

African Union, African Regional Bodies

Recommendation on foreign direct investment on land

Legislation as at 20 January 2012

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African Union

Recommendation on foreign direct investment on land

Published on 20 January 2012

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The Pan African parliament,

Considering the recommendations of the workshop on “*Making Investment Work for Africa: a Parliamentarian’s response to Land grab*”;

Cognizant of the need of investing in Africa’s development in particularly in agriculture and in rural areas where the majority of people live;

Noting with deep concern the recent rise of large-scale land acquisitions also known as ‘land grabbing’ and the impact of domestic and Foreign Direct Investment in land, water and related natural resources;

Fully alarmed by the negative impacts on human rights especially on women, including unequal access to land and disruption of access to water;

Deeply disturbed by the unprecedented drought in the Horn of Africa and its consequences on our people;

Recognizing the importance of defending and promoting equality and fairness among our people;

Acknowledging the African Union Framework and Guidelines on Land Policy in Africa, the Maputo protocol relating to the ACHPR on the Rights of Women in Africa and the Solemn Declaration on Gender Equality in Africa;

Emphasizing the 2003 “Maputo Declaration on Agriculture and Food Security in Africa”, especially the commitment to allocate at least 10 percent of national budgetary resources to agriculture and rural development policy implementation;

Recommends to:

1. **Member States** to respond to this phenomenon as a matter of urgency and therefore calls on the African Union Commission and the Agency for the Coordination and Planning of 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.
3. **Call for** the establishment of an *African Ministerial Conference on Land-based Investments* equivalent to the African Ministerial Conference on Environment (AMCE) and the African Ministerial Council on Water (AMCOW).
4. **Call for** comprehensive land policies that recognise and secure the land rights of citizens as a precondition for any negotiations on investment.
5. **Urge for** the development and the implementation of guidelines on good land governance in order to enhance a code of conduct for Foreign Direct Investment in Africa.
6. **Urge for** rules on Foreign Direct Investments in land and related natural resources, building on existing initiatives of the AU, FAO and World Bank, so as to secure benefits of investment for African people and to develop sustainable livelihoods. This includes:
 - a) Legally-binding and enforceable obligations on the investor to contribute to the local economy and social wellbeing;
 - b) Reducing levels of poverty, improving food security, and protecting the environment;

- c) Increasing employment quantitatively and qualitatively and capacity building and improving infrastructure and technology transfer.
 - d) Ensuring effective consultations with local communities and various people affected by investment projects and ensuring that any investment is approved through free, prior and informed consent of affected communities;
 - e) Enhancing the system of land certification and registration that take into account different agricultural systems that is to say pastoralist rights, women's rights and communal rights, prior to land investment.
7. **Ensure** that Governments are accountable by increasing transparency and making investment contracts and treaties publicly available in a timely fashion.
 8. **Endorse** a process of regional workshops of parliamentarians, politicians, civil society, farmers' organisations and research organisations, in order to raise awareness on large-scale land acquisition.
 9. **Support** African initiatives to raise awareness amongst national parliaments, citizens and affected communities.
 10. **Ensure** stronger mechanisms for monitoring an enforcement of domestic Laws, regional Agreements and International Treaties and Conventions.
 11. **Support** for centres of excellence including research institutions to document land-based investments underway and to share information in accessible formats with policy makers, parliamentarians, civil society and affected communities.