

Creating Enabling Environments for Global Gateway Investments Advancing People-Centred Justice in the Land Rights Ecosystem through Data and Evidence

Outcome Report of the virtual TED RoL Clinic, 5 June 2025

Overview

TED WG 1.1 “Rule of Law and Access to Justice” has identified as one of its two goals for the period 2024-2025, “enhancing understanding on people-centred justice (PCJ) and its application in programming with the focus on tailoring justice interventions to meet specific needs of local populations and ensuring accessibility and inclusivity.” In taking forward this goal, and subsequent to the first two clinics on PCJ in RoL programming that took place in October and November 2024, the TED network organised the third clinic in this series on PCJ and land rights. Given the strategic importance of the European Union’s (EU) Global Gateway (GG) strategy and the complementary development and investment initiatives by individual member states, this clinic was the first of two to explore practical means by which TED members can ensure rights-based and people-centred approaches to preventing, mitigating, and addressing land rights-related conflicts in the context of large-scale investments.

Key Takeaways

- **Protecting land rights will require a complex, multi-stakeholder effort in collecting and applying data:**
 - *National or local governments:* they are in the driving seat for setting up the legal and administrative frameworks for implementing policies. These policies need to be clear, inclusive and enforceable. They offer land administrative services and collect data, as well as other services related to land use and transfer.
 - *Rights holders, whether communities or individuals:* they sit at the heart of land governance. Their voices must be heard and their rights prioritised. They need to be engaged in decision-making processes and gender responsive methods must be adopted.
 - *Investors and companies:* they must operate responsibly and must play a role in ensuring that their projects do not infringe on land rights.
 - *Strong fabric of civil society:* essential to protect land rights. They are the watchdogs, holding governments accountable and helping to ensure transparency and accountability. They also inform policy-making through the use of data.
 - *Development partners:* can provide support through funding, technical expertise and providing and distilling best practices.
 - *Data actors:* are part of this ecosystem by helping to inform decisions and to highlight risks and protect rights.
- Large-scale infrastructure investments, such as those driven by GG, hold great promise, but partners must be aware of the risks that there can be for local communities. **Solutions to land problems must be people-centred** and address the problem comprehensively. A people-based approach will require:
 - Clear rules and processes
 - Participation by those who will be most impacted by decisions on land use
 - The principle of free, prior and informed consent (FPIC)
 - The protection of human rights defenders
- **Why people-centred data?**



- It is key in getting a **full picture** of current justice needs and experiences;
 - It **identifies pathways** people taken for problem resolution;
 - It **shows who is facing land problems**;
 - It can help to **raise the cost** of violations for the companies.
- Several organisations provide **open access data on land-based investments** to show its effect on local communities. The data brings together various entry points for analysis, for instance, how transparent the data is in comparison to other countries, employment intensity, benefit sharing in carbon offset deals, etc.
 - [Landex](#): the Global Land Governance Index
 - [Land Matrix Initiative](#) (LMI): database of large-scale land acquisitions
 - [PRINDEX](#)
 - [State of Land Information Index](#) (SOLIndex)
 - [Alliance for Indigenous, Land and Environmental Defenders](#) (ALLIED)
 - [Land Mark](#): Global Platform for Indigenous Peoples and local community rights
 - [Global Corruption Barometer](#)
- Investing in **open, reliable, accurate, and inclusive land data systems** can drive transparency and accountability and create the foundation for more public trust. Multiple data sources beyond “formal” statistics are required. Access to Information is an essential public good which reinforces agency in local communities and increases government services and collaboration.
- Applying people-centred data to large-scale land investments helps:
 - To **conduct context assessments** to see what people are doing to address their problems.
 - To **design innovative solutions and mechanisms** - such as hybrid systems that integrate both the informal and formal systems - to resolve disputes arising from large-scale investments. So first, start with data and then innovate based on that.
 - To **look for the presence of safeguards** - to review if FPIC principles are enshrined in law and applied at the subnational levels and if everyone is trained on these principles and how to use them.
 - To **link with existing research on PCJ to understand what is working or not** and ways that we can get these communities to meaningfully participate in the decision-making to prevent tension that will lead to further conflict.
- **How to strengthen people-centred data:**
 - Building capacity in communities close to infrastructure investments: **to monitor these situations, gain data literacy, as well as legal and financial literacy.**
 - Building **community-based monitoring systems** and their capabilities to document their situations.
- There are many organisations working closely on evaluating the effectiveness of the justice system and recognising to what extent impunity and corruption are allowed to occur - e.g. the [Business and Human Rights Resource Center](#), which has taken the approach of reaching out directly to companies with complaints to give them the opportunity to respond and rectify their behaviour.

The clinic was organized and moderated by the Hague Institute for Innovation of Law (HiIL) and attended by about 55 participants. The full summary of the clinic can be found below. A practical guide summarizing lessons and resources from this clinic will be uploaded on Cap4Dev.



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1. Opening by Valentijn Wortelboer, WG 1.1 Co-chair, Senior Policy Officer, MFA Netherlands

Today’s clinic builds on two previous ones on [Data and Evidence](#) and [Customary and Informal Justice Systems](#), respectively. Why land rights? Land-related issues are among the most pressing needs globally. Land is central in achieving most of the SDGs and is particularly important for fair and sustainable investments - a crucial aspect of the Global Gateway. This clinic will show how securing land rights is not just a rights issue, but also important for business and investments.



2. Practical Introduction to the Land Rights Ecosystem, by Laura Meggiolaro, Independent Expert and former Managing Director of Land Portal

Land rights is a very complex, multi-dimensional issue. The 2024 Prindex report on land insecurity shows that it is rising worldwide - **1.1 billion adults, making up 23% of the world’s population feel insecure about their land or property rights.** This is happening, not only in fragile or low-income countries, but also across East Asia, the Pacific, and North America. **Rural communities face the greatest challenge as they are more vulnerable to losing their source of livelihood. Land insecurity is a global crisis that links to gender inequality and rights of indigenous communities** - whose rights are often not officially recognised. Without real action on land rights, there can be no real progress in poverty reduction, climate mitigation, or gender justice. It is time to put land rights at the centre of the global agenda. This requires a global effort that is multi-sector and multi-actor.

Land tenure refers to the rules and regulations that define who can use land and its resources for how long and under what conditions. It extends beyond ownership to include recognised rights to the use, access, control and transfer of land. These rights can be owned by individuals, families, communities, or the State. Many times, these rights overlap, creating a bundle or web of rights. For instance, the right of easement /passage over, or use of land owned by another individual; farming of land that might be formally owned by the government; or indigenous communities making use of forest land for generations, with no actual title to the land. Many times, such competing rights coexist.

Security of tenure means the feeling a person has that they will not be displaced. Security of tenure is critical for food security, economic opportunities, and much more - when people



know that they will not be displaced, they are more likely to invest in the land. However, we have to be careful because it has been shown that the formalisation of land tenure through mapping and registration only is insufficient as they usually do not necessarily reflect the true practice. Such processes need to take into consideration the broader context and existing social structures and discriminatory practices that might impact on land tenure. E.g. land registration processes that only recognise male titles to land, automatically discriminating against women and reinforcing existing inequalities. Or practices that then disincentivize investment in the land, such as where farmers after receiving the titles lack access to credit or legal systems that could have protected them from powerful forces. **The goal therefore should not only be a land title, but more broadly tenure security which includes formal registration and also local legitimacy and broader protection on the ground for these communities.**

A number of issues affect the land ecosystem (all broad and can be their own webinars):

- *Rapid changes in land use:* Land is under pressure today more than ever before. **Rapid investments, climate change, the push for green transitions, increased food demands, and create competition and tension between investors and communities.** Investors see land more as a commercial asset, while communities see it as linked to their identity and livelihood, leading to conflict.
- *Inadequate recognition of diverse land tenure systems:* In many countries, governments still do not recognise the full range of land tenure systems. Customary, communal or informal land tenure systems might not be documented, but are deeply rooted in how communities organise themselves. **When not well recognized, confusion and disputes grow, and justice becomes harder to reach.** In many countries, land disputes are the most common court cases. For instance, when the government grants tenure to land for agricultural purposes that was already in use by pastoralists.
- *Regulatory barriers:* especially in low-income countries, the process of registering land is so costly and complicated that the poor, illiterate, women, young people, etc are pushed out of the formal system.
- *Corruption and lack of transparency:* With weak or inefficient systems, people lose trust and look for shortcuts. They also open the doors for bribes, illegal land grabs and deals that hurt the most vulnerable.



Protecting land rights will require a complex, multi-stakeholder effort. Who are these stakeholders and what will it take for them to protect land rights?

- *National or local governments:* they are in the driving seat for setting up the legal and administrative frameworks for implementing policies. These policies need to be clear, inclusive and enforceable. They offer land admin services and collect data, and offer other services related to land use and transfer.
- *Rights holders, whether communities or individuals:* these sit at the heart of land governance. Their voices must be heard and their rights must be

prioritised. They need to be engaged in decision-making processes and gender responsive methods must be adopted.

- *Investors and companies*: these make the land tenure system more complicated. They must operate responsibly and they must play a role in ensuring that their projects do not infringe on land rights.
- *Strong fabric of civil society*: essential to protect land rights. They are the watchdogs, holding governments accountable and helping to ensure transparency and accountability. They also inform policy-making through the use of data.
- *Development partners*: can provide support through funding, technical expertise and providing and distilling best practices.

Large-scale infrastructure investments, such as those driven by GG, hold great promise, but partners must be aware of the risks that there can be for local communities. In a recent report, Oxfam warned that land-related conflicts are among the most urgent conflicts worldwide, particularly in fragile legal environments. Data actors are part this ecosystem by helping to inform decisions and also to highlight risks and protect rights. **Access to Information is an essential public good which reinforces agency in local communities and increases government services and collaboration;** investing in open, reliable, accurate, inclusive land data systems can drive transparency and accountability and create the foundation for more public trust.

[Round up, Martin Gramatikov, Knowledge and Research Director, Hiil](#)

Martin summarized the key takeaways: the complexity of the issue and how central land tenure is to many relationships, not only as a technical problem, but also important cultural and identity - part of peoples' and societies' lives, e.g. even in the Dutch context.

3. “Zoom In” on Data and Evidence to Solve Land Problems

a) [Eva Hershaw, Lead Global Data and Land Monitoring, International Land Coalition \(ILC\)](#)

ILC is in more than 84 countries with more than 300 members working towards a shared goal of people-centred land governance. A number of topics being discussed in this webinar highlight the **critical link between land rights, land governance and the way that infrastructure is conceptualised and built in a country.**

When we talk about **people-based approach to infrastructure**, we can identify some **necessary values** linked to the data work that we do and the initiatives that we will share:

- *Transparency*: in the investment and the infrastructure being developed. There should be an understanding that community involvement and informed participation is crucial to the infrastructure going forward in a way that benefits not only developers but also rights holders.
- *Rights based*: we recognise international law that guides principles that apply very much to infrastructure development. Also legitimate land, territorial and natural resource rights that may be present in the moment that the infrastructure is being
- *Sustainability*: including environmental safeguards, equity and respect for livelihoods.

Some **principles of land governance** that are necessary for this conversation, include:



- Land governance *must ensure clear rules and processes* to ensure that rights of communities, especially women, indigenous groups and small-scale farmers are respected.
- *Participation by those who will be most impacted by decisions on land use*, transfer and management should be involved in the decision-making processes. This can be measured using data
- *The principle of free, prior and informed consent (FPIC)* is especially important in indigenous and lands and territories gives communities the power to accept or reject proposals on their land. These decisions being respected where clear processes have been built for those.
- *Human rights defenders* are often farmers, indigenous people and people living on and from the land, sitting on the front lines of land conflicts and territorial disputes. Their livelihoods should be respected and recognised.

For several years, ILC has been working on 'peoples data' with the understanding that **if we limit ourselves to the formal sources such as statistical offices, we will only be seeing part of the picture**. People's data aims to bring diverse data sources to the conversation. Governments are increasingly recognising complementary data sources in order to fill in gaps and make sure that different tenure regimes are visible.

ILC has been working on a number of initiatives / data sources together with EC support:

- [Landex](#): the Global Land Governance Index
- [Land Matrix Initiative](#) (LMI): database of large-scale land acquisitions
- [PRINDEX](#)
- [State of Land Information Index](#) (SOLIndex)
- [Alliance for Indigenous, Land and Environmental Defenders](#) (ALLIED)
- [Land Mark](#): Global Platform for Indigenous Peoples and local community rights
- [Global Corruption Barometer](#)

These data sources can provide a better picture of possible problems, pain points, policy solutions and best practices. **Responsible development requires multiple data sources**. LANDex, in particular, provides both overall thematic and specific geographical data on land governance.

b) Rachel Taylor, Justice Sector Advisor, HiiL: [People-Centred Data: Understanding Land Problems through People's Experiences](#)

Why people-centred data? Looking at these problems from the context of people is key in getting a full picture of their current justice needs and experiences. It also **identifies pathways people are taking to achieve a resolution of their problems**, whether a fair resolution is reached, and impacts these problems actually have on their lives, beyond the justice problem in itself. This kind of data can not only inform focused programming, but also large-scale investments which can have a huge impact on land.



Taking a case-study example from Hiil's justice needs and satisfaction survey that was conducted in Bangladesh. In it land issues was identified as the second most common and the most serious legal problem. This means it had a huge impact and consequences for people's lives. Most especially, the types of problems being experienced included: disputes over the use of land, land grabbing and land ownership, all of which would be very relevant in the GG context.

Interestingly, about 75% of people did attempt to solve their problems through formal means. But this also means about 25% of people didn't follow any resolution, meaning data on these are inaccessible. We found that land problems were often also the root of other problems - e.g. loss of income or livelihood. Land can also act as a consequence of other problems - for instance, a divorce, a family problem, could also cause land problems when it impacts on land rights; also disinheritance. Such kinds of linkages to land problems often do not show up in regular data collection.

This shows that **solutions to land problems must be people-centred and address the problem comprehensively. Designs of investments or interventions have to take into account all the interconnected problems that land problems have across a society.**

The data can also show us who is facing land problems. In Bangladesh we found these to be: people with lower education, rural populations, widowed respondents, men, and lower internet usage. So there is not necessarily one size fits all for these various groups - we have to increase the pathways for these groups to reach dispute resolution.

People must be able to access journeys that lead to fair resolutions. This builds stability, trust in the system and social cohesion. In the Bangladesh example of before, most of the 75% weren't justly resolved. People rated the fairness of the processes as very low - particularly low-income individuals. Most people seek advice, information, and resolution from their social networks (community leaders, family, or friends). With people-centred data, we can find out where people are going for a resolution and then strengthen those pathways.

This can help to build more responsible investments in the context of the Global Gateway.

c) Dr. Christoph Kubitz, Research Fellow, GIGA / Land Matrix

What's the big deal about large-scale land acquisitions (LSLAs)? **Land is under pressure.** LMI has in the past two decades documented instances of LSLAs that have taken place in the Global South, driven by several sectors. These include 30 million hectares of transnational land (approx. the size of Italy) acquired for agriculture and 8 million hectares of climate mitigation projects. While helping to create jobs, these LSLAs have also displaced small-scale farmers and failed to meet free, prior and informed consent standards. LMI works to record any intended, concluded or failed attempt to acquire land i) through purchase, lease, or concession of more than 200 ha in low- and middle-income countries, ii) for agricultural production, forestry, carbon markets, renewable energies, and to a lesser extent conservation and tourism.

Data is sourced from companies, research papers, media reports, etc. This of course requires transparency, which is a drawback. Data is open access and can be found on our website landmatrix.org.

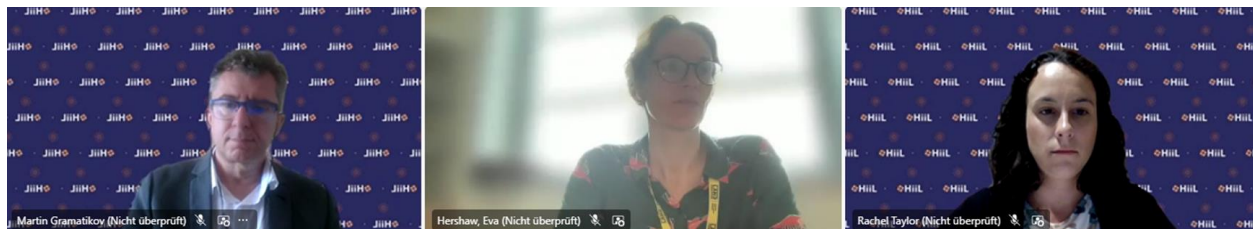


The core of LMI is that we bring together the information on land-based investments in order to show how this is affecting local communities. The data also brings together various entry points for analysis, for instance, how transparent the data is in comparison to other countries, employment intensity, benefit sharing in carbon offset deals, etc.

A case study of the work we do can be taken from the Nabas wind power project, where NGOs reported inadequate consultation, which violated FPIC standards. There were grievances around contamination of water resources. Due to heavy lobbying of NGOs activists were able to ensure that the government continued its wind turbine plants in a much more sustainable way. This also provided best practices for other communities in the Philippines facing similar challenges. LMI documents these cases in its database and research outputs to increase transparency and accountability in land-based investments in various sectors.

Round up, Martin Gramatikov, Knowledge and Research Director, HiIL

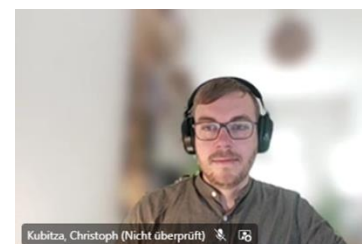
It's fascinating how much work goes into sourcing all of this data. It's also interesting to see from the map shown in the presentation how practically all areas with arable land had such large-scale land-based investments. **Finally, it is important to note that it is not necessarily the case that there are problems in these areas, but such data pinpoints the heightened risk of conflict between land and property rights on the one hand, and other interests or groups, on the other, that require strong justice institutions which unfortunately are not always there.**



4. Q&A Session

Martin: We talked about increasing trends of risks of disagreements related to land and property rights. **To what extent are they global or more context-specific, i.e. regional or national?**

- **Laura:** I was surprised when I saw the results from Prindex where they said that tenure insecurity is increasing in not only LIC, but generally. As a consequence conflicts in general are rising. I think **there are some global trends - conflicts, climate change, displacement are all rising. Also, climate interventions have increased instances of tenure insecurity.** But there are also very regional factors because of specificities. But the [global] trend is very clear.
- **Christoph:** Tenure insecurity is certainly a global phenomenon. However, **when you look at land-based investments, you can see regional concentrations** - you cannot easily get a concession of 1000 hectares in every country. **This is mostly possible in countries where the legitimate land rights of indigenous land rights of local communities are not**



recognised. Places where there are huge areas of state forests, where the state owns the land but in reality there are peoples with connections to the land dating back centuries. In the DRC, for example, you see so many logging concessions that are now turning into carbon offset projects. In other regions such as Latin America, there are at least some protections for indigenous communities. In Colombia, for example, there are huge issues, but there is some level of protection of the legitimate claims of peoples. Also, **some kinds of projects, such as climate mitigation, have a lot of projects in cooperation with indigenous communities - there are still power imbalances, but at least there are some entry points.** In other countries, there isn't even this entry point, and local communities are just ignored.

- **Eva:** We see in the data the concern and risk that the green transition runs the risk of perpetuating a lot of the violations and inequalities that we see in traditional extractives. It is knowing how to use the data we have to look for the presence of safeguards. **We need to review if FPIC principles are enshrined in law and applied at the subnational levels and if everyone is trained on these principles and how to use them,** and not just only symbolically. **We need to link with existing research on PCJ to understand what is working or not** and ways that we can get these communities to meaningfully participate in the decision-making to prevent a lot of tension that will lead to further conflict down the road.

Zainab (question in the chat): How can 'Global Gateway' initiatives ensure that the mechanisms for resolving land disputes related to investments effectively integrate or interface with traditional/informal justice systems, which are often the first (or only) resort for many local community members?

- **Rachel:** The data across countries shows a trend of people going to more informal pathways to resolve their problems. Not addressing these, can lead to further issues down the line. **As a first step we need to conduct context assessments to see what people are doing to address their problems. We should then use that data to design innovative solutions and mechanisms - such as hybrid systems that integrate both the informal and formal systems - to resolve disputes arising from large-scale investments. Taking a human-centred design approach would be effective in addressing these power imbalances.** So first, start with data and then innovate based on that.
- **Christoph:** You need someone to process this information as an intermediary project coordination. It is important to build the capacities of local communities to understand what these investments mean and imply for their livelihoods. Also, what to do in the event of violations, and who to go to to report such violations. **Targeted investments are needed in these regions closest to the communities. They are the ones playing a very important role, while also struggling to attract international donors.**
- **Eva:** **The capacity for communities to monitor these situations is one of the largest tasks that we have in looking at people-centred data.** The communities' capacities to monitor their own situations - infringements of rights, etc. The HiIL data points to the need to make these bridges. **It is necessary to build community-based monitoring systems and their capabilities to document these situations in a way that will then serve as evidence that will inform these processes.**



- **Laura:** **The capacities of these communities to interpret, collect or use this data - data literacy is fundamental.** Also, legal and financial literacy capacities are necessary to create agency and help these communities to deal with complicated situations.
- **Martin:** Most of the investments are not located in the capitals or big cities, while most formal justice systems are located in the capitals and big cities. So, recourse to CIJ is very important.

Valentijn: What came through clearly from presenters is the impact of land insecurity on people. From the viewpoint of investors, what are the political and economic costs for them in not taking these rights into account? Can these costs be quantified? To what extent are these companies taking these costs into account?

- **Christoph:** **Depends a lot on the sector. For some sectors there are high reputational costs, especially for international companies.** Other investors are domestic, with lesser reputational costs, and often more shady practices. The palm sector in Indonesia - a lot of the multinationals moved to areas where deforestation had already occurred, while the domestic ones moved to regions where there was more conflict. The multinationals in this example were very aware of the certification needed to access the EU market, so tried to avoid problematic areas. Quantification is really difficult. **There are different costs companies consider: reputational costs, splitting up investments - this calculus they are always doing, but we cannot observe.** It's hard to make a causal claim, merely by inference.
- **Eva:** **There are many organisations working closely on evaluating the effectiveness of the justice system and recognising to what extent impunity and corruption are allowed to occur** - e.g. the [Business and Human Rights Resource Center](#). They have taken the approach of reaching out directly to these companies with these complaints to give them the opportunity to respond. There are many datasets that can be used in holding companies to account. This has been effective and is something we can learn from in learning how to raise the cost of violations.
- **Martin:** Just making this data available makes such violations, or even only investments that could lead to violations, more transparent and visible. This would not have been possible 20 years ago.

5. Closing remarks – by Julia Fechner, Policy Advisor RoL and Governance, GIZ (on behalf of BMZ), Germany (co-chair TED WG 1.1)

Julia thanked all participants for the exchange: One number that was mentioned at the very beginning that stayed with me was the 1.1 billion adults or 23 percent of populations facing land insecurity. We have seen that the topic of land rights is connected to so many other issues. We have seen that addressing land rights really requires a holistic perspective, to go beyond not only the legal frameworks to also consider broader context that includes the government, the power imbalances and other risks, as well as the lived experiences of the communities on the ground. It is clear that land rights and PCJ are deeply connected and intertwined. The discussion today has shown how data and evidence is necessary for PCJ particularly in the context of large-scale investments such as Global Gateway.



6. Agenda

Time	Agenda Item
10 min	Opening remarks
15 min	Practical introduction to the land rights ecosystem <ul style="list-style-type: none"> By Laura Meggiolaro, Independent Expert & former Managing Director of the Land Portal
45 min	Zoom in on Data and Evidence to resolve land problems Facilitated discussion with <ul style="list-style-type: none"> Eva Hershaw, Lead Global Data and Land Monitoring, International Land coalition Rachel Taylor, Justice Sector Advisor, HiiL Dr Christoph Kubitzka, Research Fellow GIGA / Land Matrix
15 min	Q&A Session
5min	Closing
Moderation: Dr Martin Gramatikov, Director Knowledge and Research, HiiL	

