

PAN AFRICAN LAND GRAB HEARING – 15TH AUGUST 2013

Final Declaration of the Panel

We the panellists¹ at this first Pan African Land Grab Hearing having listened to presentations on land grabs in Africa and heard from witnesses to nine specific cases in different African countries² would like to humbly thank all those who have come and shared their experiences today. We are touched by the difficult situations that land grabs have brought upon so many of our fellow Africans. We are at the same time encouraged by the struggles that people are taking up, even under harsh conditions, to assert their fundamental rights.

It is beyond our scope today to make determinations on each specific case. We trust that the organisers of this event will be following up on the specific cases that will all be documented in a report of these hearings.

We believe that in all the cases we have heard further gathering of information will help to clarify some of these complex situations. Governments and investors involved should make available all the documents and information required. We encourage communities to continue to assert their rights and to use all avenues open to them including going to their political representatives, where appropriate using court processes and if needed utilising their right to peaceful protest in order to get justice.

Having heard all the inputs on the situation of land grabs in Africa we note with great concern that:

1. This New Scramble for Africa's land indeed constitutes a grave threat to Africa's development. The current trend suggests that the African continent is experiencing a new wave of economic imperialism that threatens our best intentions for making Africa a prosperous continent with better lives for all her people.
2. The panel notes that Africa is the richest continent in terms of natural wealth. This must no longer be allowed to be a curse to us. We must protect and utilize these resources for all our people.
3. The case studies reviewed by this panel indicate that current practice and the absence in some cases of clear policies is cause for great concern. Local communities are left vulnerable without clear rights or processes for asserting these.
4. The process of land grabbing feeds on the generalized failure of governments in delivering services in particular to rural and peri-urban communities. The desire for services that communities should, but too often do not have, especially education and health services leaves communities susceptible to manipulation.
5. Many communities remain isolated without access to information and communication including telephonic and online facilities. This contributes to the lack of awareness in communities and a situation where although there are many similarities between the cases heard these communities have not been able to link and act in solidarity.
6. We are seeing a failure of governance and lack of good democratic practice. Sadly, too often some government leaders (at all levels), political leaders, and traditional leaders have been involved in facilitating land deals and stood with corporate investors rather than with their people even when investments have had negative impacts.
7. There appears to be a problematic relationship between some corporations and different levels of government. Affected communities justifiably believe that corruption is fuelling a tendency for our governments to serve the interest of these corporations rather than the local communities affected.

¹ Prof. Olokushi Adebayo (Chairperson), Hon. Halima James Mdee, Hon. Patrick Mucheleka, Kumi Naidoo, Hon. Sisa Njikelena, Eric Wainaina, Maya Wegerif

² Kenya, Malawi, Mozambique, Senegal, Tanzania, South Africa, Zambia, Zimbabwe

8. Processes of 'consultation' have been abused and the lack of information available to communities both perpetuated and used to take their land.
9. In case after case we have heard how promises made have not been fulfilled and communities have been left with few avenues to hold investors accountable.
10. That many cases involve deeply concerning negative impacts on people's health through amongst others contamination of water, negative impacts on food quality and availability.
11. There is a clear gender dimension to these deals. Women are not involved in the decision making. There is no effort to look at and meet the specific needs and interests of women. We have heard how women are paying the biggest price in terms of impact, compounding their often already more vulnerable situation. At the same time it is women who still take the primary responsibility for looking after their families.
12. Small holder farmers can feed the continent if their rights to land are properly protected and increased investment, appropriate to their needs, is made available. These are very worthwhile investments for the future of the continent. At the same time the panel strongly questions whether industrial style farming can make a positive contribution to ensuring the right to food for all Africans.
13. The panel supports the recommendations of witnesses that there is a critical need for greater openness and transparency in all land deals. And in particular is struck by how often there has been an extremely dubious role played by certain district governments, which are dominated by men, in colluding with investors.
14. The panel is deeply concerned about the natural habitat destruction that is happening as part of the land grabs phenomenon and is allowed in part due to the fact that there have not been proper environmental impact assessments.
15. Land grabbing is contributing to deepening social and income inequalities and other cultural dislocation. In some cases economic disempowerment and movements of people in and out of communities due to land grabs have resulted in family and community breakdown and the emergence of new health and social problems.

Recommendations

The panel is inspired by the resistance emerging from affected local communities and urges national governments, sub-national governmental structures, such as district councils, the Pan African Parliament, regional parliaments and the African Union to engage in a meaningful dialogue with affected communities and to ensure that we develop a continental approach to dealing with land grabs and its concomitant effects.

There is a deep concern about the role of some public representatives in enabling land grabbing. National governments must interrogate the effectiveness of positive legislation which could have been used to prevent the kind of atrocities we have heard.

It is clear that investments alone do not automatically bring benefits to people. In fact more often they have negative impacts. Therefore people's rights should never be allowed to be undermined in the name of investments. We cannot act in the simple hope that these investments may bring some longer-term and broader benefit to the country when in all the cases we have heard today this is simply not materialising.

We believe that it is the particular responsibility of governments to not only respect, but protect the rights and livelihoods of their people and to give special attention to the most vulnerable.

Given the above and in line with the African Union approved Framework and Guidelines on Land Policy in Africa and the Declaration on Land Issues and Challenges in Africa adopted by heads of state in 2009 we as the panel call on African Governments to:

1. Implement a moratorium on land deals, as called for previously by the Pan African Parliament, until an

adequate African response to the phenomenon of land grabbing can be developed and implemented.

2. Support regional consultation and awareness raising sessions, as organised by the Pan African Parliament for parliamentarians and others, in all regions of the continent.
3. Take control of the policy making processes at national and pan African levels related to land and agriculture. In doing so draw on African skills and experience and ensure opportunities for meaningful public participation.
4. Ensure that any contracts on public land be publicly and easily accessible and that third party scrutiny of these deals be encouraged.
5. Every African country should have in place comprehensive land laws and policies that ensure the protection of the land and related resources primarily for the benefit of the citizens of that country. These policies need to include specific actions for the advancement of women's land rights and ensure protection for all in the face of the increasing demands for land in Africa.
6. At the heart of the land laws mentioned above must be the creation of real and defensible rights to land for all African land users and rights holders including the recognition of customary, communal, and use rights that have to-date been too often treated as weaker rights. Such rights must be defensible in the face of any type of investor interest.
7. National land audits and publicly accessible land registries should be established, and reinforced by community mapping that engages women in decision making about land use and allocation.
8. Public investments need to be increased and targeted at supporting women's, and other, small-scale local food production.
9. Our biodiversity and ecosystem assets should be protected and enhanced in a way that responds to the growing crisis of climate change.
10. Investors and large land deals should be regulated to ensure transparency and to incorporate the informed consent of and maximum benefit to rural women and others whose land rights are affected, including consideration of the long-term net benefits.
11. Wealth and welfare should be shared more fairly through equitable and gender-responsive government budgets and expenditures, public provision of services, and state regulation of markets;
12. Community sources of income should be diversified giving all a wider range of choices.
13. Legal, communication and financial services need to be available to rural people to support them in getting access to information, defending their rights and utilising their land.
14. Existing conflicts related to land grabs should be investigated in order to find peaceful solutions that recognise people's rights, give those who have lost rights opportunities for redress and hold companies accountable for any damage done.

On Investors

Any investors in Africa whether from Africa or elsewhere have a responsibility to ensure that they leave the communities where they invest in a better, rather than a worse off, situation.

Corporations cannot shirk their responsibilities by relying on subsidiaries or government structures to represent the interests of the most vulnerable.

Investors and their companies should put resources into the following and governments need to hold them to this:

1. Finding out what communities and in particular women's vested interests in land are and how any investment will build on and not undermine these.
2. Securing and where possible building on existing food production.
3. Investing in and working with African farmers and seeking ways to invest that do not result in any displacement of people.
4. Ensuring that women's voices and interests are heard and heeded in all decision making.
5. Honouring all commitments made to communities and ensuring that African people benefit from these.

We all need to commit ourselves to supporting the legitimate struggles of people to assert their rights and stand with the poorest and most marginalised, including rural women, in these struggles.

Today Africa has spoken