

THEME 3:

DEVELOPING A SCORECARD FOR ASSESSING INVESTMENTS IN LAND AND AGRICULTURE⁴

Investments on land and agriculture are on the rise in Asia due to increasing demand for food, more incentives for biofuel production, and the growth of global trade liberalization.

While driving economic growth, the impacts of business ventures on communities may at times be negative. These negative impacts are exacerbated by the fragmented nature of the land sector in most Asian countries, characterized by overlapping land policies and agency jurisdiction. This situation leads to conflicting claims over land and human rights abuses against farmers and indigenous people.

To monitor the impacts of agricultural business investments on tenurial security, CSO members of the Land Watch Asia Working Group on Land Rights as Human Rights initiated the development of a *Scorecard for Private Business Investors in Land and Agriculture*. While still a work in progress, the *scorecard* is meant to assess private investments' sensitivity to the land and human rights of communities affected or will potentially be affected by their projects.

To objectively assess investments, evaluators ought to be guided by a set of principles accepted both by the international community and by stakeholders at the grassroots level. The scorecard was guided by the seven recommended *Principles of Responsible Agricultural Investments (rai)* developed by ANGO through consultations with

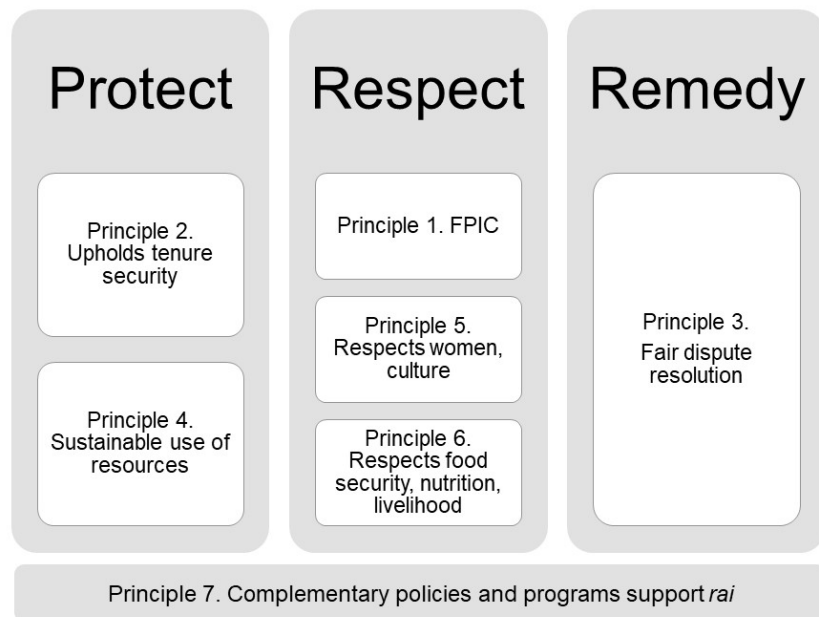
⁴ This summary is based on presentation of Roel Ravanera and Denise Hyacinth Joy Musni and discussions from the Panel on "Developing Scorecard for Private Investments in Land and Agriculture."



grassroots organizations, CSOs, and Philippine government, and the UN Guiding Principles on Business and Human Rights' *Protect, Respect and Remedy* framework.

Taking into consideration both the *rai* principles and the UNGP BHR, an initial list of indicators were developed by ANGO and the Land Watch Asia Working Group on Land Rights as Human Rights. These indicators were then subjected for discussions in the six countries.

Figure 1. Integrated framework for responsible land and agricultural investments



(Ravanera, 2018)

This scorecard tool is to be used by *communities* to evaluate *private* investments in land and agriculture in their *initial exploratory stages*, or those investments that *have just begun operations*.

STRUCTURE AND SCORING

The tool is divided into three major sections (*Protect, Respect, Remedy*), with indicators under each section. There are 20 indicators overall.

Companies which meet the criteria will be rated with the corresponding *full score* for the indicator, while those who do not satisfy the criteria will be provided with a score of *zero* for that indicator only.



SCORECARD FOR ASSESSING INVESTMENTS IN LAND AND AGRICULTURE

PROTECT (45 points)	5 points	<input type="checkbox"/> The communities' right to use (<i>access, withdraw, and exploit resources</i>) the land is not diminished.
	5 points	<input type="checkbox"/> The communities' <i>control/decision-making rights (management and exclusion)</i> over the land are not diminished.
	5 points	<input type="checkbox"/> There is no threat of involuntary eviction of rights holders and communities.
	5 points	<input type="checkbox"/> Proposed and actual arrangements and mechanisms such as joint ventures, management contracts, and marketing agreements, among others are fair and legal. Economic risks and benefits are shared between the investor/company and the concerned communities.
	5 points	<input type="checkbox"/> Lands allocated by the community for livelihood, community space, residence, and other needs as may be identified by the community, are not curtailed by the investor/company.
	5 points	<input type="checkbox"/> Full and truthful information on the investment, including contracts and relevant documents are transparent, accessible, and are in a language understood by the communities, including women and other most marginalized groups.
	3 points	<input type="checkbox"/> The investor/enterprise is compliant with national laws and internationally-accepted standards for responsible investments.
	4 points	<input type="checkbox"/> The investor/company utilizes and manages natural resources sustainably.
	4 points	<input type="checkbox"/> Minors (younger than 18) are not employed/exploited by the investor/company for labor.
4 points	<input type="checkbox"/> Workers of the company and concerned communities are not exposed to occupational hazards (ex. Health and geophysical hazards).	
RESPECT (45 points)	6 points	<input type="checkbox"/> Rights holders and communities confirm that they were involved in the consultation and negotiation processes.
	6 points	<input type="checkbox"/> Rights holders and communities were given adequate time to make an informed decision regarding their stake in the investment.
	5 points	<input type="checkbox"/> Coercive and deceptive acts were not or are not being committed by the investor/company.
	5 points	<input type="checkbox"/> Sacred sites, and sites of religious, cultural, or educational significance, are respected and not desecrated by the investor/company.
	6 points	<input type="checkbox"/> Customary and indigenous knowledge, systems, and practices, are acknowledged and respected by the investor/company.
	5 points	<input type="checkbox"/> Food sovereignty, nutrition, or livelihood of the community, especially of vulnerable groups such as women, farmers, fisherfolk, forest dwellers, informal settlers, PWDs, whose rights to the land and resources may be affected, are not threatened by the investor/company.
	6 points	<input type="checkbox"/> The unity of the concerned communities, and cohesion of members of the communities, are not divided or challenged by the investment.
	6 points	<input type="checkbox"/> No community leader or member was physically and psychologically harmed, or harassed legally/ criminalized by the investor/company.
	REMEDY (10 points)	5 points
5 points		<input type="checkbox"/> Communities displaced by the investor/company were provided with safe relocation, just compensation, restitution, and/or rehabilitation.



IMPROVING THE SCORECARD

Participants shared their insights on how the tool can be improved further, to wit:

On the limitations of the tool:

- ❑ The tool is more of an “*assessment tool*” rather than a *scorecard* because a scorecard addresses questions of competitiveness
- ❑ Determine the limitation of the applicability of the tool in terms of what land investments can be measured by this tool
- ❑ Simplify the tool by not asking too much information that the communities will not be able to access

On the indicators:

- ❑ There should be a common definition of terms, because the local communities may not be familiar with certain terms used
- ❑ Some statements need further refinement, as there should be only one ‘idea’ per indicator

On building capacities of the communities that will use the tool:

- ❑ A user’s manual should be developed as a guide for communities when applying the said tool
- ❑ The said manual should be reviewed periodically to incorporate feedback from the users

As the *scorecard* is still in its development stages, the tool should be further refined and validated with different stakeholders at the national and regional levels. There are plans to test out the use of this tool with local communities to assess and monitor new investments. National Human Rights Institutions and Commissions have recognized the relevance of this tool, and expressed willingness to be engaged in support of this initiative. ■