

## Situation Assessment Summary and Problem Statement

### Supporting an Engaged East African Civil Society to Enable Equitable Natural Resources Development

Ford Foundation Grant No. 127342

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#### Introduction

Women, men, and communities can be made worse off when private sector investments in land and other natural resources are made without attention to best investment practices, and these adverse outcomes are frequently not shared equally among affected individuals. Women and girls can bear a disproportionate share of the risks and impacts of investments, and they tend to be less likely than men to benefit from the economic and employment opportunities that these investments can generate.

Resource Equity's EA CSO grant -- *Supporting an Engaged East African Civil Society to Enable Equitable Natural Resources Development* -- is aimed at the reality that civil society organizations in Eastern Africa and elsewhere across the global south are uniquely positioned and qualified to enter into collaborative partnerships with private sector actors, communities, and governments to bring about socially responsible investments in land and other natural resources. This reality could bring the promise of more equitable outcomes for communities, households, and individuals – both women and men – during such investments. With this acknowledgement comes a number of challenges to the prospect of a civil-private collaboration across the landscape of these investments.

The EA CSO grant was designed to explore and articulate the potential for beneficial collaborations between CSOs and the private sector, to identify challenges to such collaborations, and to propose possible solutions to these barriers. The grant includes five activities aimed at these results:

1. Stakeholder landscape mapping (completed).
2. An orientation and capacity-building workshop (completed in June 2018).
3. This situation assessment summary (completed).
4. An RFP for seed-grants that could be used to solicit proposals from CSOs interested in the more collaborative model (completed).
5. A World Bank Land Conference delegation from Kenya and Uganda that explored this and other ideas and relationships linked to securing women's, men's, and community land and natural resource tenure rights (completed in 2016).

While the grant activities were undertaken to reflect this configuration, several events and factors combined to subtly shape and reshape several of them in useful ways over the life of the grant. Overall, the stakeholder landscape mapping evolved into a set of opportunities and events that effectively spread the mapping and interactions with vital CSOs over much of the life of the grant. Additional opportunities for both global and local stakeholder mapping and interactions presented themselves during the life of the grant, resulting in more sustained stakeholder interactions and opportunities for advocacy around the core issues at several important venues (including several conferences and meetings, including several convenings of the Interlaken Group, a European Investment Bank convening of development finance institutions, an FAO convening on women and agricultural investments and supply chains, a Rights and Resources Initiative convening on women, indigenous groups, and resource rights, and the 2018 World Bank Land Policy Conference). The grant's workshop, held in Kampala for both Kenyan and Ugandan attendees in June 2018, was augmented by another directly related workshop in Tanzania in October 2018. The second workshop, undertaken as a part of a separate but directly related DFID grant for which Resource Equity is a sub-grantee, yielded ratifying information and input, and further enriched both the learning and capacity building of CSOs. A follow-on CSO workshop in Tanzania under this related grant was held in Tanzania in December 2018, which focused on the core grant topic of CSO collaborative participation in support of investments in extractive resources and agriculture.

This situation assessment summary:

- Briefly describes the current state and effectiveness of best practices for socially responsible investments in land and other natural resources, and explains the potential for CSOs to play a facilitative role in equitable and financially sound investments.
- Describes the challenges and possible solutions inherent in CSOs playing an expanded, collaborative role in land and extractives investments.
- Outlines some possible next steps and comments upon the prospects for small CSO grants that further such collaborations between CSOs and the private sector during investments.

## State of Best Practices and the Need for Implementing Expertise

Businesses have never been better positioned to make socially responsible investments in land and natural resources. Best practices for equitable, transparent, multi-laterally beneficial, and less risky extractive, forest, agricultural land, and other resource deals are now more known and knowable than any other time in history. National governance frameworks are improving, and the FAO *Voluntary Guidelines* have served as an influential land-related touchstone for almost 5 years. Other international standards and guides for land and extractive resources investment are available, accessible, and useful. Some of these are listed below. Broadly writ, businesses and governments now know what “doing it right” should look like.

STANDARDS	GUIDELINES
<ul style="list-style-type: none"> <li>• Voluntary Guidelines on the Responsible Governance of Tenure</li> <li>• Principles on Responsible Agricultural Investment</li> <li>• CFS Principles for Responsible Investment in Agricultural &amp; Food Systems</li> <li>• AU Guiding Principles on Large-Scale Land Based Investments in Africa</li> <li>• IFC Performance Standards</li> <li>• Equator Principles III</li> <li>• UN Guiding Principles on Business &amp; Human Rights</li> <li>• UN Global Compact</li> <li>• Commodities standards &amp; certifications</li> </ul>	<ul style="list-style-type: none"> <li>• New Alliance Analytical Framework</li> <li>• USAID Operational Guidelines</li> <li>• FAO Technical Guides on VGGT Implementation</li> <li>• OECD-FAO Guidance</li> <li>• Interlaken Group Guidance</li> <li>• Landesa RIPL guides</li> </ul>

These standards and guidelines generally set out or implicitly reflect the fundamental practices that need to occur to realize and sustain a socially responsible investment. They include:

1. Organizing and leading consultation and engagement between companies and local communities (and government), with a particular focus on including and hearing from women about their land and natural resources uses and rights (or lack thereof).
2. Understanding, identifying, and formalizing resource, land, and livelihoods rights – helping investors identify and recognize statutory, customary, secondary, seasonal, and other use rights holders, with a particular and critical focus on women’s land and livelihoods uses and rights.
3. Assessing potential direct and indirect impacts of land and other natural resource-based investments, including the ability to assess environmental, social, human rights, and gender impacts, and then to avoid or mitigate adverse impacts.
4. Assessing the value of foregone livelihoods and other compensation requirements, including resettlement when necessary, with a goal of providing full, fair, and equitably distributed compensation at the household and community level. This result requires careful consideration of all resource uses and a focus on equitable outcomes for women.
5. Brokering negotiations and drafting fair agreements between communities (including women, men, and households), investors, and governments.
6. Designing and implementing monitoring and evaluation of planned and ongoing investment projects that ensures that terms and conditions of agreements are implemented and enforced, and that remedies for breach and non-performance are available.
7. Establishing and administering investment-specific grievance mechanisms to augment dispute resolution systems provided by the state. These must be accessible, certain, sustainable, and effective in delivering remedies, where justified.
8. Throughout and in support of the other practices, building community and individual capacity on consultation and engagement voice and participation, land and natural resource tenure rights, assessment of investment impacts, legal frameworks and gaps, benefits sharing, livelihoods

valuation and compensation, benefits sharing, enforcing agreements, and accessing grievance mechanisms. An emphasis on women is required for such capacity building to reach women and be meaningful to them.

However, the practical application of these best practices continues to be a challenge because private sector actors – businesses and investors – lack expertise and experience in the social and livelihoods issues linked to natural resources, land, and gender. Even companies that have made strong best-practices commitments, embarked upon clear implementation work plans, and begun to dedicate significant resources to best practices are facing challenges in filling the expertise gaps. For example, Tanzania’s Kilombero Sugar Company (KSC -- a partnership led by Illovo Sugar, Ltd.) recognized that it needed outside help as it now assesses the feasibility of adding 8,000 new cane out-growers to its supply chain. Committed to best investment practices for agricultural land use changes, KSC quickly saw the need for outside support in consultation and engagement and social impact assessment. Albeit, KSC may be an exception in recognizing its needs for outside expertise and in looking to a local CSO for help; many national and regional companies have little awareness of best practices, almost assuredly lack the knowledge and expertise needed to implement them, and therefore have little realization that outside expertise could be a key factor.

Beyond the KSC example, extensive conversations and consultations with companies within and outside of the EA CSO grant activities have made it clear that these companies need talent and expertise from the outside to help them deliver on best investment practices. Many skills are needed, such as the ability to identify gender implications of the investment and to design sensible measures for including women; perform social and economic risk and impact assessments; consult and engage with communities, women, and men; and negotiate, monitor, and enforce fair agreements that meet the needs of all parties. These skills need to be grounded in emerging-market geographic experience. However, these skills will almost always be found outside the usual service providers that now support businesses – accounting, legal, labor, health and safety, environmental, and other consultants.

Civil society mapping done within and outside of the EA CSO grant activities also make it clear that civil society actors could conceivably play a bigger role in supporting best-practice business investments in land and extractives resources. Repeatedly, conversations with CSOs show that their ongoing missions, mandates, programs, and activities reflect the needed expertise and experience that could provide critical support to the private sector’s efforts to embrace and implement best investment practices. Because of these strong and long-developed skillsets, CSOs could fill a critical role by supporting communities and working with both the private sector and government to identify and clarify women’s and men’s rights and interests, facilitate their meaningful input to land and resource investments, support increased accountability and parity in negotiations, and monitor and enforce the terms and conditions of agreements between businesses and land and natural resources rightsholders. Historically (and appropriately), many CSO efforts have focused upon governments and broader policy reform, serving communities directly on a variety of development objectives, or have been aimed at calling attention to the failures and abuses committed by the private sector and government. All of these activities have been crucial in addressing systemic failures and galvanizing the efforts of investors, government, and

communities in seeking solutions. But, under certain conditions, CSOs might also be able to practically and meaningfully work with the private sector and governments to contribute to the equitable development of land and other natural resources.

The KSC example unfolding in Tanzania serves as an early and, so far, unusual success story in this regard. Facilitated and supported in looking outside its own capabilities and resources by way of a DFID grant aimed at bringing CSO expertise to best-practices investments in land, KSC has engaged with PELUM Tanzania. PELUM – Participatory Ecological Land Use Management – is a CSO that works to improve the livelihoods of small-scale farmers and the sustainability of farming communities by (among other activities) assisting communities in land use planning and formalization of community and individual land rights. KSC is using PELUM to conduct community consultation and engagement and in conducting community mapping and first-level social assessments in 28 affected communities. PELUM’s skills in engagement and assessment are helping KSC to get a better picture of the effects of changing household cropping from subsistence and local market crops (primarily rice and maize) to cane growing and a primarily cash cropping livelihood. Early results have shown that PELUM’s work has been very useful to KSC and that PELUM has been successful in managing the risks that come with a CSO collaborating with a private sector actor in a land-related investment. Within this facilitated and brokered scenario, PELUM has concluded that working *with* the private sector does not have to mean working *for* the private sector. More information on the challenges facing CSOs and possible solutions is provided below within the material describing the CSO workshops.

## CSO Workshops: Exploring the Challenges and Possible Solutions

The EA CSO grant provided for a capacity-building and consultative workshop for selected Kenyan and Ugandan CSOs. It was held in Kampala on 12 and 13 June 2018. Thirty-six CSO representatives attended. Three representatives from the private sector joined (oil and gas sector), and one government representative attended (from Uganda’s Ministry of Land, Housing, and Urban Development). One private legal practitioner joined, and one public sector donor was in attendance (representing Norway). Two corporate engagement and land tenure specialists from Landesa joined the event as well, at the invitation of Resource Equity. A list of attendees is included in Annex 1.

Representing a variety of missions and constituencies, the CSOs provided a realistic and nuanced perspective on the notion of CSOs collaborating with the private sector, communities, and local governments around land-related investments. Attendees included CSOs focusing on land (Kenya Land Alliance and others); transparency and advocacy (Transparency International, which served as the local facilitator, ActionAid, and others); development and environmental advocacy (Advocates Coalition for Development and Environment, for example); rural and community advocacy, development, and capacity building (Friends of Lake Turkana and Civic Response on Environment and Development); civil society and extractives (Kenya Civil Society Platform on Oil and Gas); research and community development (Associates Research Trust Uganda); and others.

Under a separate grant provided by DFID, under which Resource Equity is a sub-grantee to Landesa, another directly related workshop was held in Dar es Salaam on 3 and 4 October. A list of attendees is included in Annex 2. This workshop focused on most of the same issues as the Kampala workshop, but also addressed the prospect of an online platform to be piloted in Tanzania under the next phase of the sponsoring DFID-funded project. The online platform will connect registered investors in land with registered service providers, which will include CSOs. Tanzania workshop CSO participants included Tanzania Land Alliance, Action Aid, Women in Law and Development in Africa, Women's Emancipation and Development Agency, Tanzania Natural Resource Forum, Women's Legal Aid Centre, and others. A follow-on workshop is scheduled for December 2018.

Both workshops introduced CSO attendees to the idea that they could work in a collaborative role with businesses as they endeavor to embrace best investment practices. Both workshops included an introduction to international principles and best practices for responsible investments in land and extractive resources. Working sessions focused on the transferability of CSO expertise and experience to private sector investments, risks and barriers to CSO participation in land investments, and solutions to the challenges.

Although the workshop inputs and findings are summarized below, one reality quickly became evident – there are significant challenges surrounding women's land and natural resource uses, interests, and rights in the context of investments. While we know that communities as a whole can be made worse off when private sector investments in land and other natural resources are made without attention to best investment practices, we have also seen that these adverse outcomes are frequently not shared equally among affected individuals. Women and girls can bear a disproportionate share of the risks and impacts of investments, and tend to be less likely than men to benefit from the economic and employment opportunities that these investments can generate. The workshop sessions brought home the point that, given the complicated task of protecting the interests of communities generally, the problem of hearing and supporting women in the face of investments that affect their land uses and rights is even more demanding and will take considerable focus and resources.

### Current Transferable CSO Expertise and Experience

CSOs have rich toolkits and talent at hand. Under their existing missions and programs, CSOs are currently using skills and performing many activities that are directly transferrable to collaborative partnerships with the private sector and government in furtherance of socially responsible investments. In a few cases, CSOs are now involved directly in extractives and land-related projects that benefit women, men, and communities as well as private sector actors. The CSO attendees at the Kampala and Dar es Salaam attested to this reality. Examples of current CSO skills and activities that could be transferrable in support of collaborative partnerships with the private sector and government include:

- Community capacity building around land and resource rights and the prospects of future private sector investments that may affect those rights.
- Private sector and government capacity building.

- Community consultation and engagement on gender, rural, and livelihoods development issues, as well as (in a few cases) impending investments in extractives and land.
- Facilitating multi-stakeholder dialogues involving the private sector, communities, and national, regional, and local government
- Impact assessments of gender equity and community initiatives and development schemes (that are directly related to the kinds of assessments needed in advance of investments in extractive resources and land).
- Research and fact-finding.
- Understanding, identifying, mapping, and formalizing resource, land, and livelihoods rights – helping investors identify and recognize statutory, customary, secondary, seasonal, and other use rights holders, with a particular and critical focus on women’s land and livelihoods uses and rights.
- Community advocacy and representation of the type that can be adapted for the benefit of women, men, and communities during negotiations linked to investments in extractive resources and land.
- Establishing and administering grievance mechanisms.
- Monitoring and evaluation of gender, rural, and livelihoods development schemes, in conjunction with enforcement of agreements made between a variety of stakeholders, including the private sector and communities.

## Risks and Challenges

CSOs rightfully see risks and challenges in collaborating with the private sector, and almost all the workshop CSOs had reservations about such collaborations, given existing circumstances and institutional relationships. The risks and challenges identified by the CSOs were well articulated, consistent across both workshops, and included:

- While the CSOs agreed that they possessed a number of transferable skills, they also expressed concerns about the depth of their knowledge about best investment practices. This noted, the CSOs were clear about the needed outcomes – equitable results for women, men, and communities.
- The risk of reputational damage and an appearance of “selling out to the private sector” should CSOs collaborate with private sector actors. CSOs saw the prospect for constituents and beneficiaries to have suspicions and uncertainties about the extent to which CSOs collaborate with the private sector, and the CSOs also were concerned about whether such collaboration could undermine funding opportunities from both private (foundations) and public (bi-lateral and multi-lateral) donors. As well, the CSOs voiced fears that their organizations could be manipulated into providing “cover” for a less than ideal investment that could ultimately harm community resource users.
- Concerns about maintaining the level of independence that CSOs rely upon for both credibility and for trusted access to civil society stakeholders. Cooperation with the private sector could be seen as a situation that creates difficulties for CSOs in “calling out” or criticizing private sector actors for problematic behavior.



- A perceived challenge stemming from whether existing governance frameworks would permit CSOs to collaborate with and support private sector actors. The CSOs wondered whether their statutory status and mandates could restrict them in collaborating with the private sector and in receiving funding from the private sources in exchange for providing services in furtherance of land and extractives development projects. Indeed, some government representatives have expressed the same concern – whether national laws governing civil society and non-profit organizations might constrain CSOs in their ability to act outside of their traditional roles.
- Reservations linked to their ability to steer private sector actors toward best practices for responsible investment. CSOs had concerns about their ability and leverage to prompt the private sector to embrace and implement best investment practices. All acknowledged during the workshops that private sector actors were continuously faced with the need to control and reduce costs. With this common incentive driving businesses, CSOs wondered about the likelihood that they would be able to keep a business on track with best practices, particularly when an investment appears to be proceeding without controversy and an option to reduce costs (by limiting consultation and engagement or reducing the scope of an impact assessment, for example) seems to be an attractive, cost-saving option. In a similar vein, CSOs commented upon the typical power imbalance that exists between CSOs and businesses and between businesses and communities.
- Concerns about advancing the interests and rights of women in a landscape that already faces challenges in advancing those same interests on behalf of communities, men, and households. All of the CSOs acknowledged the difficulties in recognizing and addressing the problems faced by women and other vulnerable groups during an investment, particularly when there are barriers and constraints that often prevent men and communities from being accommodated according to best practices. At both workshops, a “starting with women” approach was discussed, with a goal of ensuring that women’s land and other resource uses are seen, rights to those resources are established and honored, women’s voices are heard during consultations and engagements, and the impacts to women’s uses are assessed and mitigated. The discussions quickly made it clear that addressing the challenges that are unique to women will take resources, insight, expertise, and emphasis.

### Possible Solutions to the Challenges

All of these challenges are real and complex. None is to be minimized or treated lightly. Nevertheless, none of the CSO representatives were openly hostile to or condemned the idea that they could conceivably bring their skills to a collaboration between their organizations and private sector actors. Almost universally, they acknowledged their organizational expertise was in alignment with the sorts of skills needed to better implement best investment practices. During both workshops, CSO attendees were creative and positive in brainstorming ideas for meeting the challenges that they had identified. Proposed solutions to some of the challenges that they had identified included:

- Further capacity building for both CSOs and private sector actors around best practices for responsible investments in extractives and land, with a particular emphasis upon women’s land



and resource uses, interests, and rights. With a more universal understanding of best practices, collaborations should be easier to construct and desired outcomes could be mutually embraced at the outset. While “best outcomes” are more universally understood, the private sector’s approach to embracing best practices can sometimes be driven (or thwarted) by risks, costs, and burdens that may not always be clear to those outside the sector. A better understanding of these on the part of CSOs could help them as collaborators, and even give them important perspectives as they pursue their traditional missions and programs.

- The use of neutral third-parties to initiate and facilitate the relationships between CSOs and the private sector. CSO representatives at the workshops commented that third parties can make important introductions and help bridge communication gaps/
- The use of formal mechanisms to provide an arm’s length relationship between CSOs and businesses, including such tools as escrow accounts or trusts to hold and pay funds for the benefit of CSOs as services are delivered, and designated, facilitating intermediaries (perhaps from international NGOs) that speak the languages of both the civil and private sectors.
- Sensitization of governments to the idea that CSOs could serve as service providers to the private sector, and, when necessary, amendments to laws and regulations that might serve as barriers to the CSOs taking on new roles in collaboration with businesses. Here too, international NGOs may have a role to play as neutral educators and advisors to governments as they attempt to customize their civil society and CSO frameworks.
- Sensitization of private sector actors to the nuances inherent in using CSOs as gender and best investment practices advisors and implementers during extractives and land development projects. Nuances include the need for CSOs to retain a degree of independence, the operational differences between businesses and CSOs, and the general hesitancy on the part of CSOs to cooperate directly with the private sector (given historic relationships sometimes characterized by conflict). Again, international NGOs might be suitable educators in a role of providing needed insights and introductions to the private sector.
- Development of best practices scopes of work and terms of reference that could set the standards for the work that CSOs might perform on behalf of the private sector. Having these standardized descriptions of how best practices should be implemented were seen by CSO participants as a path toward objectively establishing the content of best practices and the desired outcomes, along with a benchmark that could be referred to when CSOs felt the need to “enforce” a best-practices approach. These statements of best practices approaches might also serve to institutionalize a focus upon women (that is often overlooked or foregone). The DFID-funded project that supported the Tanzania workshop is now working on model terms of reference for best investment practices.
- Establishing and implementing clear and transparent CSO communication strategies that positively and openly affirm commitments to the CSO’s vision, mission and values across the civil landscape. By continuing to clearly articulate their civil missions and mandates, CSOs may be better able to preserve their independence and establish and maintain their ultimate allegiance

to their beneficiaries. The challenge to be faced here is an important one, as CSO devotion and allegiance to their civil/community beneficiaries must remain clear and unimpaired.

- Clear, equitable, and transparent agreements/contracts/MOUs between CSOs and private businesses. Innovative thinking should be aimed at balancing the need for transparency with the reality that business-sensitive information must sometimes remain confidential. In some cases, businesses may have to re-think their need to limit the public circulation of information, particularly given the cornerstone status of information to equitable outcomes.
- A balanced funding portfolio – diverse sources of funding – such that no CSO would have to overly rely upon an income stream originating with the private sector. CSOs should endeavor to separately preserve their civil missions and mandates, while carefully considering, vetting, and engaging in selected collaborations with the private sector. Only some CSO-private sector collaborations will meet the test, and a key task will be making more and more of them suitable candidates for a civil-private team approach.
- Clear and formal consent/endorsement from CSO constancies, beneficiaries, staff, management, and boards before collaborations with the private sector are begun. As well, established due diligence procedures for screening opportunities, formal organizational rules for implementing collaborative projects, and revised bylaws and strategic plans that expressly permit and enable CSO-business collaborations. Transparency and sensitization will be important ingredients, and CSOs' civil and community beneficiaries will obviously merit a “need-to-know” status.

## Conclusions and Next Steps

While the possible solutions set out above speak for themselves and provide a strong starting place, a number of conclusions and possible next steps flow out of the grant activities and the inputs and ideas generated during the CSO workshops. Some of them are described below. Others deserve development.

**Government stakeholders** at all levels need to be better introduced to the possibility that civil society organizations in Kenya and Uganda and elsewhere could collaborate with private sector actors, communities, and the governments themselves to bring about socially responsible investments in land and other natural resources, while focusing with particularity on better outcomes for women. While the grant's outreach did touch government representatives, it was a limited contact. Systematic sensitization and advocacy are needed. State representatives from the land, agriculture, forestry, minerals, oil and gas, and economic development ministries should be educated on best investment practices and the prospect of CSO collaboration in investment projects. Quasi-governmental investment promotion agencies need to be reached as well. Plus, the reality is that government is often a partner with businesses in land and other natural resource developments, and government should be approached and sensitized as both a regulator and a partner to business. Governments often seek a “fast-track” approach to bringing investments online. They desire the revenue streams (often in the form of taxes and royalties) that often accompany investments in resources – particularly within the extractives sector. Given this urgency to bring investment projects to a point of yielding revenues, governments in fact should be viewed as having some of the same incentives as investors – an overall tendency to reduce up-front costs, a tendency to minimize

the cost of ongoing operations, a desire to preserve royalty streams, a desire to limit the costs born of consultation and assessment processes, a wish to minimize the costs associated with impact mitigation, and a tendency to not see or hear women and other vulnerable groups. These incentives should be countered through sensitization on best practices and outcomes for women, men, and communities.

**Additional and ongoing CSO outreach** is needed. Outreach should include additional explanation of and advocacy for the notion that CSOs have a useful role to play as contributing partners in investments. CSO outreach should include capacity building on best investment practices – including introductions to the detailed guidance that now exists for all of the steps involved in socially responsible investment. This increased capacity will serve both the goal of CSO collaborations in investments, as well as a goal of simply creating a more informed CSO sector for purposes of playing a more traditional witness and watchdog role and as a general advocate for better investment-related outcomes. The CSO workshops showed a general openness to the idea of CSO collaborations, as well as a broad desire for more information on best investment practices.

**Outreach directed at the private sector should cover** both the roles that CSOs could play and the scope and content of best investment practices. This outreach and sensitization will help businesses understand what needs to be done and how they can get help in doing it. Ideally, CSOs themselves could organize and perform the outreach by first educating businesses on best investment practices, including the vulnerabilities that women, men, communities, and other stakeholders face around land and other resource use and rights. Private and public sector donors should find this kind of work useful and deserving of support. With this sort of outreach, CSOs would then be well positioned to introduce the prospect that they could assist businesses in delivering best investment practices. In parallel, international and national NGOs could provide training to local businesses on best investment practices. Finally, government representatives that have been sensitized to best investment practices should be encouraged to provide education to businesses on the state's expectations around best practices.

**More investment in tools** will benefit CSOs in overcoming some of the barriers they identified during the workshops. Facilitating mechanisms, such as escrow accounts and trusts to hold and disburse payments should be explored, and standardized documents for contracting and developing terms of reference for services should be developed. Other tools should be explored and promoted as well, including the utility of the DFID-funded online platform for matching businesses with service providers. All tools should be designed with the goal in mind of reaching and accommodating women's land and resource uses, interests, and rights.

**Empowering third parties** – national and international NGOs, public and private donors, government representatives (such as state investment and trade authorities), and academics – to facilitate introductions between businesses and willing and qualified CSOs will be useful. These third parties can be coached to operate from a position of independence and neutrality, with the promotion of best investment practices being the primary agenda driver. Knowledgeable international NGOs can build the capacity of these third parties and assist them in making the needed introductions.

Support in creating the [organizational tools and frameworks](#) that CSOs will need to internalize the relatively new and novel role of service provider to the private sector will be useful and would defray start-up costs. Due diligence approaches for vetting private sector collaborators, strategy statements and objectives for CSO adoption, organizational policies that cover including private sector collaborations within CSO portfolios, and detailed procedures for providing services to businesses would all be useful in spurring CSO interest, facilitating start-up, and supporting collaborative operations.

[Seed grants](#) that support CSOs in entering into collaborative partnerships with businesses and in providing best investment practices services will yield immediate benefits in creating relationships and in demonstrating proof of concept, along with improving outcomes of discrete investments. The PELUM example mentioned earlier serves as a successful model, as its support of KSC was funded in large part by DFID. The draft RFP created under this grant as a final deliverable under this EA CSO grant will be useful in soliciting grant applications from interested CSOs. In some cases, interested CSOs will already be participating in emerging investments as advocates and facilitators on behalf of women, men, and community land and resource users, with the acknowledgement of private sector actors and local and national government. Global Rights Alert provides an example from Uganda, where GRA is working with a community (and local government) to build capacity around and to protect land rights in the face of oil and gas development projects. Small grants that position CSOs as facilitating collaborators hold strong promise as a means of making important introductions between civil society and the private sector and an opportunity to show businesses and the government the merits of CSO participation in realizing best investment practices.

## Closing and Acknowledgements

The Kenyan, Ugandan, and Tanzanian CSOs that informed this situation assessment summary have been the real innovators behind the ideas presented here. They were open to new ideas, eager participants in productive discussions, and vocal advocates for new models. They were the thinkers and brainstormers that generated both the challenges and the potential solutions. It is clear that they must remain key leaders in pushing the idea of civil-private collaborations forward. This noted, actors from both the private sector and government have been open and interested in the concepts discussed above. No representative from these groups was dismissive or pessimistic, and, in many cases, stakeholders from both business and the state contributed innovative insights and positive support for many of the ideas around the concept.

The author also gratefully acknowledges Landesa's Laura Eshbach, Mina Manuchehri, and Megan Olson for their ongoing contributions and cooperation through two Landesa projects (both funded by DFID). These talented colleagues have been quick to exchange information and ideas, and to provide both support and leadership, as they work on responsible investments in land and the idea that CSOs may have much to contribute as collaborators with the private sector. Their thinking has been instrumental to mine. A warm thanks is also extended to Transparency International Uganda's Gerald Padde Auku, who provided strong organizational and logistics support for the Kampala workshop; Lynn Gitu, who served as the

moderator for the Kampala workshop; and Transparency International Uganda's Elizabeth Kulume and Connor Morris, who memorialized the workshop proceedings and prepared a concise and useful summary.

## Annex 1

### Attendees

#### Workshop: Supporting an Engaged East African Civil Society to Enable Equitable Natural Resources Development

Kampala, Uganda -- 12 and 13 June 2018

1. Walid Ahmed Ali, Lamu Youth Alliance
2. Phillo Aryatwijuka, Ecological Christian Organization
3. David Bledsoe, Resource Equity
4. Laura Eshbach, Landesa
5. Lynn Gitu, Impact
6. Caleb Gumisiriza, Uganda National Farmers Federation
7. Francis Kairu, International Senior Lawyers Project
8. Jesse Maurice Kijjambu, Ministry of Land, Housing, and Urban Development
9. Herbert Kamisime, Associates Research Trust - Uganda
10. Christine Kajumba, Associates Research Trust – Uganda
11. Vincent Kedi, Ministry of Energy and Mineral Development
12. Wilson Kipkazi, Endorois Welfare Council
13. Elizabeth Kulume, Transparency International Uganda
14. Zakalia Lubega, China National Offshore Oil Corporation
15. Odenda Lumumba, Kenya Land Alliance
16. Mwenda Makathimo, Land Development and Governance Institute,
17. Connor Morris, Transparency International Uganda
18. Raimon Muhumuza, Birudo
19. Chris Musume, African Centre for Energy and Mineral Policy
20. Carolyne Nakajubi, Global Rights Alert
21. Arnold Nyaga, Kenya Civil Society Platform on Oil & Gas
22. Titus Ogaro, Transparency International Kenya
23. Samuel Olando, Economic and Social Rights Center-Hakijamii
24. Megan Olson, Landesa
25. Paolyel Onencan, Buliisa Initiative for Rural Development Organisation
26. Moses Otang, China National Offshore Oil Corporation
27. Eddie Nsamba-Gayiiya, Associates Research Trust – Uganda
28. Andrew Orina, Friends of Lake Turkana
29. Tony Otoa, Total
30. Tina Oulie, Norwegian Embassy
31. Gerald Padde Auku, Transparency International Uganda

32. Mohamed Ruwange, Strathmore University
33. Sabastiano Rwengabo, Advocates Coalition for Development and Environment
34. Asmahany Saad, OSH Advocates
35. Bashir Twesigye, Civic Response on Environment and Development
36. Peter Wandera, Transparency International Uganda



## Annex 2

### Attendees

#### Landesa Workshop: Toward more responsible investment in land: A role for CSOs engaging with the Private Sector

Dar es Salaam, Tanzania – 3 and 4 October 2018

1. David Bledsoe, Resource Equity
2. Grace Daffa, Women's Legal Aid Centre
3. Scholastica Haule, Action Aid Consultant
4. Jamal Juma, Tanzania Land Alliance
5. Joseph Kironde, Ardhi University
6. Anna Meela Kulaya, Women in Law and Development in Africa Tanzania
7. Masalu Luhula, Tanzania Natural Resource Forum
8. Juma Masisi, Women Emancipation and Development Agency
9. Flora Masoy, Morogoro Paralegal Center
10. Godfrey Massay, Landesa Tanzania
11. Monica Mhoja, Landesa Tanzania
12. Khadija Mrisho, Landesa Tanzania
13. Megan Olson, Landesa
14. Gloria Mdindile, MIICO
15. Zubery Mwachulla, Tanzania Grass Roots Oriented Development
16. Adam Patrick Nyaruhuma, Arhdi Institute
17. Angolile Rayson, Participatory Ecological Land Use Management
18. Stephanie Sampson, Landesa
19. Donati Alex Senszia, Participatory Ecological Land Use Management
20. Cathbert Thomito, Hakiardhi