

African Union, African Regional Bodies

Recommendations on large scale based land tenure

Legislation as at 23 October 2014

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African Union

Recommendations on large scale based land tenure

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

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

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

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

Reaffirming our commitment in favour of sustainable development and determined to uphold human dignity for all;

Cognisant of the importance of attaining the Millennium Development Goals (MDGs) and acknowledging that eradication of poverty, hunger and malnutrition, and protection of natural resources is essential for sustainable development;

Recognising the importance of defending and promoting the principles of equality and equity among our peoples;

Recognising the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, the Solemn Declaration on Gender Equality in Africa, the AU Declaration on Land Issues and Challenges in Africa, the Framework and Guidelines on Land Policy and the Guiding Principle on Large Scale Land Based Investment;

Acknowledging the importance of the Maputo Declaration of 2003 on Agriculture and Food Security in Africa, in particular the commitment to devote 10% of the national budget to the implementation of agricultural and rural development policies;

The Pan-African Parliament recommends that:

1. Member States, signatories of the 2003 Maputo Declaration on Agriculture and food security in Africa, and the AU Declaration on Land Issues and Challenges in Africa, honour their commitments;
2. Member States improve transparency on the process of acquiring and distributing arable land;
3. Member States include farmers, indigenous people and women, directly in decision-making related to land transactions;
4. Member States develop and implement land use master plans to guide potential investors and investments;
5. Member States initiate, review and implement legislation on direct foreign and local investments relating to land, water and other natural resources, which guarantees the benefits of the investment to the African peoples and for sustainable development. This implies inter alia:
 - a. The legally binding and enforceable obligation for the investor to contribute to the local economy and the well-being of society;
 - b. Poverty reduction, the improvement of food security, protection of the environment;

- c. The increase in employment in both quantitative and qualitative levels;
 - d. Capacity-building, improvement of infrastructure and technology transfer;
 - e. Prior consultations with local communities and people affected by investment projects and approval of investment deals as a result of free, prior and informed consent from the communities concerned;
 - f. The protection of customary rights and user rights for populations;
6. Member States create awareness on existing laws on land and on the value of lands;
 7. Member States promote transparent negotiation processes and access to contracts on land investments by publishing them in the official gazette;

Further recommends that:

8. Work for the development of legal frameworks that, while attracting investment, ensure the preservation of ecosystems and sustainable development, taking into account local conditions and the concerns of small-scale farmers, indigenous people and women;
9. Work 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;
10. Strengthen existing laws at the national and regional level and harmonise them with the Framework and Guidelines on Land Policy in Africa and other international good practices;
11. Adopt new laws that are appropriate and adapted to all aspects of investment in agricultural land, water and related natural resources;
12. Ensure the implementation of national, regional and international commitments made by Members States through parliamentary mechanisms. And prioritise the implementation of the Maputo Declaration of 2003 during the study and voting of the budget in national parliaments;
13. Mobilise public opinion and governments on the question of land grabs and raise awareness among citizens through public campaigns and special parliamentary debates;
14. Advocate at national and international level, with a view to mobilising resources to promote agriculture in Africa;
15. Create a network of parliamentarians on responsible governance of investment and land, under the auspices of the parliamentary fora (Pan African Parliament, the parliament of the Economic and Monetary Community of Central Africa (CEMAC), the East African Legislative Assembly (EALA), the Parliament of the West African Economic and Monetary Union (UEMOA), the Parliament of the Economic Community of West African States (ECOWAS), the parliamentary forum of the Southern African Development Community (SADC-PF), the Association of European parliamentarians partners with Africa (AWEPA) and others).
16. Table this Declaration in national and regional parliaments for its dissemination and call upon the African Union and all other African regional institutions and organisations to support the implementation of this programme of making investments in agriculture work for Africa.