Making Agricultural Investment Work for Africa —
a Parliamentarian Response
to “Land Grabs”

Southern African (PAP - SADC-PF)
Regional Workshop – 11th August 2014
Introductory remarks by Mr Sisa Njikelana – Facilitator/Resource person
THE SECOND SCRAMBLE FOR AFRICA

Today, many are calling the recent land rush the “Second Scramble for Africa.” Driven by increasing food prices and speculative investment in agricultural commodities, corporations, investment funds, and sovereignty wealth funds are gobbling up land across the Continent.

The Second Scramble for Africa - November 26, 2012; Source: Global Food Politics
CONTEXT

- Working relations between
  - Parliaments and AU
  - Parliaments and their governments
  - APRM Initiative/NEPAD Programme/LPI instruments /Vision 2063
  - Organised civil society
CONTEXT

CORE ROLES AND FUNCTIONS OF PARLIAMENTS

• Pass legislation (laws)
• Scrutinise and oversee executive action (keep oversight of the Executive and organs of state)
• Facilitate public participation and involvement in the legislative and other processes
• To engage in, participate in, and oversee international relations
• To participate in, promote and oversee co-operative government
WHY A CAMPAIGN?

Regional workshops for parliamentarians

PAP 2-day workshops in the five regions, with local partners including regional parliaments and organized civil societies

The objectives are to:
1. Inform parliamentarians of the current situation of foreign investment in their country and region, focusing on land and water;
2. Identify the foreign investors active in the continent as well as their investments;
3. Explore business models for agriculture that offer alternatives to land grab;
4. Understand the legal framework for investment in agriculture and how parliamentarians can respond;
5. Examine recent African initiatives on agriculture, rural development, land and water as well as the role that parliamentarians can play including enhanced oversight;
WHY A CAMPAIGN?
Regional workshops for parliamentarians

6. Conduct half-day field visits to carefully identified investment projects;

7. Identify appropriate roles for parliamentarians to monitor and facilitate land-based foreign investments; and

8. Brainstorm a programme of action for follow-up activities.
   • Exploring a possible African Ministerial Conference on Land Issues
   • Information resources and publications
     (a) A resource pack
     (b) Country Fact-Sheets
     (c) Guidelines for foreign investment in Africa
WHY A CAMPAIGN?

• Effectiveness of a campaign approach vs conventional meetings
• The potential to generate requisite synergies, unity and
• The potential to attract mass-based support and penetrate grassroots
EXPECTED ROLE OF PAP REGIONAL AND NATIONAL PARLIAMENTS

- Provide continental leadership to other parliaments
- Coordinate continental conferences, etc
- Engage other AU organs, international bodies, etc
- Model instruments viz.:
  - Model policies
  - Model laws
  - Model investment contracts
EXPECTED ROLE OF PAP REGIONAL AND NATIONAL PARLIAMENTS

REGIONAL PARLIAMENTS

• Regional coordination
• Facilitate domestication of model instruments
• Coordinate regional conferences, etc
• Engage regional executive bodies
EXPECTED ROLE OF PAP REGIONAL AND NATIONAL PARLIAMENTS

NATIONAL PARLIAMENTS

• Pass legislation (laws): Benin
• Scrutinise and oversee executive action: Tanzania, etc
• Facilitate public participation: Engage local communities directly affected & other stakeholders
• To engage in international relations: Engage UN, IPU, etc
• To participate in/promote co-operative government: Underdeveloped
EXPECTED ROLE OF PARLIAMENTARIANS

• As public representatives
  ➢ Work at grassroots level
  ➢ Facilitate empowerment of the ordinary people

• Introduce legislation

• Strengthen oversight

• **CONCEPT AND PRACTICE OF PUBLIC REPRESENTATIVITY**
JOINT PLAN OF ACTION –
THE RATIONALE AND STRATEGY

• Activist Parliaments and Parliamentarians
• Building strong base to enhance bargaining power
• Engaging research community and intellectuals
• Engaging the local communities organised civil society especially farmers
• Engage large companies
• Engaging other Parliaments – regional and global
• Overall empowerment of MP’s and local communities

NOTE: Acknowledgement of different mandates, roles and functions important
ROLE FOR PARLIAMENTARIANS

• Focus was on the role for parliamentarians in responding to rising foreign investment in farmland and water.

• Parliamentarians emphasized partnerships

• There was a strong call to launch national, regional and continental campaigns

• The key roles for parliamentarians include:

  ✓ Watchdog role in ensuring social inclusion and transparency of investment projects: pressure the government to provide access to information,

  ✓ Act as legislators, monitors of government policy and guardians of the public good: to protect the interests of local communities;
ROLE FOR PARLIAMENTARIANS

• introduce legislation to make it mandatory to have free, prior and informed consent of communities before investment contracts are signed;
• establish review committees for business practices and activities;
• monitor compliance of business promises and the impact of investment projects.
• Be political decision-makers and transcend party affiliations:
• prioritise building the capacity of populations to become negotiators, with parliamentarians as their allies; work across party lines on areas of common concern.
ROLE FOR PARLIAMENTARIANS

• Translate policy into tangible actions at the national and local levels:

• develop guidelines on good land governance to support the AU Land Policy Guideline’s initiative.

• Monitor implementation of the AU Land Policy Guidelines and the Maputo Declaration 10% target;

• use parliamentarians’ control over budget allocations to lobby for larger budgetary provision to the agriculture sector.

• Mitigate, impede and expose corrupt practices

• Promotion of principles for responsible agricultural investment
1. A resolution by AU as a matter of urgency - AUC and NEPAD to spearhead this endeavour.
2. Call for a moratorium on new large-scale land acquisitions pending implementation of land policies and guidelines on good land governance throughout Africa as a matter of urgency.
3. Call for the establishment of an African Ministerial Conference on Land-based Investments
4. Call for formulation of comprehensive land and water management policies
5. Urge for development and implementation of guidelines on good land governance
6. Urge for rules on Foreign Direct Investment in land, water and related natural resources, building on existing initiatives of the AU, FAO and World Bank
THE 1ST DECLARATION – ESSENCE AND CHARACTER

This includes:

a) Legally-binding and enforceable obligations on the investor
b) Reducing levels of poverty, improving food security, and protecting the environment;
c) Increasing employment and capacity building, improving infrastructure and technology transfer.
d) Ensuring effective consultations with local communities
7. Enhancing the system of land certification and registration
8. Ensure that governments are accountable by increasing transparency
9. Endorse a process of regional workshops
PROJECT OBJECTIVES

1. To raise awareness among parliamentarians in Africa
2. To convene regional workshops in Africa as part of this awareness campaign.
3. To explore how to set up an African Ministerial Conference to address land issues
4. To work with other organs and agencies of the African Union
5. To adopt a declaration for appropriate legislation and development of policy frameworks and guidelines for foreign investment on land and agriculture

HOW FAR ARE WE IN ACHIEVING OUR OBJECTIVES?
IMPACT OBSERVED HITHERTO - PHASE 1

OVERALL IMPACT:

• Growing knowledgeability by Parliamentarians in PAP as well as national and regional parliaments regarding “land grabbing” in so far as it is happening in their constituencies, countries and regions.

• At each seminar, the parliamentarians adopted a declaration and plan of action for the future.

• There was a particularly strong call to take what was learnt from the seminars and turn it into concrete actions.

• Parliamentarians requested the PAP and Advisory Group to develop phase two of the project, focusing on the implementation of the commitments made in the declarations and plans of action.
IMPACT AT THE COUNTRY LEVEL:

• Benin adopted a new land law in January 2013 that aims to ensure equitable access to land, secure land in urban and rural areas and to stop land speculation.

• A parliamentarian from Tanzania tabled a question in parliament about transparency and access to information on the various land deals the government had signed with foreign investors.
IMPACT OBSERVED HITHERTO - PHASE 1

SPECIFIC IMPACTS

IMPACT AT REGIONAL LEVELS:

• The West African Economic and Monetary Union (UEMOA) took note of the outcomes and action plan of the West Africa seminar held in Cotonou, Benin in October 2013.

• The Central African parliament, CEMAC, adopted the report from the Central Africa seminar in their next session in February, 2014.
IMPACT OBSERVED HITHERTO - PHASE 1

SPECIFIC IMPACTS

IMPACT AT THE INTERNATIONAL LEVEL:
• PAP was invited to participate in global processes and events related to foreign investment, agriculture, land, water and other natural resources.
• EXAMPLES:
  ✓ African Group at the Committee on World Food Security (CFS).
  ✓ EU Presidency Seminar in Dublin in June 2013.
  ✓ A side event during the Cop 17 in Durban, which focused on how to sustainably manage African land in the context of large-scale foreign land acquisitions.
  ✓ Annual Forum of Developing Country Investment Negotiators.
CONCLUSION

• Politically PAP and other Parliaments need to respond in the context of the 2\textsuperscript{nd} scramble for Africa

• Developmentally PAP and other Parliaments need to ensure appropriate role and contribution on making sure that investments on agricultural land and water in Africa is meaningful
“We are now entering a new phase – the phase of the Second Scramble for Africa. And just as, in the First Scramble for Africa, one tribe was divided against another tribe to make the division of Africa easier, in the Second Scramble for Africa one nation is going to be divided against another nation to make it easier to control Africa by making her weak and divided against herself.”

(From a speech delivered at the opening of a World Assembly of Youth seminar in Dar es Salaam in 1961) - Second scramble by Julius K. Nyerere