Seminar Report - Making Agriculture Investment Work For Africa: A parliamentarian’s response to the land rush

Cotonou, Republic of Benin

Organized by the Pan-African Parliament and the Inter-parliamentary Committee of the West African Economic and Monetary Union, in collaboration with the International Institute for Sustainable Development
# Table of Contents

1.0 General Features and Trends of Foreign Investment in West African Farmland and Water .................................................. 1

1.1 Key Features of Land Deals.................................................................................................................................................................. 1

1.2 Who Are the Investors and What Are the Driving Forces?......................................................................................................... 2

1.3 The Agricultural Situation in West Africa........................................................................................................................................... 3

1.4 Impacts of the Land Rush.................................................................................................................................................................... 4

1.5 The Sierra Leone Experience ................................................................................................................................................................. 5

1.6 The Experience of Senegal ................................................................................................................................................................. 6

2.0 The Role of Government.......................................................................................................................................................................... 7

2.1 The Problem of the Inverted Pyramid.................................................................................................................................................. 7

2.1.1 Incomplete Domestic Investment Laws............................................................................................................................................ 8

2.1.2 Extraordinary Rights in Bilateral Investment Treaties......................................................................................................................... 8

2.1.3 Investment Contracts.............................................................................................................................................................................. 8

2.2 The Experiences of Liberia and Ethiopia............................................................................................................................................. 9

3.0 Initiatives for Better Management of Land Issues......................................................................................................................... 10

3.1 Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests of the CFS.......................... 10

3.2 The Joint Initiative of the World Bank, UNCTAD, FAO and IFAD ................................................................................................. 10

3.3 NGO Campaigns..................................................................................................................................................................................... 11

3.4 WAEMU Project to Create a Regional Observatory on Land........................................................................................................... 11

4.0 Parliamentary Response to Land Grabbing in West Africa .......................................................................................................... 12

4.1 The Parliamentarians’ Declaration......................................................................................................................................................... 12

4.2 Action Plan........................................................................................................................................................................................... 14

5.0 Seminar Programme............................................................................................................................................................................. 18
1.0 General Features and Trends of Foreign Investment in West African Farmland and Water

1.1 Key Features of Land Deals

Seminar participants had an opportunity to learn about the key features of land deals in Africa. The presentations revealed that over the last decade, over 50 million hectares of land in Africa was sold or leased to foreign investors under long-term contracts. This new wave of foreign investment is commonly known as a “land grab.” According to the Land Matrix Project, an investment can be called a large-scale land acquisition if it involves more than 200 hectares of land. Characterized by a lack of transparency in the contracts, these deals undermine human rights and don’t involve the communities affected in decision-making. Environmental and social impact assessments seldom take place. These projects generally proceed with no democratic planning, independent monitoring or true participation by the stakeholders, which include parliamentarians.

In October 2012, the ILC Land Matrix listed 1,107 documented land deals for a total of 67,042,000 ha worldwide. While Asia (27,902,236 ha) and Latin America (3,360,697 ha) are also experiencing large land deals, Sub-Saharan Africa is particularly affected with 34,195,189 ha. Interest in African land is an old phenomenon that evolved during the food and financial crisis of 2008-2009, and with the arrival of new stakeholders. Africa is now attracting investments in business, tourism, and (more recently) production initiatives to meet foreign requirements for food and biofuels. This is in addition to their established mineral, oil and gas resources. There are many factors bringing investment, including the need for water resources, the carbon offset market, and speculative capital flows.

1.2 Who Are the Investors and What Are the Driving Forces?

The profiles and motivations of farmland investors were presented to the parliamentarians, generating questions and debate. The seminar participants learned that the desire for African farmland is caused by a variety of factors. Major factors included the increase in oil prices in 2007 and the world food crisis in 2007-2008, coupled with the world financial crisis (caused by the mortgage credit crisis in the United States). This increased the demand for so-called alternative investments in infrastructure or farmland.

These crises led many investors to modify their assessment of the risks involved and to invest capital in the agricultural sector. As a result, investment banks, pension funds, hedge funds and portfolio managers organized in 2008 to raise funds specifically for the agricultural sector.

Farmland is a strategic investment as the value is not subject to fluctuations like currency is. Hence, Africa is an emerging market due to the abundance of farmland, cheap labour and extremely low-cost land in farmable climates. The ease and scale of acquisitions in Africa are enabled due to water resources and inadequate or non-existent land tenure systems with weak governance.
As a result, economic liberalization and increased demand for food and energy in the world have pushed many economic stakeholders to invest in farmland. In Africa, the desired areas are in the west, particularly Nigeria, Ghana, Sierra Leone, Senegal and Mali.

As a result, economic liberalization and increased world demand for food and energy have pushed many economic stakeholders to invest in farmland. The West African destinations that are particularly targeted are Nigeria, Ghana, Sierra Leone, Senegal and Mali.

1.3 The Agricultural Situation in West Africa

The seminar discussions focused on the specific situation in the West African region. This enabled participants to gain a better grasp of the scale of land acquisitions as well as the key issues involved. It became clear that the agricultural and rural situation in West Africa contrasts with the huge agro-economic potential of the region. Agriculture accounts for over 35 per cent of GDP of the region and provides 15.3 per cent of export earnings. It employs 70 per cent of the labour force. Even though it is involved in the international market through crops such as coffee, cotton and cocoa, West African agriculture remains oriented toward domestic markets. They rely on family farms, which give 90 per cent of the production. Though, their yields are generally very poor, and post-harvest losses high. Farm production is also subject to climate variations, parasite attacks and soil degradation.
West Africa has large rivers and huge tracts of functional land. These are huge assets, considering that only 14 per cent of the 71.6 million ha of available land is being cultivated. Thus, investment in the agricultural sector is essential, particularly for small-scale farms, as it would guarantee development and assure social well-being.

Investors tend to focus on the poorest countries in West Africa, with weak land tenure systems and considerable protection for investors. They target easily accessible, fertile land that has abundant water, which creates strong competition with family farms. Evidently, 66 per cent of farm investments are made in countries with frequently recurring famine. The adverse impacts are many, including population displacement/eviction, conflicts between the communities and investors, equity and social justice problems as well as significant environmental impacts. The positive aspects are limited, such as investment growth, land development, infrastructure construction and equipment acquisition. Many investment projects are still a long way from achieving the expected benefits for local populations in terms of employment and general livelihood.

1.4 Impacts of the Land Rush

The socio-economic and environmental impact of the land rush in Africa was the subject of intense discussion in the seminar. Consequently, the desirability of these new investments has been discussed among parliamentarians. The risks of the land rush include:

- Loss of land by family producers coupled with the emergence of landless farmers
- Job losses in projects that use highly mechanized forms of production
- Degradation of the environment
- Lack of awareness or denial of the rights and interests of those living in the host countries

The discussions revealed that foreign or national investment in agriculture should be beneficial to the countries, but only if properly organized and regulated. Several problems were discussed about the limited ability of countries to benefit from these investments.

The host government - which in many African countries owns most of the land - plays a major role in the assignment of land leases. They issue long-term leases that fluctuate between 50 and 99 years. Land leases are guided by the attraction of the investment, thus pushing governments to offer favourable conditions to the investor without putting in sufficient obligations to ensure a contribution to sustainable development.

The opposing duality within land tenure systems leads to conflict. In reality, local populations farm and inhabit these lands on the basis of customary law, although they do not hold legal titles of ownership. The possibility of their eviction for the benefit of the investor speak to the need to consider the notions of equality and social justice (not to mention the considerable environmental impacts). Women are more adversely affected, often having no decision-making power, or...
plainly not being recognized for their contribution to working the land. The introduction of large-scale production brings industrial production methods and negatively impacts on small-scale producers who cannot compete. It encourages the weakening of rural society and an exodus into the city.

Further, parliamentary oversight of large-scale land acquisitions is virtually non-existent. The question is, what type of regulatory framework would be effective enough to ensure that host countries can turn investment into an opportunity for development. To a large extent, the future of West African agriculture and social peace depend on the political stakeholders’ response to “land grabs.” It is therefore necessary to have a good understanding of the phenomenon, its driving forces, characteristics and trends in order to come up with relevant and effective regulatory mechanisms.

1.5 The Sierra Leone Experience

The land grab situation in Sierra Leone was presented as a case study to parliamentarians. This allowed them to see concrete evidence of the problems and challenges connected with the land grab.

The case study dealt with a Swiss investor in Sierra Leone, Addax Bioenergy. It illustrated the adverse impacts of large-scale land acquisitions within the country. The study was conducted by SiLNoRF (Sierra Leone Network on the Right to Food). Their presentation revealed that land is a very controversial issue in Sierra Leone. They said there is weak parliamentary control over large-scale land deals, little or no financial transparency on the part of investors, an absence of a land use planning system, and poor monitoring and assessment capabilities by government bodies.

According to SiLNoRF, the Addax Bioenergy company developed an integrated agricultural project in Sierra Leone to produce ethanol and electricity. The company leased 57,000 ha of land for 50 years. 13,617 people lived in the areas affected by the project.

First off, the research showed that the requirement for the free, prior and informed consent of local communities was not respected in practice. In fact, the legal counsel who assisted the local populations during the negotiation of the contract were hired and paid by Addax. This obviously poses a problem of objectivity. During the negotiations, Addax made lucrative-but-non-binding promises to farmers, who had little or no knowledge of the land lease contract terms.

Secondly, many provisions in the contract were in opposition to human rights. For example, one clause in the contract granted Addax the right to stop or alter a watercourse or to restrict access to a watercourse. This could constitute interference with the right of access to water for those who live within or near the project area, as stipulated in the 1963 national law on water.

Thirdly, the rights of women have been undermined by the project. They did not have a say during the contract negotiations and their specific needs were not taken into account, such as access to water sources and distance from
farm sites, firewood and medicinal herb areas, or local markets. In addition, opportunities for unskilled jobs for women in the region were already limited and poorly paid.

Finally, the project has significantly compromised the lifestyle and food security of local communities. With the acquisition of land by Addax, the size of operations was significantly reduced leading to a reduction in local food production.

1.6 The Experience of Senegal

The parliamentarians also were presented a case study on Senegal by the organization Initiative Prospective Agricole et Rurale (IPAR). It highlighted that the country is becoming increasingly dependent on oil and food imports. The government decided to explore other options to diversify energy production through a biofuels program launched in 2007. In theory, the law on biofuels coincides with the right to food for the population because it expressly guarantees the right to land for nationals, as well as a balance between various types of food and non-food crops, the need to supply to local markets, and the need for an environmental impact study before any plans are implemented. However, according to IPAR, in practice the results are very different than what is stated in the law on biofuels. This was demonstrated in case studies which involve two Italian biofuel investment projects in Senegal.

The first project, conducted by ABE Italia and Tampieri Financial Group SpA, involves the production of bioethanol. The second project involves the production and processing of jatropha, with Tozzi Renewable Energy SpA investing.

An analysis of the investment process and land acquisition for these two projects conducted by IPAR has led to the following conclusions. First, both projects were characterized, among other things, by a strong involvement of the authorities in the investment process (ministries and Invest in Senegal [APIX]) and a lack of transparency in the land acquisition process. In addition, consultation with local communities was cut short because the investors only told the community how many jobs would be created and offered them each 150,000 CFA francs (approximately $300 USD) to obtain their consent, while hiding the potential negative impacts of the investment. IPAR observed a division between the positions of rural advisors who wanted to take the time to reflect, and the populations who only had the compensation promised by investors in mind. Ultimately, the right to free, prior and informed information was not respected. In addition, the investor business plans took little account of the interests of farmers, including food security.

The land acquisition process ended up being detrimental to both investors and those who sold their land. The investors faced opposition from local communities when they realized that the expected benefits of the project were nowhere to be found. The landowners quickly regretted having yielded their land too easily and for a pittance, without any guarantees in terms of improving their living conditions.
Overall, the socio-economic effects of the two projects has been negative. The projects created jobs that were often short-term and with very low pay (1,500-3,000 CFA francs per day or $3-$6 USD) and far less jobs were created than what was promised. Similarly, the loss of land by farmers and the impact on food security (lower production), as well as on women, is significant. Environmental risks have not been assessed, even though they are required by law. All of these problems have led to strong public opposition to the project, which led to riots where people were killed. In the end, less than 10 per cent of the area allocated to the project was finally developed by the investors.

These case studies from Sierra Leone and Senegal have raised interesting questions and discussions. The parliamentarians now have a better understanding of the negative effects of the land rush. They put the spotlight on the need to take action to better regulate investments in farmland for the well-being of the population and environment.

### 2.0 The Role of Government

The role of the state (in general) and parliamentarians (in particular) were extensively discussed during the seminar. The general observation was that planning, as well as the system for managing land by the government in the region remains weak, exacerbating the lack of ability by state institutions to monitor these acquisitions. However, the presentations and discussions allowed us to reflect on how the responsibilities of multinationals and the good practices of governments should be managed to make the investments beneficial.

#### 2.1 The Problem of the Inverted Pyramid

It was pointed out that there are three sources of rules for foreign investment: domestic laws, international investment contracts and investment treaties. These sources form a pyramid of priority. Ideally, domestic laws should be as detailed and complete as possible, and the contracts and treaties should play a minor role or fill in the gaps. However, domestic laws are weak in many developing countries, and so the contracts and treaties, which protect foreign investors, trump those domestic laws.
2.1.1 Incomplete Domestic Investment Laws

Investment laws are established by the state and have the value of national laws. Their contents specify the general conditions for foreign investment. More specifically, these codes regulate fiscal, social and environmental rules that apply to investments and the economic activities that result from them.

However, it was highlighted during discussion that one of the main characteristics of weak governance by states is found in laws that are not well adapted to new contexts, if at all. Laws governing foreign investment are often mixed and inconsistent. Multinationals operating in weak legal environments take advantage of this. Further, to attract businesses, the investment codes systematically treat investors favourably, granting them significant tax benefits and incentives.

Similarly, parliamentarians have acknowledged that there are usually differences between the rule and what is practiced. In fact, although national laws may guarantee land rights for the local population or the need for an environmental impact assessment before implementation, in practice, these laws are often not applied. The lack of transparency in the land acquisition process and implementation of these projects contributes.

2.1.2 Extraordinary Rights in Bilateral Investment Treaties

The International Institute for Sustainable Development (IISD) provided an introduction on treaties that protect and promote investments, also known as bilateral investment treaties (BITs). These are international agreements between states. They set out the rights to which each signatory state agrees to give to investors/investments of the other state. These treaties provide significant protections for foreign investors, including national treatment and most-favoured nation treatment. One of the most decisive guarantees in these treaties, however, is the right of foreign investors to take states to international arbitration for alleged violations of the provisions of the treaty.

Investment arbitrations have shown that these treaties may limit the flexibility of states to regulate in the public interest. If, for example, a State fears they may have to compensate a foreign investor for changes in domestic laws, they may decide not to introduce new environmental, social or fiscal regulations, even if designed to promote sustainable development. These treaties significantly restrict the political flexibility of states and particularly that of parliamentarians to adopt laws in the public interest, if that conflicts with the investors rights.

This presentation was challenging for the parliamentarians who expressed the need for a closer look at these types of treaties and agreement before ratifying them in their national parliaments.

2.1.3 Investment Contracts

The issue of investment contracts sparked active debate. Parliamentarians noted the diversity of national approaches to this issue. In several countries of the region, the investment contract is signed between the foreign investor and the state or competent public body. In other countries where land is owned by local communities or individuals, negotiations...
are conducted directly between private parties in a context that does not always make it possible to respect human rights or the signing of a balanced contract. In both cases, the parliamentarians’ control over these contracts is minimal or nonexistent. However, in some countries, contracts of a certain size must be ratified by parliament.

The parliamentarians noted that to strengthen the capacity of negotiators to draft and negotiate investment contracts/treaties that protect and promote investments remains a challenge for African countries.

2.2 The Experiences of Liberia and Ethiopia

A unanimous conclusion emerged from the discussions regarding transparency: Making investment contracts public and ensuring prior and informed consultation with local communities can help guarantee the success of the project. Two presentations were given, one by the government of Liberia and one by Ethiopia on the actions they are taking to improve the investment process.

Liberia has been a leader in demanding transparency in investment contracts. In 2009, the government introduced the Liberian Extractive Industries Transparency Initiative (LEITI). This law required the publication of all contracts and permits, as well as their reviews, on the LEITI web site. The government of Liberia has also improved the efficiency and transparency of the public sector by applying a strategy to reform the management of public finances and by installing information management systems. The country’s options were to either renegotiate old concession contracts to modernize for the benefit of the country and its citizens, or to privatize old unused plantations to immediately inject capital. The renegotiation of concession contracts made it possible to include requirements for investors to improve the standard of living of the population. This is true in the case of building free elementary schools and health centres, increasing access to drinking water, and the requirement to sell 20-25 per cent of production on the local market. But many problems remain. In particular, the development and maintenance of institutional and human capacity remains a challenge.

Large-scale acquisition of land is a particularly contentious issue in Ethiopia. It has raised questions from a number of participants during the seminar due to certain negative experiences in the country. The Ethiopian government has recently acknowledged that mistakes were made in the past and has made significant efforts to introduce reforms. Thus, as a result of land reforms, the investment code has been changed, new laws have been adopted and agencies have been created to monitor investment projects. Improved regulations, as well as the creation of specialized agencies has created conditions for the greater social acceptance of investments by making the process transparent, including data on the type of business model and the investor’s commitment. This process was also accompanied by an increase in the capacity of agents responsible for land management.
3.0 Initiatives for Better Management of Land Issues

Several initiatives were reviewed and discussed at the seminar.

3.1 Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests of the CFS

The Committee on World Food Security (CFS) at the Food and Agriculture Organization of the United Nations (FAO), which discusses key issues related to global food security, adopted in May, 2012 the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, after a three-year consultation process. The purpose of these guidelines is to provide recommendations, primarily to governments, on how to improve the development and implementation of land tenure rights and governance systems. But these guidelines remain voluntary. The increased role of civil society, responsible governments as well as an active parliament remain paramount to ensure that direct foreign investments lead to benefits for the local population.

There is a new two-year process that the CFS decided to launch. This is a consultation process to develop principles for responsible investment in agriculture that respects human rights, livelihoods and protects natural resources. The CFS’ objective is to work together to address policies that promote food security and nutrition. The principles are intended to supplement the voluntary guidelines on the responsible governance of land policies, applicable to land, fisheries and forests in the context of national food security.

3.2 The Joint Initiative of the World Bank, UNCTAD, FAO and IFAD

The United Nations Conference on Trade and Development (UNCTAD), IFAD, FAO and the World Bank have jointly developed a set of Principles for Responsible Agricultural Investment (PRAI). PRAI includes seven principles that cover all types of investments in agriculture. The principles are based on detailed research on the extent, nature, and impact of private sector investments and best practices in law and investment policies. They are intended to provide a framework for national regulations, international investment agreements, global initiatives for corporate social responsibility and individual contracts for investors.

The role of financial institutions like the World Bank or its affiliated institutions was discussed at length as being essential. Indeed, the International Finance Corporation (IFC), an arm of the World Bank, finances investment projects that can lead to land grabbing. The World Bank conducted a survey of 179 agricultural investment projects in 32 countries, that were funded by the Commonwealth Development Corporation (a development bank), between 1948 and 2000 (Tyler and Dixie, 2012). They found that 50 per cent of the projects were classified as failures or moderate failures in financial terms. The main reason for project failure was that the concept was doomed to failure from the outset due to poor location, for example, or inadequate crops or planning assumptions that were too optimistic.
Other projects failed due to mismanagement or unexpected events in the host countries, such as civil war. The most successful projects used a business plan based on the nucleus estate, in which an investment is made in a processing plant and the investor established an out-grower scheme, whereby they contract small farmers for the production of raw materials.

The World Bank recommended that governments make an informed choice on the type of investment in agro-industry, be more demanding on investors to present viable the business models/plans, have a systematic process for reviewing investments, encourage alternative solutions to large-scale investments, and have a backup plan in case the investment fails. The World Bank encouraged governments to not offer more incentives to foreign investors than local investors, to not to make huge land deals, to not to put their faith in a unique business model (especially if it has not yet been tested elsewhere), and to not allow people to own land without making productive investments, nor violate existing land regulations.

3.3 NGO Campaigns

Parliamentarians noted with great interest that NGOs are actively campaigning on these issues. Thus Oxfam, with the support of the Network of Farmers’ and Agricultural Producers’ Organisations of West Africa (ROPPA), the Sub-regional Platform of Central African Farmers’ Organisations (PROPAC), ActionAid, the Agency for Cooperation and Research in Development (ACORD) and the Fédération des fermiers de l’Afrique de l’est (EAFF), are conducting a campaign against land grabbing, targeting the World Bank. Through this campaign, called Our Land, Our Lives: Time out on the global land rush, Oxfam and partners are asking the World Bank to:

- Freeze all loans granted by the group for six months on projects that take part in or allow the acquisition of agricultural lands on a large scale
- Review (and make public) existing investments of the World Bank that include or make possible the acquisition of land
- Ensure that policies to develop the land market are not and will not be established to the detriment of vulnerable people, especially women
- Review state policies in relation to the framework and guidelines on African land policies and the CFS voluntary guidelines

3.4 WAEMU Project to Create a Regional Observatory on Land

WAEMU is also active on the issue of land grabbing in the region. This institution, in collaboration with the Land Policy Initiative, plans to set up a regional observatory on land. The observatory will play a role in informing and alerting
people about land issues, in providing decision-making support on the progressive harmonization of land policies and in providing advisory support on land policies. The observatory will also contribute to the joint identification of themes to be developed, the establishment of working groups and organization of periodic technical workshops. This will allow WAEMU members to eventually have a common position on strategic issues such as the new land rush or those relating to climate change, gender (women’s access to land) and vulnerable groups (youth), and others. The observatory would also handle the development and testing of common indicators for the monitoring and evaluation of policies and legislation. A feasibility study will define the institutional parameters of the observatory and describe its field of intervention and the conditions under which it will operate.

4.0 Parliamentary Response to Land Grabbing in West Africa

At the end of the seminar, the parliamentarians adopted a declaration and an action plan.

4.1 The Parliamentarians’ Declaration

We, members of the Pan-African Parliament, members of the Inter-parliamentary Committee of the West African Economic and Monetary Union, members of the National Parliament of Benin declare that;

Based on the debates held at the seminar jointly organized by the Pan-African Parliament, the Inter-parliamentary Committee of the West African Economic and Monetary Union and the National Parliament of Benin on the theme “Making Agriculture Investment Work for Africa: a parliamentarian’s response to the land rush,” October 4-5, 2012 in Cotonou, Republic of Benin:

Conscious of the need to invest in the development of Africa, in particular in the agricultural sector and rural areas;

Noting with great concern the recent increase in land grabs as well as the impact of direct foreign and local investment on land, water resources, and related natural resources;

Concerned about the negative impact on human rights, in particular the vulnerable populations and women;

Preoccupied with guaranteeing access to land for all users in order to improve agricultural production and improve the living conditions of the populations;

Conscious of the importance of achieving the Millennium Development Goals (MDGs);

Recognizing the importance of protecting and promoting the principles of equality and fairness for our people;

Recognize the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests;

Stressing the importance of the Maputo Declaration of 2003 on Agriculture and Food Security in Africa, in particular the commitment to allocate 10 per cent of the national budget to the implementation of agricultural policies and rural development.

We ask:

1. The Member States of the African Union signatories to the Maputo Declaration of 2003 on Agriculture and Food Security in Africa to respect their commitments;

2. The Member States of the WAEMU and the Economic Community of West African States (ECOWAS) to respond urgently to this phenomenon and implement land reform policies on good land governance inspired by the existing initiatives of the African Union (AU), the Committee on World Food Security and the FAO;

3. The Member States to introduce legislation on local and foreign direct investments related to land, water and related natural resources, that guarantee the benefits of the investment for the African people and sustainable development. This includes among other things:
   a. A legally binding and enforceable obligation for the investor to contribute to the local economy and the well-being of society
   b. Reduction in poverty, improvement in food security and protection of the environment
   c. Increased quality and quantity of employment
   d. Capacity building, infrastructure improvement and technology transfer
   e. Prior consultation with the local communities and the various people affected by the investment projects and the approval of investment projects after the free, prior and informed consent of the communities concerned

4. The Member States to improve the system for certifying and registering land that takes into consideration the different farming systems, in particular customary law, women’s rights and the rights of communities, before the investment is made.

We are committed to:

1. Working with local parliaments to have laws adopted
2. Working towards transparency of all investment contracts and treaties, whether by local or foreign investors, by making them available to the public in a timely manner.
3. Organize platforms and regional workshops with all stakeholders in order to raise awareness of the problem of land grabbing and support African initiatives to improve systems of effective land governance and foreign investment.
4. Review existing laws and introducing new rules to strengthen national laws relating to local and foreign investment in water and agricultural land.
5. Support centres of excellence, including research institutes so that they may gather information on current land investments and share this information in accessible formats with policy makers, parliamentarians, civil society and affected communities.
6. Organize advocacy at the level of each national parliament, during the review and adoption of the general budget of the State, to ensure the principles of Maputo 2003 are applied.

Cotonou, October 5, 2012

4.2 Action Plan

Defining parliamentarians’ response to foreign investments in agricultural land and water, the seminar participants developed a common action plan aimed at identifying concrete priorities and initiatives at national, regional and Pan-African levels. This action plan centres on three priority actions, namely:

1. Transparency and access to information on foreign direct investment
2. Sensitization programmes and public campaigns
3. New improved laws and regulations
1. Raising Awareness and Access to Information

Objectives: Make sure that information of foreign investment projects are made public, including contracts, social and environmental impact assessments, community-based agreements and taxes. Identify the role of parliamentarians in the ratification of investment contracts and treaties.

Observation: Seeking funds

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<th>PRIORITY ACTIVITIES</th>
<th>TARGET GROUPS</th>
<th>RESPONSIBLE PARTIES/PARTNERS</th>
<th>STRATEGIES</th>
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<tbody>
<tr>
<td>1. Collect and put the regional diagnosis at the MPs’ disposal (in French and English)</td>
<td>☑ MPs, ☑ The Executive</td>
<td>☑ Research institutions, ☑ International organisations, ☑ Civil Society, ☑ MPs, ☑ Producer networks</td>
<td>☑ On-the-ground fact-finding mission, ☑ Update MPs, ☑ Documentary survey at national and regional levels, ☑ Identify current initiatives and establish partnerships</td>
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<tr>
<td>2. Carry out regional studies, researches on projects and contracts</td>
<td>☑ Collect and put the regional diagnosis at the MPs’ disposal (in French and English)</td>
<td>☑ MPs, ☑ The Executive</td>
<td>☑ Research institutions, ☑ International organisations, ☑ Civil Society, ☑ MPs, ☑ Producer networks</td>
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<tr>
<td>3. Establish a state of play (contracts, land transactions, survey of all the existing or current initiatives, survey of resource persons)</td>
<td>☑ Decentralised communities, ☑ The Economic and Social Council</td>
<td>☑ Parliament, ☑ Farmers’ organisations, ☑ Ministry of Agriculture, ☑ Parliamentary committees, ☑ Parliamentary networks</td>
<td>☑ Community radios, ☑ medias, ☑ Restitution of the current situation</td>
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<td>4. Raising awareness</td>
<td>Inform a greater number of MPs, target communities, the Executive, local communities</td>
<td>☑ Research institutes, ☑ Farmers’ organisations</td>
<td>☑ Community radios, ☑ medias, ☑ Restitution of the current situation</td>
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<td>5. Promote the access of Parliaments to contracts signed and being negotiated in the countries and publish them</td>
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<td>6. Advocate for the Parliaments to be included in all the contract negotiation and ratification process</td>
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2. Transparency

Objectives: Carry out discussions in national Parliaments, consultations with local communities, and establish fact-finding committees.

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<th>TARGET GROUPS</th>
<th>RESPONSIBLE PARTIES</th>
<th>STRATEGIES</th>
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</table>
| 1. Initiate and have laws on transparency with regard to land management and the publication of contracts and impact studies adopted | ✓ The technical services of the State  
✓ Investors  
✓ Local communities | ✓ The Inter-parliamentary Committee (IPC) of the WAEMU and  
✓ The ECOWAS Parliament  
✓ Civil Societies | ✓ Consultation and survey of all the experiences in terms of transparency |
| 2. Establishment of national observatories | ✓ Populations | ✓ Inter-parliamentary Committees | ✓ Identify the role players  
✓ Review the initiatives  
✓ Follow good practices |
| 3. Question the relevant WAEMU Commission on the establishment of a regional land observatory | ✓ MPs | | |

3. New Legislations / Regulations

Objectives: Make sure to adopt new legislations or amend existing ones so as to strengthen national laws relating to foreign investment, agricultural practices, water management, employment, health, security and environmental regulations. Monitor the progress of investment projects and check that they comply with the obligations set out in the domestic law and the investment contract.

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<th>TARGET GROUPS</th>
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| 1. Finalise the land texts and establish a legal and appropriate framework (re-read land texts) | Equip the country with an appropriate and relevant legal framework | ✓ Parliament and the Executive  
✓ Parliamentary permanent committee on agricultural land issues | ✓ Consultation and relaunching of started processes  
✓ Partnership with the Land Policy Initiative |
2. Establish the state of play of the legal framework at national and regional levels

3. Initiate a directive from the WAEMU on the issue of land investments, AU Framework and Guidelines

- The Government commissions concerned independent organs
- WAEMU and ECOWAS Commissions
- Pan-African Parliament Permanent Committee
- National Parliamentary Committees
- Consultation with the WAEMU Commission
- Participation in the regional Task Forces

4. Adopt laws that make the publication of contracts and impact studies obligatory

- National Parliaments and regional inter-parliamentary committees
- Support of national, regional and international expertise (LPI, IISD, etc)

- The Executive Investors
- The States Investors

5. Use all the existing legal provisions making consulting parliamentarians obligatory before concluding any land investment contract or adopt laws

6. Create thematic parliamentary caucuses on land and investment (focal points)
5.0 Seminar Programme

DAY ONE: Thursday, October 4, 2012

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
<th>Participants</th>
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</thead>
<tbody>
<tr>
<td>09:00-10:00</td>
<td>Plenary</td>
<td>Welcome:&lt;br&gt; Hon. Bethel Nnaemeka Amadi, President of the Pan African Parliament&lt;br&gt; Hon. Dama Dramani, President of the Inter-parliamentary Committee, West African Economic and Monetary Union (UEMOA)&lt;br&gt; Hon. Yéhouétomè Boniface, Second Vice-President of the National Assembly of Benin&lt;br&gt;Introduction and background:&lt;br&gt; Hon. Henri Gboné, President of the Permanent Committee on Agriculture, Rural Economy, Natural Resources and Environment&lt;br&gt;Objectives and methodology&lt;br&gt; Ms Marguerite Monnet, Facilitator</td>
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<tr>
<td>10:00-11:00</td>
<td>Plenary</td>
<td>What is happening in West Africa?&lt;br&gt;An overview of foreign investment in farmland and water&lt;br&gt; Overview: trends, drivers, key features of land deals and gender impacts, Dr. Moussa Djiré, legal expert, Université de Bamako, Mali&lt;br&gt; Main foreign investors in the West Africa region, Dr. Ward Anseeuw, Research Fellow, University of Pretoria and CIRAD, South Africa&lt;br&gt;Discussion</td>
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<tr>
<td>11:00-11:15</td>
<td>Break</td>
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<tr>
<td>11:15-13.00</td>
<td>Plenary</td>
<td>Perspectives from the Region&lt;br&gt; Farmers perspective about what is happening in the region, André Tioro, Executive Secretary, West African Farmers Organisation (ROPPA)&lt;br&gt; The case of a Swiss investor in Sierra Leone, Abass John Kamara, Program Coordinator, Sierra Leone Human Rights Network&lt;br&gt; The case of an Italian investor in Senegal, Dr. Cheikh Oumar Ba, Executive Director, IPAR, Senegal&lt;br&gt;Discussion</td>
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<tr>
<td>13:00–14:30</td>
<td>Lunch</td>
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<td>14:30-16:00</td>
<td>Plenary</td>
<td>How are governments responding?&lt;br&gt; Liberia’s Investment Transparency Act, Hon. Ciata A Bishop, Executive Director, Liberia National Investment Commission (via teleconference)&lt;br&gt; Ethiopia’s experience in improving investment in agriculture, Mr. Bezualem Bekele Mogesse, Team Leader of Land Administration, Ethiopian Ministry of Agriculture&lt;br&gt;Discussion</td>
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<td>Time</td>
<td>Session</td>
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<tr>
<td>16:00-16:15</td>
<td>Break</td>
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<tr>
<td>16:15 - 18:00</td>
<td>Plenary</td>
<td><strong>Towards a model investment contract:</strong> A closer look at existing investment contracts between governments and investors and how to improve current practices. Henrique Suzy Nikiema, Legal Advisor, and Carin Smaller, Advisor on Agriculture and Investment, International Institute for Sustainable Development (IISD) Discussion and comments.</td>
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<td>19:00</td>
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<td>Dinner and distribution of draft declaration (declaration for parliamentarians only).</td>
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**DAY TWO: Friday, October 5, 2012**

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<thead>
<tr>
<th>Time</th>
<th>Session</th>
<th>Details</th>
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<tbody>
<tr>
<td>09:00-10:45</td>
<td>Plenary</td>
<td><strong>Global and regional initiatives on agriculture, rural development, land and water</strong></td>
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<td>➢ West African Observatory on Land, Soumana Diallo, UEMOA</td>
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<td>➢ Committee on World Food Security’s Voluntary Guidelines on Land Tenure and Principles for Responsible Agricultural Investment, Anni Arial, Land Tenure Officer, FAO</td>
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<td>➢ Campaign on Freezing Land Grabs, Mohamet Lamine Ndiaye, Pan-Africa Head of Economic Justice, Oxfam Discussion</td>
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<td>10:45-11:15</td>
<td>Break</td>
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<tr>
<td>11:15-13.00</td>
<td>Plenary</td>
<td><strong>Public and Private Investment in Agriculture: Implementing the Maputo Declaration</strong></td>
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<td>➢ Implementing the Maputo Declaration commitments: best practices for public investment in agriculture in West Africa, Martin Bwalya, Head of NEPAD/CAADP</td>
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<td>➢ Best practices for private investment in agriculture, Grahame Dixie, Senior Agricultural Specialist and Agribusiness Unit Team Leader, World Bank Discussion</td>
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<td>13:00-14:30</td>
<td>Lunch</td>
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<td>14:30-16:00</td>
<td>Working Groups</td>
<td><strong>A Parliamentarian’s Response: The way forward</strong></td>
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<td>➢ Participants will break up into working groups. The aim is to develop a joint plan of action for how parliamentarians can respond to foreign investment in farmland and water.</td>
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<td>16:00-16:15</td>
<td>Break</td>
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<tr>
<td>16:15-17:30</td>
<td>Plenary</td>
<td><strong>Declaration and next steps</strong></td>
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<td>➢ Summary of discussions</td>
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<td>➢ Presentation of declaration</td>
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<td>➢ Presentation of outcomes of working group</td>
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<td>Closing remarks: PAP, UEMOA and The Benin National Assembly</td>
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About IISD

The International Institute for Sustainable Development (IISD) contributes to sustainable development by advancing policy recommendations on international trade and investment, economic policy, climate change and energy, and management of natural and social capital, as well as the enabling role of communication technologies in these areas. We report on international negotiations and disseminate knowledge gained through collaborative projects, resulting in more rigorous research, capacity building in developing countries, better networks spanning the North and the South, and better global connections among researchers, practitioners, citizens and policy-makers.

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