical for ensuring that management and key staff are not only aware of areas of risk and noncompliance with the key elements of responsible land-based investment, but also that they are taking concrete

steps towards ensuring they come into compliance and mitigate such risk moving forward.

For example, if the report includes a checklist item indicating that the company has not made considerable or significant progress towards consulting with community members impacted by their operations, then the company can detail follow-up actions to increase and improve consultations with such communities. Such actions could include, for instance, developing a consultation and engagement strategy that includes holding monthly meetings with community leaders and members to better understand how operations are impacting communities and whether there are any unidentified land disputes between the company and communities.



## **CAPACITY – WHO WILL CARRY OUT WORK PLAN ACTIVITIES?**

In the sixth column, titled “capacity,” users will indicate which internal and external actors will be responsible for carrying out the follow-up actions detailed in the fifth column. While piloting the LandAssess Tool, the issue was raised that even if companies are aware of land issues and what actions to take to address them, they often fail to identify who will be responsible for carrying out such actions. Consequently, users are asked to detail what internal and external actors (e.g., CSOs, expert practitioners, government, etc.) will be responsible for carrying out the actions.

It is important to note that even though the LandAssess Tool is aimed to help companies implement their commitments to better recognize and respect land rights, it is unlikely that any company alone will possess the range of skills and expertise needed to handle each situation that may arise. Instead, they will likely need to rely on strategic partnerships with key stakeholders to fill any capacity gaps. For example, a company may identify unclear boundaries as a contributing cause leading to encroachment issues by community members who cannot identify where the boundaries are located. To address the issue, the company could task an internal land surveyor to retrace the boundary and identify areas of encroachment while also hiring a third party, such as a CSO or expert practitioner, to consult with communities living along the boundary

regarding the fact that the boundaries need to be clarified and retraced. Similarly, if the company needs to conduct an ESIA to understand how its expanding operations will impact community land rights and livelihoods, it may need to hire a third party expert to provide supplemental support on how to measure and mitigate such impacts.

## **TIMELINE/ROAD MAP**

In the seventh column, titled “timeline,” companies are instructed to detail realistic timelines for completing the action plans included in the “follow-up action” column. Such timelines should be used to hold internal and external actors accountable for completing the follow-up actions in a timely manner. Such timelines should be revisited once the company begins carrying out the follow-up actions to ensure they are realistic. By including timelines for completing the follow-up actions, the LandAssess Tool can also be used to provide updates to external parties regarding when to expected the company to make progress towards implementing its commitments to better recognize and respect land rights.