

COVID-19 and Land-based Investment: Changing Landscapes

May 2021

Table of Contents

I. Introduction	4
II. Emerging Trends	5
• Under pressure, governments turn to natural resource-based economic recovery strategies.	5
• Amid disrupted supply chains and growing food security concerns, agriculture receives increased attention.	5
• Urban to rural migration induced by COVID-19 increases pressure on rural land and incomes.	6
• Investments for a “green” economic recovery?	7
• The COVID-19 crisis may affect governance strategies for land-based investment in the long term.	9
• Restrictions on civic space weaken the position of communities and rights defenders.	10
III. Conclusion	10
Annex	11

Acknowledgements

The authors are grateful to Kaitlin Y. Cordes for her extensive review and editorial support. We also extend deep thanks to Kaitlin Y. Cordes, Lorenzo Cotula and Emilie Beauchamp for their project support and valuable contributions from initial design to finalization. In addition, we thank Kimberly Mejía-Cuéllar and Hillary Obinna Maduka for their excellent research support; Gabriel McCormick and Nancy Siporin for their editorial assistance; and Michael Morgan for his work on the report’s design and layout.

About the Authors

Clarisse Marsac is a Monitoring, Evaluation and Learning Officer at the International Institute for Environment and Development where she supports sustainable development projects on quantitative and evaluative methods.

Nathaniah Jacobs is a Senior Researcher at the International Institute for Environment and Development where she works on issues related to land rights, natural resources and sustainable development.

Tehtena Mebratu-Tsegaye is a Senior Legal Researcher at the Columbia Center on Sustainable Investment where she leads research and provides technical support on natural resources and sustainable development.



This report was produced by CCSI and IIED and funded with UK Aid from the UK Government as part of “Advancing Land-based Investment Governance” (ALIGN). The views expressed do not necessarily reflect the official views or policies of ALIGN partners or the UK Government.

I. Introduction

The COVID-19 pandemic has had far-reaching implications for land-based investments in low- and middle-income countries. The pandemic has exacerbated long-standing land governance problems; at the same time, it has also created opportunities to reconfigure the governance of land-based investments. Beyond the first-order effects on human health, the disruptive force of COVID-19 is linked to the measures adopted by many governments to address the public health emergency, as well as to policies and practices ostensibly undertaken to mitigate the economic fallout. The impact on public institutions and processes has raised concerns, for example, about the further marginalization of Indigenous and local communities. This is visible where governments and companies have forced through agribusiness and mining projects in the context of COVID-related emergency measures,¹ and as heightened threats against land rights defenders have further restricted space for dissent.² In other respects, the disruption created by the pandemic and related government responses presents initial glimpses of possible longer-term shifts, such as a greater reliance on digital technologies and evolving rural-urban relations.

Building on earlier work by IIED and CCSI,³ this report reflects on select COVID-related developments that may result in longer-term shifts relevant to land-based investments in Sub-Saharan Africa and Southeast Asia. Our objectives are two-fold. In the short term, monitoring developments can support more effective interventions that anticipate and respond to impacts on the governance of land-based investments. In the medium to longer term, analyzing developments can inform efforts to support inclusive post-COVID-19 economic recovery strategies in low- and middle-income countries.

The report draws on our efforts to monitor developments that affect the governance of land-based investments in the context of the COVID-19 pandemic. Building on a conceptual framework, we tracked developments at three broad levels:

- changes in the overall political economy context,
- changes in governance systems and regulatory frameworks related to land-based investments, and
- developments related to specific land-based investments.

These dimensions were chosen to capture both the deeper-level drivers of change in land-based investment governance, as well as specific policy measures or investment outcomes that arose as a result of changes to the overall political economy context. Data collection against the framework relied on a hybrid approach: we set up web alerts for relevant keywords and, as this exercise progressed, it revealed emerging themes and narratives that guided more targeted research on specific themes across the three levels. Evidence originates from diverse secondary sources, including local, regional, and global media reports, civil society statements, and research reports, as well as some primary sources in the form of government legislation.

The issues that emerge from our research are set against the backdrop of the socioeconomic and financial pressures created by the pandemic. These pressures are, in turn, causing governments to intensify their focus on attracting investment in land-based resources. This includes a renewed focus on agricultural investment linked to food security concerns that arose towards the beginning of the pandemic, as well as increased attention on mining by oil-producing countries interested in diversifying given the drop in oil prices in early 2020.

As governments have worked to address pandemic-induced pressures, international institutions and civil society have urged greening the COVID-19 recovery. Although evidence suggests that most investments are not “green”⁴, at least two climate-related investment trends—which pre-date the pandemic but seem set to continue—are likely to have significant impacts on land during the post-COVID-19 recovery period. First, the projected growth of renewables will intensify mining in countries that produce critical minerals and will directly impact land use in countries that seek to rely on onshore renewables as an energy source. Second, an increased focus and interest in carbon markets will likely increase pressures on land and ecosystems that are overwhelmingly located in the Global South.⁵

While further monitoring will show how emerging trends evolve over time, it is already clear that the governance of land-based investments is highly relevant to government efforts to promote a just and sustainable pandemic recovery. As governments in Sub-Saharan Africa and Southeast Asia focus on private sector investments in sectors such as agriculture, energy, and infrastructure, these investments will raise complex land rights issues that require effective responses.

II. Emerging trends

Under pressure, governments turn to natural resource-based economic recovery strategies.

The economic fall-out from the COVID-19 pandemic has included a precipitous drop in foreign direct investment (FDI) worldwide (42%).⁶ Although FDI into Africa and developing Asia was less affected than in other regions, it still fell by 18% and 4%, respectively in 2020.⁷ A historic economic downturn, combined with the increased public spending required to address the pandemic, has led to higher levels of debt in countries that were already experiencing debt risks well before the pandemic hit.⁸ As a result, many countries in Sub-Saharan Africa and Southeast Asia are under significant financial pressure. For example, Zambia became the first country in Africa to default on its debt in 2020, as COVID-19 exacerbated its large debt burden.⁹ Indonesia fell into a recession for the first time in 22 years,¹⁰ and Africa's oil producers are struggling, with one early estimate predicting losses of \$65 billion in oil revenues across the continent's top ten oil exporters.¹¹

In response to these financial pressures, some countries have looked to ramp up efforts to attract investment in natural resources to rebuild their economies. In South Africa, for instance, the President has signaled an intention to promote investment in agriculture, manufacturing, mining, and renewable energy, among others, as a cornerstone of the country's economic recovery plan.¹² Rwanda has given prominence to the mining sector in its economic recovery strategy; among other things, it has sought to improve the availability of geological data and to grant incentives to promote exploration.¹³ Badly affected by low prices, oil producers are also looking to

the mining sector to grow their economies. For example, Nigeria has moved to reform its artisanal mining sector in a bid to increase government revenue,¹⁴ while Angola, Africa's second-largest oil producer, has worked to attract investment into its "prospective diamond, gold, and iron ore deposits."¹⁵

Government statements that emphasize the role of natural resources in post-COVID-19 economic recovery have been echoed by international, regional, and continental institutions. The head of the African Development Bank, for instance, has noted that improved management of Africa's "minerals, metals, biodiversity, blue economy, forest resources, agriculture, and oil and gas" would be key to the continent's recovery.¹⁶ Land-based investment is also on the agenda in Southeast Asia: the ten members of ASEAN "strongly reaffirmed" their intention to promote responsible investment in food, agriculture, and forestry to aid the COVID-19 economic recovery.¹⁷

Amid disrupted supply chains and growing food security concerns, agriculture receives increased attention.

The pandemic has disrupted the food and agricultural sector, affecting agricultural supply chains as well as food security.¹⁸ Lost incomes and rising food prices have restricted the ability of many households to purchase sufficient food.¹⁹ Limited movement and health concerns amongst agricultural workers, as well as reduced access to agricultural inputs, have disrupted food production.²⁰ Transport delays and the downsizing of informal, micro, small, and medium enterprises due to COVID-19-linked drops in available capital are also impacting domestic food supply chains.²¹ These disruptions have caused growing concerns around food security and have prompted some countries to respond by imposing food export restrictions.²²

These restrictions gave rise to concerns of "food nationalism"²³ and possible knock-on effects on food insecurity. Some World Trade Organization members had urged support for efforts to mitigate the impacts of COVID-19 on agricultural trade and thus food security²⁴ and to avoid food export restrictions. These disruptions to both domestic and global agricultural supply chains, along with the associated concerns around food security, could

have longer-term effects. How governments respond could significantly shape rural economies and will have long-lasting repercussions for investment models and rural communities.²⁵

As governments begin to focus on post-COVID-19 economic recovery strategies, the agricultural sector is receiving notable attention.²⁶ Reportedly, concerned by the risks associated with long global supply chains, particularly in times of crisis, some countries are pursuing large-scale domestic agriculture to both kick-start economies and reduce reliance on imported food crops. In Indonesia, for example, the government has apparently pushed the development of extensive food estates to reduce reliance on imported food and anticipate any potential food crisis linked to the pandemic.²⁷ In the Philippines, Indigenous communities have reportedly been targeted for agricultural expansion against the background of COVID-19 linked food security concerns.²⁸

Countries have also renewed their focus on smallholder producers. The realities of urban unemployment have highlighted the importance of rural farms as providers of social safety nets to which people can return. Cambodia, Nigeria, and Myanmar, for example, have reportedly introduced COVID-19 response and recovery measures to support smallholders and agricultural SMEs.²⁹ In Nepal, authorities lifted legal restrictions on dividing land into smaller plots to provide returning economic migrants with access to land and livelihoods,³⁰ and in the Philippines, land titling requirements for farmers have reportedly been eased.³¹

Agricultural strategy within the context of COVID-19 recovery discourse is often promoted as a tool to address multiple cross-cutting issues. Agriculture has been discussed as a mechanism to help support, for example, youth employment,³² rural infrastructure development, localized food production,³³ smallholder producer support,³⁴ and climate change responses.³⁵ Focus on the agricultural sector by governments, international organisations, international finance institutions, and others³⁶ suggests a possibly heightened interest in the promotion of agricultural enterprise.

Urban to rural migration induced by COVID-19 increases pressure on rural land and incomes.

The COVID-19 pandemic disrupted global labor markets on an unprecedented scale. During 2020, an estimated equivalent of 255 million full-time jobs were lost.³⁷ These losses were disproportionately low-paid and low-skilled jobs, affecting women and youths. While felt globally, there was substantial variation between regions and sectors.³⁸ In many regions in the Global South, the loss of employment opportunities and informal support systems within urban areas, coupled with fears of the virus and wide-ranging government restrictions, led to mass migration out of urban areas.³⁹ Urban to rural movement of people is an established strategy of resilience. In 2020, such migration occurred in places as diverse as India⁴⁰ and Peru,⁴¹ all the way to countries in the Mekong region⁴² and many parts of Africa.⁴³

The return of unemployed urban workforces to rural, often small-scale, land-based family safety nets - a resource already recognized by the World Bank in 2008 as “farm-financed social welfare” for urban shocks⁴⁴ - has highlighted the importance of land as an intergenerational asset. Land provides a place to live, a source of income, and place of refuge. This migration has also put in stark relief the scale of the current crisis, with its numerous converging pandemic-related impacts. Large-scale population movements, loss of employment and cash incomes, reduced public administration capacities, and wider economic trends and recovery strategies appear to be stretching rural land-based safety nets. Reported concerns of pandemic accelerated land inequality, weakened systems of land governance, and changing social dynamics, for example, could have long-term impacts, including in the context of land-based investments.

Two apparent trends illustrate such potential impacts and shifts. The first trend is of increased land conflicts linked to unequal gender dynamics. The second is of growing financial pressures linked to decreased remittance payments and increasing microfinance debts.

Increased land conflicts and gender inequality. The sudden return of large groups of people to rural areas could increase competition for land in many places. This, in turn,

creates risks of greater land dispossession and conflict, from which rural women and girls suffer disproportionately.⁴⁵ In Kenya, some widows who lost their husbands to COVID-19 have reportedly been expelled from their homes and disinherited.⁴⁶ Evidence from previous conflicts and epidemics suggests that women will be further disenfranchised of their rights to housing, land, and property as a result of the COVID-19 crisis, due to the absence of legal protection and cultural and socio-economic barriers to the enforcement of women's rights.⁴⁷

Decreased remittances and rising microfinance debt.

The COVID-19 crisis has been reported to have disrupted remittance flows globally.⁴⁸ As many migrant workers lost their employment in urban centers, the flow of vital remittance lifelines to rural families is expected to drop suddenly and dramatically. With remittance flows in low- and middle-income countries estimated to have been larger than foreign direct investment pre-pandemic,⁴⁹ a sharp contraction in remittance volumes may have significant reverberations. For rural populations, the predicted loss of remittance income would coincide with the return of newly unemployed family members and increasing debt burdens. Many who had lost jobs or seen their incomes fall were reported to be selling assets to pay for food⁵⁰ or taking out microfinance loans to meet basic subsistence needs. In Cambodia, for instance, decreased remittance transfers were reported to be affecting the ability of rural families to service microfinance debt,⁵¹ thus increasing the risk of losing land since many microfinance loans are collateralized by land titles. In some reported instances, predatory lending practices led to coerced land sales, child labor, debt-driven migration, and other human rights abuses.⁵²

With mobility dynamics expected to become more localized and regional for the immediate future,⁵³ and increased discussions around pandemic-accelerated automation emerging,⁵⁴ pandemic-driven rural resource pressures could be longer-term than some previous crisis events.⁵⁵ Such prolonged pressures have the potential to significantly shape land governance responses. In Cambodia⁵⁶ and China,⁵⁷ for example, returning migrant workers are reportedly being encouraged and supported by the government to engage in farming activities. Microfinance,⁵⁸ land title formalization,⁵⁹ and land system

digitization are also receiving attention within COVID-19 responses and recovery debates. How these issues converge may have longer-term implications for rural land governance and practices.

Investments for a “green” economic recovery?

Multiple international agencies have promoted post-COVID-19 recovery as an opportunity to fundamentally restructure critical sectors to support the transition to low-emission, climate-resilient, and resource-efficient economies. The United Nations,⁶⁰ OECD,⁶¹ World Bank,⁶² IMF,⁶³ and World Economic Forum,⁶⁴ for example, have all made statements in support of leveraging pandemic economic recovery to achieve sustainable climate and environmental outcomes.

In practice, however, investments induced by stimulus efforts have generally not been channeled into “clean” or environmentally friendly sectors.⁶⁵ Rather, within the context of COVID-19 economic recovery, significant amounts of money have been directed to sectors with high environmental impacts.⁶⁶ This undermines climate change commitments and creates missed opportunities to pursue more sustainable recovery and long-term growth trajectories.

Nevertheless, two forms of land-based investments receiving notable attention within “green recovery” discussions also appear to be accelerating in practice. The first is renewables; the second is carbon reduction schemes linked to land. Both types of investments are critical and could have significant implications for land use and land governance in Sub-Saharan Africa, Southeast Asia, and elsewhere.

Renewables. Global renewable energy capacity expanded in 2020, and there are indications that this trend will continue.⁶⁷ In Africa and Southeast Asia, this is reflected in the statements of various entities and political actors that have issued or endorsed statements supporting a green economic recovery that includes a focus on a clean energy transition.

In Africa, for example, investing in “people-centered renewable energy” is a key pillar of Africa's Green Stimulus

Program, an initiative endorsed by 54 Ministers of Environment.⁶⁸ This continent-wide ambition is somewhat reflected at the national level, although the picture is mixed. For example, Nigeria's government has signaled its intention to invest in renewable energy and has removed fossil fuel subsidies.⁶⁹ South Africa also includes renewables in its recovery plans, and, in the second half of 2020, Senegal put in place measures to incentivize investment in renewables.⁷⁰ Additionally, the African Union Commission and the International Renewables Agency have announced a partnership to deploy renewables across the continent.⁷¹

The picture is similar in parts of Southeast Asia. In Malaysia, for instance, the government's Large Scale Solar program is expected to play a significant role in the country's pandemic recovery.⁷² Vietnam has put renewables front-and-center of its power investment plans that were proposed in the latter half of 2020, although the country had accelerated investment in the sector well before the pandemic.⁷³

The expansion of renewable energy is essential to decarbonize energy systems and increase access to affordable and clean energy. At the same time, land-based renewable energies may have significant implications for land use and land rights: increased demand for critical minerals required for clean energy technologies⁷⁴ and land-intensive renewable projects—that can be 15-500 times more land-intensive than fossil fuels⁷⁵—are set to increase pressures on land. This may result in significant impacts on communities living on or around land that may be mined for critical minerals or host renewable energy projects.

Carbon emissions and net-zero economy. Amid the calls to “build back better,” a notable trend within the context of COVID-19 recovery is an increased push towards carbon emissions reductions, net-zero economy promotion, and strengthening of the carbon markets that underpin carbon offset incentives. Currently, the primary generators of carbon offset capacity are “nature-based solutions.” These include avoided nature loss, the protection of natural habitats as carbon sinks, and nature-based carbon sequestration (through forestry and afforestation), which are seen as key to the realization of net-zero economy ambitions.⁷⁶ Alongside such solutions, technology-based carbon capture and storage remains an additional, though

sometimes controversial, mechanism for carbon offset needs.⁷⁷

These nature-based solutions, as well as technology-based carbon capture and storage ambitions, require vast amounts of land.⁷⁸ It has already been noted that there is simply not enough available land on the planet to accommodate all of the combined government and corporate “net zero” plans for offsets.⁷⁹ The immense geographical storage capacity needed to accommodate both nature-based and technology-based carbon capture solutions will place significant pressures on rural land,⁸⁰ water, and other natural resources, particularly in the Global South.⁸¹ This pressure will increase the risk that Indigenous peoples, rural dwellers, and small-scale farmers will be pushed off their land or otherwise will have their livelihoods significantly restricted.

Yet, land intensive carbon offset markets and net-zero economy related ambitions are featured prominently within COVID-19 “green” economic recovery strategies.⁸² A projected ability to generate billions of dollars of capital, which in theory would flow from those making net-zero commitments to those, mostly in the Global South, with the ability to reduce and remove carbon is a key consideration.⁸³ The Economic Commission for Africa,⁸⁴ the IMF,⁸⁵ and countries such as China,⁸⁶ the United Kingdom,⁸⁷ and EU member states are exploring and implementing various trade- and market-linked carbon reduction mechanisms. The private sector too, apparently driven by the pandemic's vivid demonstration of the potential cascading risks associated with climate change⁸⁸ and a realization that “green investing is profitable,” is increasing industry pressure for enhanced corporate carbon offset commitments⁸⁹ and transitions to net-zero emissions.⁹⁰

This increased focus on carbon offsets within the context of COVID-19 economic recovery, and the associated commodification of nature, will most likely affect rural land governance practices, whether through exclusionary conservation approaches that restrict livelihoods or through increased individual land titling to monetize benefits derived from nature. But for many rural populations in low-income countries, the benefits enjoyed from nature and relied upon for survival come from assets they do not own and that hold value beyond the carbon value of the trees.⁹¹ These different approaches towards land governance and benefit utilization have the potential to

increase resource conflicts, undermine communal land management approaches, and disrupt tenure allocation practices.

The COVID-19 crisis may affect governance strategies for land-based investment in the long term.

States are responding to the multi-faceted impacts of COVID-19 by crafting a set of governance responses and adapting land governance systems, land investment regimes, laws, and regulations. The observed changes in governance systems to date are either reactive, as they result from immediate pandemic restrictions, or proactive, as States develop recovery strategies driven by the need to attract land-based investments and boost competitiveness. While this first set of reactive responses are manifest in the temporary absence of the State (through administrative shutdowns, for example), the latter set of governance and regulatory changes allow governments to consolidate power by extending control over investment processes, often at the cost of social and environmental safeguards, transparency, and accountability. Often, such pandemic responses are an opportunity to advance pre-existing political and economic agendas. The following emerging changes in systems, laws, and regulations have been identified. Table 1 in the Annex provides a typology of some of the main regulatory changes with specific country examples.

Regulatory rollbacks: environmental and social deregulation. A rollback in legislation denotes the action to repeal, dismantle, or otherwise diminish the effect of a law or regulation. In South and South East Asia, evidence has been recorded of countries easing environmental impact assessment (EIA) requirements, loosening environmental compliance monitoring while also limiting participatory processes, and reducing public consultation requirements to fast-track projects. This comes as some countries appear to accelerate the rollout of an agenda that favors business interests over social or environmental considerations. In many situations, these initiatives appear to have taken advantage of the limited possibilities for public mobilization in order to weaken existing social and environmental safeguards in the hope of attracting land-based investments.⁹²

Increased discretionary State powers. New prerogatives complement regulatory rollbacks by extending the reach of State powers to new areas of economic governance. Some investment facilitation measures aimed at improving the ease of doing business have increased the concentration of power in the hands of the executive through efforts to centralize land and investment governance decisions. In Indonesia,⁹³ Sri Lanka,⁹⁴ and the Philippines,⁹⁵ for example, governments are reportedly gaining more discretion in managing and permitting forests. Where countries are rolling back social and environmental safeguards in parallel, such discretion may create risks of deforestation and of encroachment on Indigenous peoples' customary forest uses. Furthermore, increased State involvement in business interests, as in the case of Zambia's announced plan to acquire majority stakes in mines,⁹⁶ may also weaken institutional and regulatory checks and balances, as the State takes on both development and regulatory roles.

Reduced administrative capacity and access to justice. COVID-19 lockdowns have led to months-long administrative closures that have seriously disrupted the delivery of land governance services to citizens. The difficulty of processing the backlog of cases upon reopening undermines efforts to secure land claims and may leave some communities with heightened tenure insecurity risks.⁹⁷ It may also prevent the effective resolution of disputes and provide space for opportunistic land grabbing. This is likely to exacerbate risks for particularly vulnerable groups such as women, Indigenous peoples, and other minorities, although potential long-term impacts remain unknown.

Digital transformation of land systems. Previous efforts to transition in-person paper-based procedures to digital ones were underway before the pandemic and are expected to intensify in the wake of COVID-19. ICT-based land systems have been identified as best practice for more effective recording of land rights⁹⁸ and calls to implement a "digital recovery" appear to be gaining momentum.⁹⁹ Additionally, the digital transition also has the potential to shape the way civil society actors mobilize and build local to global alliances. Such alliances will benefit from and reinforce the growing number of open-data and transparency initiatives that have emerged in the land sector in recent years.¹⁰⁰

Restrictions on civic space weaken the position of communities and rights defenders.

Trends towards shrinking political space are not specific to the COVID-19 pandemic, but the scale of the unfolding crisis, and the exceptional measures put in place to respond to its impacts, have compounded problems to a new magnitude. For countries that were already pushing back on human rights before the pandemic, domestic restrictions to curb the coronavirus outbreak have provided additional opportunities to curtail rights and freedoms and reduce State accountability. At the same time, the economic fallout from the crisis is providing a justification for States to push through with land-based investment projects that affect local communities and Indigenous peoples' rights and territories, while also providing opportunities to crack down on critics with impunity. At least 604 attacks on defenders working on business-related human rights issues were recorded in 2020, the majority of which related to mining and agribusiness projects.¹⁰¹

Militarization and emergency State powers. At least seven sub-Saharan African countries¹⁰² and eight Asian countries¹⁰³ reportedly enacted emergency measures granting expanded powers to military and security forces during the pandemic. In Kenya and Nigeria, the militarized enforcement of lockdowns has led to police brutality, with dozens of civilians killed by the police in the early stages of the lockdown in spring 2020.¹⁰⁴ The UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ms. Fionnuala Ní Aoláin, has noted that emergency powers appeal to states and security sector institutions as they “offer shortcuts” and as a result risk “persisting and becoming permanent.”¹⁰⁵ In Papua New Guinea, the National Pandemic Act adopted in June 2020 contained provisions restricting certain freedoms and constitutional rights that would not expire with the end of the COVID-19 emergency.¹⁰⁶ It was met with significant opposition and was eventually repealed. Nonetheless, there is concern that practices that undermine fundamental democratic rights may become entrenched in the wake of the pandemic.¹⁰⁷

Reduced space for dissent in the context of restrictions. Threats against environmental defenders and rights activists have been exacerbated in many countries, in the context of restrictions on movement and assembly that limit people's ability to mobilize and stage protests. Across Southeast Asia, for example, communities living in areas affected by development projects were reported to have denounced the double standards of governments that allow companies to go forward with operations while limiting the movement of people for health reasons.¹⁰⁸ Reports also indicated that, in Indonesia and the Philippines, farmers had been targeted and “red-tagged” (a practice whereby individuals are arbitrarily labelled as communists or terrorists) while opposing development projects such as dams, agribusiness, or mining.

III. Conclusion

Land-based investments are likely to remain prominent in multiple countries' pandemic recovery plans. This is particularly the case where countries have limited alternative options to rebuild economies, and even more so in countries faced with debt crises either induced or exacerbated by the pandemic. At the same time, evidence suggests that governments are changing how land-based investments are governed in ways that undermine prospects for sustainable development in the name of investment facilitation. Policy and regulatory rollbacks, together with increased pressure on civic space, have been reported in the focus regions of this report. In addition, pandemic-accelerated concerns around food security, climate change responses, and longer-term employment opportunities are converging, prompting discourse from different stakeholders regarding how to leverage opportunities and implement new approaches.

While it remains uncertain how the issues presented in this report will unfold due to the uncertain course of the pandemic, and concomitant political and economic reverberations, the challenge for governments is clear: to develop an agenda that redoubles efforts to attract responsible investors and avoid apparent “shortcuts” that prioritize investment quantity over quality.

Annex

 Table 1: Selection of patterns of change in land governance systems and regulatory frameworks¹⁰⁹

Phenomenon	Examples
Regulatory rollbacks: Environmental and social deregulation	
<p>Easing of environmental safeguards e.g., Easing Environmental Impact Assessment (EIA) requirements, looser environmental compliance monitoring</p>	<p>In India, the Ministry of Environment, Forest and Climate Change published a draft EIA notification in March 2020 with the intention of replacing the existing 2006 requirement. The new draft waives the need for an EIA Report for ‘B2 Category’ projects, which include oil, gas and shale exploration among other activities.¹¹⁰ It also allows for post-facto clearance of projects executed without prior environmental clearance, a point which has caused concern that industries may go forward with committing environmental violations.¹¹¹</p> <p>Indonesia’s ‘omnibus’ bill on job creation, which was passed in October 2020 is understood to, amongst many other actions, remove limitations on minimum forest cover for river basins and islands and to reduce environmental penalties.¹¹²</p> <p>In South Africa, on March 27, 2020, the Minister of Environment, Forestry, and Fisheries gazetted air pollution standards for sulphur dioxide (SO₂) that permit facilities with coal boilers to only meet the revised minimum emission standards of 1000 mg/Nm³. This new requirement weakens the previously more ambitious target that was due to come into effect on 1 April 2020.¹¹³</p> <p>In Sri Lanka, in July 2020, the Government reportedly announced the revocation of circular 5/2001 that regulated the status of Other State Forests. This change would potentially remove hundreds of thousands of forest acres from the control of the Department of Forest Conversation. The move will reportedly unlock forest land for agriculture or development purposes.¹¹⁴</p>
<p>Limiting participatory processes/ reducing consultation requirements</p>	<p>In Indonesia, the omnibus law on job creation is reported to limit public participation in Environmental Impact Assessment processes by restricting it to the inclusion of only those directly impacted. It is understood to replace previous environmental laws that guaranteed broad-based consultations.¹¹⁵</p> <p>In India, a draft EIA bill introduced in March 2020 reduced the notice period for public hearings on extractive projects from 30 to 20 days and exempted certain projects from consultation requirements (those classified as B2 category projects based on estimated social and environmental impacts).¹¹⁶</p>

Increased discretionary State powers	
Simplification of land acquisition procedures	<p>In India, the state government of Tamil Nadu allegedly proposed in June 2020 to simplify land acquisition procedures by granting more powers to land administrators.¹¹⁷ The state government of Uttar Pradesh also reportedly took a significant step to simplify the land acquisition process by amending its Revenue Code.¹¹⁸</p>
Expansion and fast-tracking of mining permits	<p>In Indonesia, the government is reported to have amended the 2009 Coal and Mining Law to allow for an extension of mining permits. Notable revisions would include quadrupling the maximum size of traditional mining zones to 100 hectares and permitting mining activity in rivers and the sea.¹¹⁹</p> <p>Rwanda is reported to have expedited mining license applications through establishing a centralized system, in an apparent attempt to revive the mining sector affected by COVID-19.¹²⁰</p> <p>In the Philippines, an executive order lifting a nine-year ban on mining has reportedly been issued. The move is expected to facilitate the entry of at least 291 mining applications. The move is reported to be in response to COVID-19 economic concerns.¹²¹</p>
Increased State control in land use and ownership	<p>In the Philippines, the Department of Agriculture is reported to be attempting the conversion of parts of Indigenous peoples’ “idle” ancestral lands into vegetable and high-value crop farms as part of the government’s 608 USD million Plant, Plant, Plant Program to boost the country’s food supply. Indigenous leaders have reportedly pushed back on the suggestion that Indigenous ancestral lands were idle and feared that such land would be seized under the cover of the program and the pandemic.¹²²</p> <p>In Indonesia, the omnibus law on job creation has reportedly asserted state ownership over untitled lands, which could allegedly facilitate changes in land use from forest areas to agricultural land.¹²³ The law is also reported to grant the government greater discretion in managing forest permits.¹²⁴</p>
Increased State control in mining	<p>President Edgar Lungu of Zambia reportedly announced in December 2020 that the state will acquire majority stakes in selected copper mines, while also allowing private investors to participate.¹²⁵ While details remain limited the move to assert control over the country’s main generator of hard currency comes as the country grapples with a debt crisis.</p>

Limited State presence: Reduced administrative capacity and access to justice

Administration closures during lockdowns

Kenya’s Ministry of Lands and Physical Planning paused its operations during a two-month lockdown, halting registration to claim land ownership. Partial reopening from May 2020 onwards¹²⁶ meant limited capacity to process the backlog of cases, which undermined efforts to secure land claims.¹²⁷

Ethiopia is reported to have paused most registration activities in March/April 2020, leaving many farmers unable to register or formalize the recognition of land rights. Early evidence suggested a fall in land authorities’ capacity to respond to claims, leading to gaps in service.¹²⁸

Uganda halted all transactions and banned evictions during the spring lockdown. All surveying and construction activities are also reported to have come to a standstill. Nonetheless, evictions continued to take place (the State House Anti- Corruption Unit registered 1,514 land-related complaints on evictions).¹²⁹

In Nigeria in July 2020, conservation activities such as logging monitoring, guard patrols, and arrests of offenders was reported to have been reduced or stopped altogether, increasing the likelihood of poaching.¹³⁰

In India, due to the COVID-19 induced lockdown, several large-scale mining, infrastructure, and industrial projects, were reportedly unable to secure approvals from the National Board for Wildlife (NBWL), the Forest Advisory Committee (FAC), and 10 Expert Appraisal Committees (EAC), as mandated by the central government’s ministry of environment, forest and climate change (MoEFCC). However, after the lockdown eased in May 2020, approximately 191 projects were scheduled for clearance consideration. Some projects were reportedly reviewed in 10 minutes or less, thereby allegedly bypassing laid-down steps of approval.¹³¹

Digital transformation of land systems

Electronic procedures for land registration/ creation of digital land records

Benin and Togo have reportedly taken steps to digitize construction permit applications, property transfer, and building registration procedures in 2020.¹³²

In Indonesia, a new regulation enacted in January 2021 enables electronic land registration and the obtention of digital land certificates. Under the previous manual system, there were apparently delays in the registration process and in accessing information given that each land office had its own informal practices.¹³³

Endnotes

- 1 José Francisco Cali Tzay, “COVID-19 is devastating indigenous communities worldwide, and it’s not only about health” – UN expert warns,” United Nations Human Rights Office of the High Commissioner, May 18, 2021, <https://bit.ly/2S1UtO2>; Lorenzo Cotula, “Towards a Political Economy of the COVID-19 Crisis: Reflections on an Agenda for Research and Action,” *World Development* 138, February 2021, <https://bit.ly/3ntMaWS>; Sam Szoke-Burke, “Land and Resource Investment Consultations in the time of COVID-19: The Hazards of Pressing On,” *Thomson Reuters Foundation News*, May 24, 2020, <https://tmsnrt.rs/3vqOzoi>.
- 2 Global Witness, “Governments and business must stand up for land and environmental defenders now, so that they can help build a more resilient and fair future for us and our planet,” Press release, May 7, 2020, <https://bit.ly/3gPRKld>.
- 3 Cotula, above note 1; Szoke-Burke, above note 1.
- 4 See for e.g. Fiona Harvey, “Revealed: Covid recovery plans threaten global climate hopes,” *The Guardian*, November 9, 2020, <https://bit.ly/2QD2usw>.
- 5 We use the term “Global South” to refer to low- and middle-income countries located in the southern hemisphere.
- 6 UNCTAD, “Global FDI flows down 42% in 2020. Further weakness expected in 2021, risking sustainable recovery,” *Investment Trends Monitor*, no. 38, January 2021, <https://bit.ly/3bqbyrX>.
- 7 Ibid.
- 8 The World Bank, *Global Economic Prospects* (Washington, DC: International Bank for Reconstruction and Development and The World Bank, January 2021), <https://bit.ly/3v5KTbF>.
- 9 Ollie Williams, “Zambia’s default fuels fears of African ‘debt tsunami’ as Covid impact bites,” *The Guardian*, November 25, 2020, <https://bit.ly/2Rbt0cX>; Joseph Cotterill, “Mining deal adds to Zambian debt woes,” *Financial Times*, January 24, 2021, <https://on.ft.com/3eUxXPd>; International Monetary Fund, “IMF Staff Completes Virtual Mission to Zambia,” Press release, no. 21/59, March 4, 2021, <https://bit.ly/3ud1wSx>; International Development Association, International Monetary Fund, “Zambia: Joint World Bank-IMF Debt Sustainability Analysis,” August 2019, <https://bit.ly/3t1iTE6>.
- 10 *BBC News*, “Indonesia in recession for first time in 22 years,” November 5, 2020, <https://bbc.in/3xySpC6>.
- 11 UNECA, “ECA estimates billions worth of losses in Africa due to COVID-19 impact,” *Africa Renewal*, March 16, 2020, <https://bit.ly/32Yiuru>.
- 12 Andisiwe Makinana, “‘We have to decisively change the face of our economy’: Ramaphosa,” *Times Live*, January 8, 2021, <https://bit.ly/3nBmhVq>.
- 13 Julius Bizimungu, “Mining reforms, investments scaled up despite the pandemic,” *The New Times Rwanda*, January 5, 2021, <https://bit.ly/3aLQSC7>.
- 14 *Reuters*, “Nigeria hopes gold mining reforms can bring in \$500 million a year,” July 16, 2020, <https://reut.rs/3aOKEJQ>.
- 15 Vincent Rouget, “For better ore worse – mining takes centre stage in Africa’s COVID-19 recovery,” *Control Risks*, October 19, 2020, <https://bit.ly/3vrB9Z3>.
- 16 *African Development Bank Group*, “Africa must forge strong partnerships, effectively manage its abundant natural resources, to rebuild faster post-COVID-19 - International Forum on African Leadership,” December 7, 2020, <https://bit.ly/3eFbup6>.
- 17 Sarah Brewin, “For Its COVID-19 Recovery, Southeast Asia Looks to Responsible Investment in Agriculture,” *International Institute for Sustainable Development (IISD)*, December 7, 2020, <https://bit.ly/2QHeskN>.
- 18 Food and Agricultural Organization (FAO), *Preserving African food value chains in the midst of the coronavirus crisis* (Rome: FAO, April 2020), <https://bit.ly/3gHvQ3D>.
- 19 World Bank, “Food Security and COVID-19,” April 13, 2021, <https://bit.ly/3aK00iO>.
- 20 The International Fund for Agricultural Development (IFAD), “New IFAD fund launched to help prevent rural food crisis in wake of COVID-19,” April 20, 2020, <https://bit.ly/3nuPykp>.
- 21 Jennifer Blanke, “Economic impact of COVID-19: Protecting Africa’s food systems from farm to fork,” *Brookings*, June 19, 2020, <https://brook.gs/3gN679Y>.

- 22 Anh Tu, Anh Minh, and Hong Chau, “Vietnam suspends rice exports to ensure food security,” VN Express International, March 25, 2020, <https://bit.ly/3vrUqJT>; Rajendra Jadhav and Mayank Bhardwaj, “Exclusive: Indian rice exports suspended on supply chain disruption,” *Reuters*, April 3, 2020, <https://reut.rs/3u2NClw>; *Reuters*, “Cambodia to ban some rice exports April 5 due to coronavirus,” March 30, 2020, <https://reut.rs/3gk9eiO>; Maximilian Heath, “Argentina suspends corn exports to ensure food supplies,” *Reuters*, December 30, 2020, <https://reut.rs/3bC10Gl>; Gro Intelligence, “Brazil suspends import tariffs as exports to China create shortages at home,” October 21, 2020, <https://bit.ly/3osvVd7>; *Reuters*, “Russia suspends exports of processed grains,” March 23, 2020, <https://reut.rs/3hzy2ur>.
- 23 Isis Almeida and Agnieszka de Sousa, “Countries are starting to hoard food due to coronavirus outbreak, threatening global trade,” *The Economic Times*, March 25, 2020, <https://bit.ly/3eBDiul>.
- 24 World Trade Organization, General Council, Committee on Agriculture, “Joint Statement Responding to the COVID-19 Pandemic with Open and Predictable Trade in Agriculture and Food Products,” (May 29, 2020), <https://bit.ly/2S8Wqbl>; World Trade Organization (WTO), “Communication on behalf of the Cairns Group on COVID-19 Initiative: Protecting Global Food Security through Open Trade,” June 17, 2020, <https://bit.ly/2R9he21>.
- 25 Organisation for Economic Co-operation and Development (OECD), *COVID-19 and the Food and Agriculture Sector: Issues and Policy Responses* (OECD, April 2020), <https://bit.ly/32U1d2X>.
- 26 See for example, International Monetary Fund, “Policy Responses to Covid-19 - Policy Tracker,” <https://bit.ly/3t18SGY>.
- 27 Hans Nicholas Jong, “Indonesia’s food estate program eyes new plantations in forest frontiers,” *Mongabay*, October 6, 2020, <https://bit.ly/3nxwqm2>.
- 28 Philippines Department of Agriculture, “DA eyes idle ancestral lands as food production areas,” April 16, 2020, <https://bit.ly/2PvQUPj>.
- 29 Food and Agricultural Organization (FAO), “Ensuring resilient communities and food supply in the face of the COVID-19 pandemic with investments guided by the CFS RAI,” June 5, 2020, <https://bit.ly/3gMgURC>.
- 30 Food and Agricultural Organization (FAO), “Examining the impact of COVID-19 on tenure rights,” 2021, <https://bit.ly/2RaBRLC>.
- 31 Mario Casavuran, “Senate approves bill simplifying grant of land titles to farmers,” *Manila Bulletin*, December 16, 2020, <https://bit.ly/3eCO97s>.
- 32 Prince Bahamboula, “Post-Covid-19 : un service national pour relancer le tissu productif agricole,” *La Tribune Afrique*, April 25, 2020, <https://bit.ly/32SovpQ>.
- 33 African Development Bank, “FEED Africa Response to Covid-19” (July 2020), <https://bit.ly/2Qv6f3l>.
- 34 Food and Agriculture Organization of the United Nations (FAO), *Protecting land and natural resources tenure rights in the era of COVID-19 by heeding the lessons from the past* (FAO, October 2020), <https://bit.ly/3tVcawV>.
- 35 World Bank, *Next Generation Africa Climate Business Plan* (Washington, DC: World Bank, 2020), <https://bit.ly/3aMAERw>.
- 36 *FinDev Canada*, “Phatisa Food Fund 2 reaches \$143 million final close from DFI commitments,” February 4, 2021, <https://bit.ly/3u2X60d>.
- 37 Assuming a 48-hour working week. International Labour Organization (ILO), *ILO Monitor: COVID-19 and the world of work, Seventh edition: Updated estimates and analysis*, 7th ed., (ILO, January 25, 2021), <https://bit.ly/3tZbEhm>.
- 38 World Bank, “COVID-19 Crisis Through a Migration Lens,” *Migration and Development*, Brief 32 (April 2020); International Organization for Migration, “Cambodia Returning Migrants Survey,” July 2020.
- 39 Emily Feng and Amy Cheng, “With China’s Economy Battered By Pandemic, Millions Return To The Land For Work,” *Land Portal*, June 8, 2020, <https://bit.ly/3bvp79Q>.
- 40 Maria Abi-Habib and Sameer Yasir, “India’s Coronavirus Lockdown Leaves Vast Numbers Stranded and Hungry,” *The New York Times*, March 29, 2020, <https://nyti.ms/2O9XEBZ>.
- 41 Rosa Chávez Yacila and Julie Turkewitz, “Highways of Peru Swell with Families Fleeing Virus,” *The New York Times*, April 30, 2020, <https://nyti.ms/3kZDnuO>.
- 42 Daniel Hayward, Chansovy Ngorn, Micah Ingalls, U Htet Kyu, Pornpana Kuaycharoen, Chau My Duyen and Philip Hirsch, *Mekong Land Research Forum, Annual Country Reviews 2020-21* (Mekong Land Research Forum, February

- 2021), <https://bit.ly/3o83VLK>.
- 43 Astrid R.N. Haas and Rachel Strohm, “A novel idea: integrating urban and rural safety nets in Africa during the pandemic,” *The Conversation*, May 3, 2020, <https://bit.ly/3l69lp5>; Fortune Moyo, “Zimbabweans Abandon Cities as Opportunities Dry Up,” *Global Press Journal*, March 8, 2020, <https://bit.ly/38nmwwD>.
- 44 World Bank, *World Development Report: Agriculture for Development*, (Washington DC: World Bank Press, 2008).
- 45 Advancing Rights in Southern Africa (ARISA), *Impact of COVID-19 on Women’s Customary Land Rights and Livelihoods in Southern Africa*, (ARISA and USAID, December 2020), <https://bit.ly/3nuOgGj>.
- 46 Kim Harrisberg, “From Brazil to Kenya, coronavirus widows lose their husbands and then their land,” *Reuters*, May 26, 2020, <https://reut.rs/3u4rrvi>.
- 47 Victoria Stanley and Paul Prettitore, “How COVID-19 puts women’s housing, land, and property rights at risk,” *World Bank Blogs* (blog), *World Bank*, May 5, 2020, <https://bit.ly/2RCQnf1>.
- 48 Ana Florina Pirlea et al. “Remittances: a lifeline for many economies,” Atlas of the Sustainable Development Goals 2020, World Bank, <https://bit.ly/3ud60bP>; Rebecca Ong, “World Bank Predicts Sharpest Decline of Remittances in Recent History,” World Bank, Press release, April 22, 2020 <https://bit.ly/3v4sjB4>.
- 49 World Bank, “Migration and Remittances,” *Migration and Development*, Brief 31 (April 2019).
- 50 *The Economist*, “Covid-19 is causing a microcredit crunch,” August 15, 2020, <https://econ.st/3xzsiGO>.
- 51 Shaun Turton and Mech Dara, “Coronavirus pandemic deepens Cambodia’s microfinance crisis,” *Nikkei Asia*, April 2, 2020, <https://s.nikkei.com/3l5KEcC>; Brian Badzmirowski, “Debt main reason for Cambodians seeking jobs in Thailand,” *Khmer Times*, January 27, 2021, <https://bit.ly/3qzKMLu>.
- 52 Cambodian League for the Promotion and Defense of Human Rights (LICADHO), “Collateral Damage: Land loss and abuse in Cambodia’s microfinance sector” (August 2019), <https://bit.ly/2S9Z1ll>.
- 53 International Organization for Migration, “Cross-border human mobility amid and after COVID-19,” IOM Issue Brief (July 21, 2020), <https://bit.ly/32XRHMe>.
- 54 Tahsin Saadi Sedik and Jiae Yoo, “Pandemics and Automation: Will the Lost Jobs Come Back?,” IMF Working Paper no. 2021/011 (January 2021), <https://bit.ly/3dYYxax>.
- 55 International Organization for Migration, “Labour mobility and skills in response, recovery and post COVID-19 pandemic,” IOM Issue Brief (January 27, 2021), <https://bit.ly/3aLO8Nm>.
- 56 Kong Meta, “Doubts raised over plan to urge former migrants to farm,” *Cambo JA News*, July 20, 2020, <https://bit.ly/3e0ZH5O>.
- 57 Government of the People’s Republic of China, “General Office of the Ministry of Agriculture and Rural Affairs on the Issuance of the Implementation Plan for Expanding the Scale of Local and Nearby Employment of Migrant Workers Returning to and Staying in Their Hometowns,” (March 26, 2020), <https://bit.ly/2QBE42s>.
- 58 Pranab Choudhury and S. Chockalingam, “Can India’s Rural Property Card be an opportunity to expedite Post-Covid Rural Revival?” *Land Portal*, May 14, 2020, <https://bit.ly/2R47XIH>.
- 59 Danielle Keeton-Olsen, “Cambodia puts its arduous titling process for Indigenous land up for review,” *Mongabay*, April 15, 2020, <https://bit.ly/3xuc0ij>.
- 60 *UN News*, “COVID-19 recovery offers ‘chance to change course’, Guterres tells One Planet Summit,” January 11, 2021, <https://bit.ly/2T3KN6n>.
- 61 Anthony Cox, Andrew Prag and Alexa Piccolo, “Making the green recovery work for jobs, income and growth,” OECD Policy Responses to Coronavirus (COVID-19), October 2020, <https://bit.ly/32T4oI9>.
- 62 Axel Van Trotsenburg, “COVID-19 response: Where we stand now, and the road ahead,” *World Bank Blog* (blog), *World Bank*, February 9, 2020, <https://bit.ly/3sXDkSn>.
- 63 International Monetary Fund, “Climate Change - Green Recovery,” 2021, <https://bit.ly/3xxxiL>.
- 64 World Economic Forum, “The Great Reset,” June 3, 2022, <https://bit.ly/3tZlgYx>; Maria Mendiluce and Jose Siri, “The COVID-19 recovery can be the vaccine for climate change,” World Economic Forum, June 9, 2020, <https://bit.ly/2PunTn8>.
- 65 Harvey, above note 4.
- 66 Vivid Economics, “Greenness of Stimulus Index”, February 2021, <https://bit.ly/2PBtWGG>.
- 67 International Renewable Energy Agency, “World Adds Record New Renewable Energy Capacity in 2020,” Press

- release, April 5, 2021, <https://bit.ly/3aQ5UiB>.
- 68 United Nations Environment Programme, “African Green Stimulus Programme,” (January 8, 2021), <https://bit.ly/3dZxIs7>.
- 69 World Resources Institute, “Nigeria Moves Toward a Sustainable COVID-19 Recovery,” January 14, 2021, <https://bit.ly/3xqWSIE>; Nigeria Economic Sustainability Committee, *Bouncing Back: Nigeria Economic Sustainability Plan* (2020), <https://bit.ly/2Rcf3L9>.
- 70 Jean-Marie Takouleu, “Senegal: Government exempts renewable energy equipment from VAT,” *Afrik21*, August 5, 2020, <https://bit.ly/3dZi76w>; United Nations Environment Programme, “African Ministers of the Environment commit to support a green COVID-19 recovery plan,” Press release, December 4, 2020, <https://bit.ly/32VN19F>.
- 71 International Renewable Energy Agency (IRENA), “African Union and IRENA to Advance Renewables in Response to COVID-19,” Press release, April 16, 2020, <https://bit.ly/3vsa6wF>; Research published in July 2020 before some of the statements noted above were made indicated that country-level stimulus packages on the continent mostly did not explicitly mention the clean energy transition; further research is needed to determine how these commitments are being implemented at the national level. Mark McCarthy Akrofi and Sarpong Hammond Antwi, “COVID-19 energy sector responses in Africa: A review of preliminary government interventions,” *Energy Research & Social Science* 68 (October 2020), <https://bit.ly/3aIMg87>.
- 72 Pamela Lague, “Malaysia bets on large scale solar PV to revive economy,” *Power Engineering International*, July 20, 2020, <https://bit.ly/3t3bsfG>.
- 73 Jules Scully, “Key role for renewables as Vietnam outlines US\$130bn power investment plans,” *PVTech*, September 29, 2020, <https://bit.ly/2PA4dhO>.
- 74 Hund, K. et al. *Minerals for Climate Action: The Mineral Intensity of the Clean Energy Transition*, Climate-Smart Mining Facility, (Washington DC: World Bank, May 2020), <https://bit.ly/32VExzj>.
- 75 Nicolas Maennling and Perrine Toledano, *The Renewable Power of the Mine: Accelerating Renewable Energy Integration* (New York: Columbia Center on Sustainable Investment, December 2018), 17, <https://bit.ly/3f20qUp>.
- 76 Taskforce on Scaling Voluntary Carbon Markets, “Taskforce on Scaling Voluntary Carbon Markets - Final Report” (Institute of International Finance, January 2021), <https://bit.ly/3udxQnW>. The report by the Taskforce on Scaling Voluntary Carbon Markets estimates between 65%- 85% of potential carbon credits would come from natural climate solutions.
- 77 Ibid.
- 78 Intergovernmental Panel on Climate Change, “Special Report on Climate Change and Land,” (IPCC, January 2020), <https://bit.ly/3xr0VhQ>; UNECE Task Force on Carbon Neutrality, *Technology Brief on Carbon Capture, Use and Storage (CCUS)* (New York: United Nations, March 2021), <https://bit.ly/3dYEIQu>.
- 79 ActionAid et al., “NOT ZERO: How ‘net zero’ targets disguise climate inaction” (October 2020), <https://bit.ly/2PvDeDU>.
- 80 OECD, “Policy Implications of Coronavirus Crisis for Rural Development” (June 16, 2020), <https://bit.ly/3xztZ72>.
- 81 Taskforce on Scaling Voluntary Carbon Markets, “Taskforce on Scaling Voluntary Carbon Markets – Summary Pack” (Institute of International Finance, January 2021), <https://bit.ly/3gNE55>.
- 82 New Climate Economy, “Unlocking the Inclusive Growth Story of the 21st Century: Accelerating Climate Action in Urgent Times,” in *The 2018 Report of The Global Commission on the Economy and Climate* (Washington, DC: New Climate Economy, August 2018), <https://bit.ly/3xr2M6i>. In 2018 the Global Commission on the Economy and Climate found that bold climate action could deliver at least \$26 trillion in economic benefits through 2030 while generating millions of jobs and new market opportunities. See also Institute of International Finance, “Taskforce on Scaling Voluntary Carbon Markets,” January 2021, <https://bit.ly/3vkhoTg>, which stated that if existing climate commitments are to be meaningfully supported, significant growth in carbon markets is needed before 2030. These markets are estimated to be worth \$50 billion.
- 83 Taskforce on Scaling Voluntary Carbon Markets, see above note 76.
- 84 Economic Commission for Africa (ECA), “ECA’s Building Forward for an African Green Recovery outlines bolder intra-African trade and climate-smart measures for continent’s recovery,” March 1, 2021, <https://bit.ly/3u2fsvy>. The Economic Commission for Africa’s Building forward for an African Green Recovery calls for, amongst others, the

uptake of nature-based solutions, with leveraging of the continent's carbon offset potential, as well as debt for nature swaps featured as central components.

85 The IMF has identified carbon pricing and taxes as a key policy measure to facilitate recovery leveraged transitions to green economies. See for example, Ian Parry, "A New Vision for the US Climate Agenda," *IMF Blog* (blog), IMF, March 10, 2021, <https://bit.ly/3eJAAMR>.

86 Fiona Harvey, "China pledges to become carbon neutral before 2060," *The Guardian*, September 22, 2020, <https://bit.ly/3eDWLEz>.

87 Jessica Shankleman, Bloomberg, "UK PM to push allies to agree on carbon border taxes: Report," *Al Jazeera*, February 5, 2021, <https://bit.ly/3e1lCJs>.

88 OECD, "Biodiversity and the economic response to COVID-19: Ensuring a green and resilient recovery" (September 28, 2020), <https://bit.ly/3xzvWQU>.

89 New Climate Institute and Data-Driven EnviroLab, "Navigating the nuances of net-zero targets" (October 2020), <https://bit.ly/3u6EKM2>.

90 Andrew Ross Sorkin, "BlackRock Chief Pushes a Big New Climate Goal for the Corporate World," *New York Times*, January 26, 2021, <https://nyti.ms/3ufj6oZ>.

91 Partha Dasgupta, *The Economics of Biodiversity: The Dasgupta Review*, Abr. ed. (London: HM Treasury, 2021), <https://bit.ly/3xrlBW1>.

92 Rights and Resources Initiative, "Under the Cover of COVID: New Laws in Asia Favor Business at the Cost of Indigenous Peoples' and Local Communities' Land and Territorial Rights" (November 2020), <https://bit.ly/3eH9OwB>. See also, Lorenzo Cotula, "Stopping land and policy grabs in the shadow of COVID-19," *Thomson Reuters Foundation News*, May 27, 2020, <https://tmsnr.rs/2S27h74>.

93 UNCTAD, "Indonesia - 'Omnibus Law' on job creation has been enacted," *Investment Policy Monitor*, UNCTAD – Investment Policy Hub, November 2, 2020, <https://bit.ly/3v2krQl>.

94 Minoli de Soysa, "Sri Lanka Set to Lose More Forests," *Groundviews*, September 11, 2020, <https://bit.ly/3u78l86>.

95 Ken E. Cagula, "IP groups slam DA proposal to convert ancestral lands," *Davao Today*, April 20, 2020, <https://bit.ly/3xEgOBV>.

96 Chris Mfula, "Zambian president says greater state role in mines will help economy recover," *Financial Post*, December 17, 2020, <https://bit.ly/32UNtVt>.

97 Community Land Protection Programme Advisor, "Communities with insecure tenure more vulnerable," *Business Daily*, June 14, 2020, <https://bit.ly/3u0v99q>.

98 Doing Business, "Registering property: The paths of digitization," *Doing Business 2016* (Washington DC: The World Bank, 2016), <https://bit.ly/3t3z04i>.

99 McKinsey & Company, *The recovery will be digital: Digitizing at speed and scale*, The Next Normal (August 2020), <https://mck.co/2S8wuNb>.

100 Land Portal "Webinar: The Role of Open Data in the Fight against Land Corruption," January 28, 2021, <https://bit.ly/3u3buWn>.

101 Business and Human Rights Resource Centre, "In the line of fire: Increased legal protection needed as attacks against business & human rights defenders mount in 2020" (March 2021), <https://bit.ly/3t215Jb>.

102 Chad, Liberia, Madagascar, Malawi, Nigeria, Sierra Leone, Zimbabwe.

103 Cambodia, Indonesia, Kazakhstan, Laos, Nepal, Pakistan, Papua New Guinea, the Philippines.

104 International Center for Not-for-Profit Law, "COVID-19 Civic Freedom Tracker," 2021, <https://bit.ly/3u1tHTr>.

105 Ibid.

106 Ibid.

107 Annie Kelly and Pete Pattison, "'A pandemic of abuses': human rights under attack during Covid, says UN head," *The Guardian*, February 22, 2021, <https://bit.ly/33FDT9g>.

108 Camila Flores-Obanil, "The Pandemic's Hidden Casualty: Human Rights," *The Diplomat*, June 16, 2020, <https://bit.ly/3dZ7TDd>.

109 This table is an illustration of the types of regulatory changes that are occurring in the context of the pandemic. It captures some of the reported and/or announced amendments at the time of writing. Further research to assess

- the effective implementation of such changes will need to be carried out.
- 110 Ministry of Environment, Forest and Climate Change, Government of India, “Draft Environment Impact Assessment Notification-2020” (March 12, 2020), <https://bit.ly/3aLxyx4>.
- 111 Abhijit Mohanty, “Why draft EIA 2020 needs a reevaluation,” *DownToEarth*, July 6, 2020, <https://bit.ly/3sW1X1T>.
- 112 UNCTAD, above note 93.
- 113 Department of Forestry, Fisheries and the Environment of South Africa, “Cabinet approves amendment of sulphur dioxide minimum emission standards for coal combustion installations – mainly power generation existing plants,” March 27, 2020, <https://bit.ly/3dZu7ol>.
- 114 Lasanda Kurukulasuriya, “Revocation of Land Circular 5/2001 Opens up a Can of Worms,” *The Island*, July 25, 2020, <https://bit.ly/2R9IH4M>.
- 115 Hans Nicholas Jong, “Indonesia’s omnibus law a ‘major problem’ for environmental protection,” *Mongabay*, November 4, 2020, <https://bit.ly/3aGwhHF>.
- 116 Ministry of Environment, Forest and Climate Change, Government of India, above note 110.
- 117 Dennis S. Jesudasan, “Land acquisition norms to be simplified for T.N. govt. projects,” *The Hindu*, June 1, 2020, <https://bit.ly/32ROr4W>.
- 118 Team CW, “Uttar Pradesh Govt Amends Revenue Code, to Simplify Land Acquisition Process,” *Construction Week Online*, May 31, 2020, <https://bit.ly/3ucu8vb>.
- 119 Norman Harsono, “House approves revised Mining Law amid outcry,” *The Jakarta Post*, May 13, 2020, <https://bit.ly/3xwdEjl>.
- 120 Julius Bizimungu, “Mining reforms, investments scaled up despite the pandemic,” *The New Times Rwanda*, January 5, 2021, <https://bit.ly/2R0P5ua>.
- 121 Leilani Chaves, “Complete turnaround’: Philippines’ Duterte lifts ban on new mining permits,” *Mongabay*, April 15, 2021, <https://bit.ly/2QH2zeD>.
- 122 Cagula, above note 95.
- 123 Forest Peoples Programme, “Rolling back social and environmental safeguards in the time of COVID-19,” February 2021.
- 124 UNCTAD, above note 93.
- 125 Chris Mfula, above note 96.
- 126 Peter Lugaria, “Lockdown relief: State now reopens land registries,” *Construction Kenya*, May 11, 2020, <https://bit.ly/3eFgRV1>.
- 127 Community Land Protection Programme Advisor, above note 97.
- 128 DAI Land Team, “In Ethiopia, Keeping Land Rights on the Agenda Through the Pandemic,” DAI, June 23, 2020, <https://bit.ly/3eHiPod>.
- 129 Teddy Kisembo, “Closure of land administration offices in Uganda,” Online Discussion: Land Rights Implications of COVID-19, Land Portal, June 2020, <https://bit.ly/2RZElfZ>.
- 130 Orji Sunday, “Nigeria’s wildlife traders, who weathered Ebola, eye post-COVID-19 boom,” *Mongabay*, July 17, 2020, <https://bit.ly/2PtNpJc>.
- 131 Nihar Gokhale, “To Kickstart the Economy, India’s Environment Ministry Is Clearing Projects in 10 Minutes,” *Quartz India*, May 5, 2020, <https://bit.ly/3aM8who>.
- 132 *ICT4Africa*, “Togo: Transformation digitale de la gestion foncière,” May 25, 2020, <https://bit.ly/3dVI2vU>;
ICT4Africa, “Bénin: La demande de permis de construire est désormais digitalisée,” April 16, 2020, <https://bit.ly/2QGL3XU>.
- 133 Baker McKenzie, “Indonesia: Indonesia welcomes electronic land registration and electronic land certificates,” *Lexology*, February 15, 2021, <https://bit.ly/3eBwwEZ>.



ALIGN (Advancing Land-based Investment Governance) supports governments, civil society, local communities and other relevant actors in strengthening the governance of land-based investments. The project is implemented by a consortium led by the International Institute for Environment and Development (IIED), the Columbia Center on Sustainable Investment (CCSI) and Namati, and is funded with UK aid from the UK government.



Columbia Center on Sustainable Investment

A JOINT CENTER OF COLUMBIA LAW SCHOOL
AND THE EARTH INSTITUTE, COLUMBIA UNIVERSITY

The Columbia Center on Sustainable Investment is a leading applied research center and forum dedicated to the study, discussion and practice of sustainable international investment.



IIED is a policy and action research organization working to promote sustainable development. Collaborating with partners across the globe, we link local priorities to global challenges. We use evidence, action and influence to amplify the voices of marginalized people in decision-making arenas — from village councils to international conventions.

