



## Potsdam Spring Dialogues 2011

Land Policy:  
A Key Factor in Combating Hunger

15 - 16 April 2011

**Conference Report**



# Introduction

Food insecurity is one of the most urgent problems facing the world today. Access to land and land tenure are key factors for food security, especially in the countries of sub-Saharan Africa, where much of the population is dependent on subsistence farming.

The linkages between food security and land policy, with a particular focus on African regional organisations, were the topic of the Potsdam Spring Dialogues 2011 on 15-16 April, entitled “Land Policy: A Key Factor in Combating Hunger”. The conference was co-organised by the Development and Peace Foundation (SEF) and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH in cooperation with the Dag Hammarskjöld Foundation, the Renner Institute and the journal WeltTrends, with support from the Federal Ministry for Economic Cooperation and Development (BMZ) and Land Brandenburg.

The conference panels highlighted the importance of land policy in the context of food security and discussed various aspects related to land policy and land tenure. Furthermore, land policy initiatives launched by African regional organisations and the African Union were presented and critically analysed. The participants also debated EU and World Bank land policy initiatives and explored the associated opportunities and risks. The final panel, consisting of representatives of African regional organisations, set out its expectations of the international community and international processes in relation to the development of sustainable land policies which aim to promote food security.

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# The Importance of Land Policy for Food Security

## Land Policy as a Regional Challenge

*In the two opening sessions, the conference focussed on the importance of land policy in the context of food security and discussed various challenges related to land in general. This was followed by a controversial debate about large-scale investment in land and the dilemma of non-existing or conflicting land titles.*

In his welcome address, *Henning Heidemanns*, State Secretary at the Brandenburg Ministry of Economic and European Affairs, pointed out global challenges like climate change, population growth and rising food prices. All these challenges are strongly connected to land issues. He also emphasised the sensitivity of land as an issue, mentioning that land is “home” to its users and cultivators, but they are not safe from losing it to speculators. Referring to the German saying “property creates obligations,” *Heidemanns* pointed out that property and the rights connected to land are very important but also create certain responsibilities for the owner.



Henning Heidemanns

In his introductory video message, *Dr David Nabarro*, the UN Secretary-General’s Special Representative on Food Security and Nutrition, highlighted the inter-relationship between food security and

land. He called for a comprehensive and long-term approach, emphasising that investment in the agricultural sector must be increased but that it should focus especially on the most vulnerable groups, in particular smallholder farmers and women. In *Dr Nabarro’s* view, it is national governments which are the crucial actors: they must take responsibility for their people’s food security. They should establish responsible national land policies and secure the participation of affected groups in these processes. However, African regional organisations must also play their part in encouraging responsible land policies. With their support, the various interna-

tional guidelines and frameworks for food security could be implemented at the national level.

*Günter Nooke*, the German Chancellor’s G8 Personal Representative for Africa in the Federal Ministry for Economic Cooperation and Development (BMZ), emphasised in his welcome speech that although agriculture is the major source of income in Africa, too little investment is flowing into that area. As a result, agricultural exports from the continent have halved since the 1970s and Africa is a net importer of food today. A major problem is the issue of land rights and registration. According to *Nooke*, 90 per cent of the land is not registered, which prevents the owner from investing in land and contributes to the weak capacity of the agricultural sector. *Nooke* therefore argued that foreign investment in land and agriculture could offer an opportunity for the continent. Yet he did not omit the possible negative consequences of such investment, such as “land grabbing”. For that reason, the needs of local people and smallholder farmers must be considered.



Günter Nooke

### Land – a sensitive issue

*Nooke* also pointed to the many dimensions of the land issue. Land involves various ethical, social, economic and environmental aspects. Land also has a political dimension as the possession and the availability of land have a strong impact on people’s power and influence in society. In the plenary debate, *Jesinta Kunda* from the Zambia Land Alliance and *Angeline Munzara* from the Ecumenical Advocacy Alliance drew attention to the cultural aspects of land: land is the basis for identity, plays a strong role as heritage and is very important as a source of livelihood for its inhabitants, not only in the context of nutrition. *Ousseini Salifou*, Commis-

sioner for Agriculture, Environment and Water Resources at the Economic Community of West African States (ECOWAS), added the metaphor of Mother Earth, which “feeds” its people with the aid of the land.

*Dr Prosper Matondi*, Executive Director of the Ruzivo Trust, pointed out various conflicts that are related to land: land, especially fertile soil, is generally a scarce resource in African countries, and in many countries, land is distributed inequitably. Land must fulfil a variety of needs, for it is used for agriculture, forestry, tourism and livestock breeding, for example. The many different stakeholder interests increase the value of this resource but put pressure on it at the same time. Therefore the claim that there is “empty land” in Africa that is not used and could be sold to foreign companies is simply not true.



Ousseini Salifou

### Investment in land – opportunity or risk?

The issue of land grabbing was taken up by the Chair of the first panel, *Dr Henning Melber*, Executive Director of the Dag Hammarskjöld Foundation, who quoted Desmond Tutu: “When the missionaries came to Africa they had the Bible and we had the land. They said “Let us pray.” We closed our eyes. When we opened them we had the Bible and they had the land.” *Dr Matondi* warned against an emerging trend of African land being sold to national and international companies and governments. This is due to an increasing interest in biofuels and agro-investments but also in land as a

new object of speculation. The land sales have resulted in the rural population’s marginalisation from the land and even to dispossession.

Several actors are involved in these land deals, e.g. domestic and international investors and companies but also domestic elites and local authorities. The contracts between foreign investors and local people are often lacking in transparency and local communities have no say in the matter. *Dr Matondi* called for governments to play an active role in establishing responsible land policies and safeguarding the rule of law in order to protect people from these land grabs. In many African countries, however, comprehensive land policies do not exist.

*Dr Abebe Haile Gabriel*, Director of the Department of Rural Economy and Agriculture at the African Union Commission (AUC), pointed out that some people call the land purchases “land grabbing”, which has extremely negative connotations, whereas others refer to “land acquisition” or large-scale investment, with “grabbing” being a possible negative side effect. He warned against judging investment in African land as always negative. *Maren Kneller* from the Federal Ministry for Economic Cooperation and Development (BMZ) explained that conflicts connected with land are not new, but are now on the agenda primarily because of the current increasing phenomenon of land grabbing. She also cautioned against overhasty “demonisation” of agricultural investment. Like Nooke, she emphasised the benefits that could come from foreign companies’ investment in African countries, naming employment, infrastructure and transfer of know-how as examples. To ensure that the risks are reduced to a minimum, investments in land and agriculture should be embedded in a rural development strategy: “Land policy should be flanked by other rural development policies.” According to *Kneller*, a comprehensive approach should be established to ensure that the necessary investment has posi-



Ousseini Salifou, Henning Melber and Günter Nooke (ltr)

tive effects and that the policies adopted are conducive to development.



Maren Kneller

This positive attitude towards possible effects of land sales was rejected by *Jesinta Kunda* from the Zambia Land Alliance and

*Erwin Geuder-Jilg* from Misereor. In their professional experience, they had only ever encountered negative consequences of foreign investment for the local population. *Geuder-Jilg* described a case in Zambia, where land acquisition resulted in the expulsion of local communities, with the employment offered providing only low wages. Which are the specific countries in which these supposedly positive impacts of foreign investment can actually be observed, which Kneller had mentioned? asked *Constanze von Oppeln* from Welthungerhilfe. *Kneller* herself answered that there is a lack of data on foreign investment in Africa, which makes it difficult to pinpoint positive examples at present. Another aspect which emerged was the cultivation of crops for export instead of food production for the local population. This is undermining domestic food security and entrenching Africa's situation as a net food importer, as *Munzara* emphasised: "People grow what they don't eat and eat what they don't grow."

*Dr Yacouba Sanon* from the Department for Agriculture, Environment and Water Resources at ECOWAS added that investment in agriculture is needed, but that it creates both risks and opportunities. He named lack of transparency in investment contracts, corruption in national and local elites and the replacement of food crops by cash or biofuel crops as factors which exacerbate land grabbing. This primarily affects the local people, especially smallholders and women. *Munzara* pointed out that in some countries women are disadvantaged because only men can officially own land. Civil society or-



Angeline Munzara

ganisations have a role to play here: they must advocate for and protect the vulnerable. She called for more participation in decision-making and investment negotiations. *Dr Matondi* also saw a need for more participation by local people in land sale processes but drew attention to the risks: local authorities are often uneducated – "they don't understand what they are giving away" – and are lured by the prospect of "easy money". For foreign investors, purchasing the land is often a "walk-over". He stressed the need for capacity building on the ground to provide people with more information about their rights and the importance of land.

### Customary land rights – valued or vanishing?

Among the participants, there was broad agreement that land rights play a pivotal role in relation to the problem of land grabbing. According to *Dr Matondi*, security of tenure and access to land are key issues. The various types of land tenure include communal land, state land, freehold and leasehold. From *Dr Matondi's* perspective, a more important issue than the type of tenure is the assurance of four baskets of rights: access and user rights, transfer rights, exclusion rights and protection rights. He emphasised that any kind of land reform needs to improve the rule of law to secure these rights.



Prosper Matondi

*Angeline Munzara* highlighted the problem of centralised property systems in Africa: land is mainly owned by the state, which means that communal or traditional land rights are disregarded in some cases. She stressed the importance of communal or customary laws, which must be integrated into effective land policies. Contrary to this view, *Dr Michael Brüntrup* from the German Development Institute (DIE) and *Albert Engel*, Director of the Agriculture, Fisheries and Food Division at the Deutsche Gesellschaft für Internationale Zua-

mmentarbeit (GIZ) GmbH, questioned the importance of customary laws: they also exclude some sections of the population from land ownership and therefore cause many conflicts. Furthermore, they are not able to protect affected communities from land grabbing.

*Dr Brüntrup* raised the question whether, in some situations, individual land titles might be more appropriate. Other participants mentioned that individual land titles could create even more of an incentive for local elites to sell their land to foreign investors. *Günter Nooke* from the BMZ said that the biggest problem is legal pluralism in relation to land rights, and suggested converting traditional land titles into individual “Western” ones. This was vigorously rejected by some participants. “If you disregard the way in which land is managed in African countries and abolish customary laws, you throw away my identity as a Zambian,” said *Jesinta Kunda* from the Zambia Land Alliance. *Dr Gabriel* from AUC and *Dr Hubert Ouedraogo* from the United Nations Economic Commission for Africa (UNECA) countered Nooke’s position that Africa should follow the “Western” way by listing the bad examples of the Western model: colonial systems had failed, and International Monetary Fund (IMF) and World Bank structural adjustment programmes (SAPs) had forced African countries to remove price controls and state subsidies and consolidate their budgets while subsidies in the European Union persisted. They were therefore opposed on principle to the idea of following the Western example. In the context of land titles, this means that replicating Western laws is not an appropriate approach for African countries. Instead, customary laws have legitimacy and need to be secured. Other participants in the discussion mentioned the idea of combining individual and customary land titles. If customary land titles are effective and do not discriminate against particular ethnic groups or women, they should be integrated into modern land title reforms.

*Professor Isaac C. Lamba*, Ambassador of the Republic of Malawi, outlined the Malawian government’s activities in securing land tenure

and land use rights. Due to the government’s success, land grabbing does not exist in Malawi. *Professor Lamba* emphasised the need for effective rule of law and the empowerment of smallholders, who bear the main responsibility for food security. Strong support for increasing agricultural productivity is more important than the type of land title.

In his concluding remarks, the Chair of the second panel, *Dr Uwe Hoering*, a freelance journalist and policy analyst, recalled the four baskets of rights mentioned by *Dr Matondi* at the start of the panel. Effective rule of law is essential to safeguard these rights and protect local people from land grabbing, he said.

### From drafts to action

At the international level, a wide range of land policy initiatives exists, involving a variety of actors, which aim to create mechanisms for responsible land policies and rules for investment in land. The Voluntary Guidelines on Responsible Governance of Tenure of Land and Other Natural Resources, issued by the Food and Agriculture Organization (FAO), are particularly important. *Francesca Romano* from the FAO introduced the newly released Zero Draft of the Voluntary Guidelines – the outcome of a two-year consultation process between the FAO and relevant land policy stakeholders. The Zero Draft is open for comment now, and Romano encouraged all participants to take this opportunity. *Kneller* expressed the



Francesca Romano

BMZ’s support for the Voluntary Guidelines and the aim of involving all relevant stakeholders. Nevertheless, *Gabriele Zimmer*, a Member of the European Parliament, asked how these Voluntary Guidelines could be converted into legally binding documents. Similarly, *Munzara* pointed out that a number of voluntary guidelines already exist without having any positive effects at the local level.

Besides the FAO’s Voluntary Guidelines, there are a number of land policy initiatives by African regional organisations and the African Union. *Dr Ouedraogo* mentioned the Framework and Guidelines on Land Policy in Africa,

adopted by the African Union (AU), the United Nations Economic Commission for Africa (UNECA) and the African Development Bank (AfDB). He stressed the importance of the document and pointed out that Africans have to take responsibility for solving their own problems. Another important regional initiative is the Regional Agricultural Policy (ECOWAP), which was the subject of the contribution by ECOWAS Commissioner for Agriculture, Environment

and Water Resources *Ousseini Salifou*. The aim of ECOWAP is to initiate regional investment programmes for agriculture and to harmonise agricultural policies between the ECOWAS member states. *Salifou* pointed out, as a general comment, that no country can be self-sufficient so regional visions for food security are of fundamental importance. ECOWAS is taking the first steps in developing regional initiatives among member states.



Maren Kneller, Prosper Matondi, Uwe Hoering and Angeline Munzara (ltr)

How can these programmes and guidelines be translated into action? While most of the participants appreciated the numerous land policy and agriculture initiatives, they also clearly emphasised the state's crucial role in operationalising these documents. Improving national governance of food and land is particularly important. International and regional initiatives could make an important contribution to fostering and supporting national initiatives. This discussion was taken up by the following panel in more detail.

## African Regional Organisations as Catalysts? Opportunities for Regional Land Policy Initiatives

*Regional land policy initiatives were discussed in the third panel, in particular focussing on the Framework and Guidelines on Land Policy in Africa, adopted by the AU, UNECA and AfDB, and the ECOWAS Regional Agricultural Policy (ECOWAP). A controversial debate about the impact and possible success of these initiatives arose. The case of Zambia was presented as a negative example of excluding civil society from important land policy processes.*

The panel's Chair *Sebastian Schublach* from the Renner Institute opened the third panel by asking what role regional organisations could play in developing responsible land policies. *Dr Hubert Ouedraogo* from UNECA stated that land governance is a major challenge for Africa in the 21st century. Land is crucial for African

development as it touches numerous issues such as food security, urbanisation, population growth and climate change. *Dr Ouedraogo* emphasised the need for African ownership in addressing these challenges. The Framework and Guidelines adopted by the AU, UNECA and AfDB are an important African initiative. The document aims to promote land policy as a priority issue for national development, encouraging participatory national land policy processes, sharing



Hubert Ouedraogo

lessons learned, and building consensus in land policy among member states. Nevertheless, *Dr Ouedraogo* made it clear that the document is not a binding framework for land policy development, nor is it a land policy model for AU member states. Instead, it considers “how land can play its proper role in development” and pursues a holistic, multisectoral and participatory approach.

*Dr Ouedraogo* explained that the key issue is how to move from a continental framework to change at the national level. In this context, the African regional organisations have an important role to play: with the Regional Economic Communities’ leadership (REC), the Framework and Guidelines could be implemented at

the regional level. The AU supports capacity building and provides training sessions to strengthen the REC’s capabilities in improving land policy governance.

*Dr Yacouba Sanon* from the Department for Agriculture, Environment and Water Resources at ECOWAS tied in his comments with the previous

speaker’s and explained ECOWAS’ activities in land policy. He described ECOWAS’ landscapes as being geographically and ethnically very diverse, which make land issues very complex. Nonetheless, it is important to harmonise neighbouring countries’ land and agricultural policies: sometimes, weather problems and water scarcity cause cattle to stray into other countries and trigger conflicts there. “Social and economic problems travel in Africa,” said *Dr Sanon*, which is why regional solutions are essential.

Following on from *Salifou*’s contribution to the first panel, *Dr Sanon* examined ECOWAS’ Agricultural Policy (ECOWAP) in more detail. Under this programme, national investment plans for agriculture have been developed in 15 member states. The aim is to harmonise agriculture policies among member states and

to focus on regional rather than on international markets for agricultural products. Furthermore, ECOWAP is active in the development of seeds and the improvement of livestock breeding. A strategic monitoring mechanism will provide member states with reliable information and data about agricultural processes.

Referring to her home country, *Jesinta Kunda* from the Zambia Land Alliance presented an example of a land act

being adopted with no civil society participation. In 1995, a Zambian land act was passed by Parliament within one day, without the usual three hearings in Parliament that allow civil society organisations to comment on proposed legislation. “The government is used

to passing laws without any supervision and politicians are not interested in informing their people,” *Kunda* said. According to *Kunda*, the land act was meant to make it easier for foreign investors buying land in Zambia and led to land grabbing on a massive scale. Another problem specifically in Zambia is the lack of clarity with regard to competences: no fewer than five Zambian ministries are involved in land issues. The situation in Zambia led *Kunda* to conclude that her country took “three steps forward and five steps back”. She ended her input by proposing that land policy should entail a political process from the bottom up, involving all relevant stakeholders and affected communities, not from the top down as was the case in Zambia.



Jesinta Kunda



Yacouba Sanon



Albert Engel

*Albert Engel*, Director of the Agriculture, Fisheries and Food Division at the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, gave a brief assessment of regional initiatives. Describing himself as a “deep sceptic” and referring to his long experience in development cooperation, he stated: “Regional initiatives do not play a role.” He doubted that regional land policy initiatives could genuinely be

transferred to the national level, which is crucial for implementation. Nevertheless, several processes encourage him to become cautiously optimistic. He appreciated both the ECOWAS initiative, with its strong focus on regional market integration, and the Framework and Guidelines adopted by the AU, UNECA and AfDB. However, *Engel* emphasised that there is still a lot of work to do. He urged African countries at least to start with the formulation and registration of land rights and establish land administration structures. Land rights are not only a political issue; they also involve technical issues which must be addressed.

### Land policy as a technical and political challenge

In the following plenary discussion, *Dr Hoering*, a freelance journalist and policy advisor, picked up on *Engel's* point and asked why technical mechanisms for land registration have not yet been established. Instead of fulfilling simple technical requirements, complex continental frameworks on land policy are being adopted. *Dr Ouedraogo* disagreed, pointing out the political nature of land rights as addressed in the previous panel: "Why should we start again with technical issues? We did that for decades and it did not work!" *Elke Grawert* from the Bonn International Center for Conversion (BICC) agreed and emphasised the political dimension as being key to land problems: land is always exposed to different and conflicting interests and is connected with issues of power and in-

fluence. For these reasons, a purely technical approach cannot be successful.

*Erwing Geuder-Jilg* from Misereor and *Maren Kneller* from BMZ both raised a general question: to what extent do the Framework and Guidelines adopted by the AU, UNECA and AfDB change the situation in African countries, for example in Zambia? *Birgit Gerhardus* from the BMZ responded by playing "devil's advocate": she raised the more general question whether RECs add value at all. *Kunda* said that she only learned about the Framework and Guidelines after being invited to this conference. She doubted that the Zambian government would care about the Guidelines; it "does politics" entirely in its own interest. *Grawert* agreed with *Kunda* and expressed her scepticism about more and more international land policy initiatives emerging without really improving the situation; if anything, they tend to impede effective problem-solving. Several participants in the discussion countered the scepticism and emphasised the importance of regional initiatives: the added value is learning lessons from past initiatives and sharing experience on ways of addressing joint land challenges. ECOWAS is very active in providing a platform for discussion about land issues. *Dr Ouedraogo* admitted that it was too early to measure the impacts of the Framework and Guidelines; nonetheless, the initiative has had an obvious impact on land policies in Burkina Faso and Kenya, for example.



Yacouba Sanon, Albert Engel, Sebastian Schublach, Hubert Ouedraogo and Jesinta Kunda (ltr)

The issue of investment in land was again addressed by several participants in the discussion. *Engel* mentioned the complex reasons underlying foreign investment in African land: Middle Eastern countries, for example, are buying up land in Africa to ensure



Michael Brüntrup

food security for their own populations. Besides, investment in biofuels could also offer a major opportunity for national companies. He pledged to be open to the different uses of land in different situations and not to damn all investment. *Dr Brüntrup*

from DIE suggested the taxation of land to ensure that African countries gain some benefit from the land they sell. *Kunda* emphasised that land grabbing often happens in countries with weak governments. Referring to a statement by *Dr Hoering*, who described government pledges to involve civil society in land policy processes as merely lip service, she explained that governments would promise anything just to receive funds from foreign donors. She urged donors to take more responsibility for analysing what their money is used for.

## “Spoilers” or Supporters?

### The Influence of the EU and the World Bank and their Cooperation with the AU and the RECs

*The EU and the World Bank are two main donors supporting land policy in sub-Saharan Africa. The panel therefore focussed on their development policy measures, including a critical analysis of their efforts with regard to land policy. An intensive debate arose about different types of farming in Africa and their effectiveness. Furthermore, the right to food was presented as a possible analytical tool to be used to determine how foreign investment is affecting food security.*

The Chair of the fourth panel, *Dr Günther Taube*, Director of the Department for Good Governance and Social Development at GIZ, introduced the first panellist *Dr Rogier van den Brink* from the World Bank by mentioning an article by *Dr van den Brink*, entitled “The Economics of Cain and Abel”. *Dr van den Brink* explained that the story of Cain and Abel was the first land grab in history and revealed the conflict inherent in land: Cain, who cultivated the land, killed Abel, a shepherd, because his flock was straying into Cain’s farmland. This example shows that land is used in different, sometimes conflicting ways.

*Dr van den Brink* drew attention to the difference between subsistence and family farming and stated: “Economics of farming really matter a lot”. Family farming could serve as a role model

for small-scale agriculture in Africa as its production is efficient and thus competitive. Nonetheless, this type of production faces the problems of high input costs and low output gains. Family farmers often have no access to markets, finance and training, and have little knowledge of the current market situation. This could offer a starting point for foreign investors, who can leverage funds to provide family farmers with capital and market access.

In *Dr van den Brink’s* view, land grabbing is a major problem which is often connected to corruption in national governments. Land is being



Rogier van den Brink

sold to foreign investors with the claim that it is “empty” and not used by anyone. “In Africa, these empty areas do not exist,” he stated; the reality is that land is always utilised by people for agriculture or housing. *Dr van den Brink* disagreed with previous comments and explained that insecure property rights are no problem in Africa; in fact,

local communities know very well who owns which land. The critical factor is that national governments manipulate existing land rights to sell land to foreign investors. The World Bank therefore supports the recognition of existing types of ownership and tenure, including community rights, and – contrary to the frequent criticism of the World Bank – does not focus

on individual titles. Local communities need to be put in a position of strength so that they can negotiate directly with foreign investors about these proposed land purchases. Direct consultations between local communities and foreign investors circumvent the corruptive national elites whose sole aim is to profit from these processes.

### Harmonisation of international land policy initiatives

*Dr Leonard Mizzi*, Head of Unit in the European Commission's Directorate-General for Agriculture and Rural Development, listed several international initiatives such as the FAO's Voluntary Guidelines on Responsible Governance of Land and Other Natural Resources as well as the G20 process, which is very much concerned with the issue of food price volatility.



Leonard Mizzi

It is clear from these initiatives, said *Dr Mizzi*, that the topic of land is firmly on the political agenda. He explained that reasons for price volatility are very complex and made a plea for trade liberalisation. Despite contrary views, export restrictions and export bans have a greater impact on food prices than trade liberalisation. He also addressed the criticisms of the EU's biofuels policy, stating that the impact of biofuels on food prices is minimal.

The European Commission's aim is to increase investment in the agricultural sector in developing countries, both by domestic and foreign investors. Nevertheless, *Dr Mizzi* stated that foreign investment could have adverse effects, for example on political stability, local food security, equity and social cohesion, good governance and environmental sustainability. In order to fend off these risks, he called for secure access to land that includes initiatives for the protection of women and indigenous rights. "For large-scale land transactions to be economically, environmentally and socially sustainable, they must rely on effective national land manage-

ment systems." These systems could help by providing information on tenure systems and property rights that can be included in a legal framework at national level.

*Dr Mizzi* expressed the EU's support for the numerous international initiatives on land, naming the Comprehensive Africa Agriculture Development Programme (CAADP), the Framework and Guidelines adopted by the AU, UNECA and AfDB, the FAO's Voluntary Guidelines, and the Principles for Responsible Agricultural Investment (RAI Principles) adopted by the FAO, the International Fund for Agricultural Development (IFAD), the United Nations Conference on Trade and Development (UNCTAD) and the World Bank. However, he emphasised the need for consistency between these initiatives, and suggested that the G20 could provide a platform for this process. He also mentioned the important role of RECs and expressed the EU's willingness to support them. Nonetheless, the RECs continue to face challenges, notably the lack of personnel and capacity.

### The Right to Food – an adequate instrument?

*Michael Windfuhr*, Deputy Director of the German Institute for Human Rights, appreciated the growing awareness of the need for more investment in agriculture as this sector has been heavily underfinanced for decades. Nonetheless, the question is whether this money is likely to reach the poor and decrease hunger. Land grabbing processes genuinely exist and need to be addressed immediately. Investments are necessary, *Windfuhr* emphasised, but there should be a clear differentiation in terms of whether their impacts are positive or negative for the local population. In his view, an important instrument in assessing whether investment is "good" or "bad" is the right to food, which can be used as an analytical tool to determine how foreign investment is affecting food security and hence the wellbeing of the population in



Michael Windfuhr

the country concerned. He suggested that the FAO's Voluntary Guidelines should provide principles defining how the right to food could be implemented in detail. It will only be possible to establish "a level playing field" for the foreign investment that is needed in the agricultural sector once these Guidelines have been implemented.

In response to the previous panellist, *Windfuhr* criticised the World Bank for being involved in land grabbing. Contrary to what Dr van den Brink said, *Windfuhr* questioned the Bank's support for small farmers, stating that the World Bank "left these small farmers without a good support structure". He further queried Dr van den Brink's suggestion of direct negotiations between farmers and investors: the bargaining position of small farmers is much too weak for them to be directly involved in selling procedures. Instead, strong national governance to protect the local population from land grabbing is needed.

### From Production to Processing

In the following discussion *Elke Grawert* from BICC raised the question why there is no processing of products in Africa. How could value be added by processing goods, e.g. cotton or coffee, in Africa rather than in Europe? But instead, the EU has closed its markets to processed products. *Dr Mizzi* mentioned the EU's aim to increase processing in Africa. To add value to commodities, capacity and institution building is very important. He suggested labelling of geographical origin – especially to indicate product quality, for example – as one way of adding value to local products. *Dr van den Brink* explained that processing in Africa would be very difficult. He also listed various challenges that African farmers have to face, such as complex transport processes and sales procedures and also the need to comply with international

standards; the requirement for a particular degree of bend in bananas is an extreme example. He called the EU's trade restrictions "draconian," preventing fair trade between the two continents.



Leonard Mizzi, Rogier van den Brink, Günther Taube and Michael Windfuhr (ltr)

*Dr Klemens van de Sand*, a member of the Advisory Board of the Development and Peace Foundation, asked whether outgrower schemes would be a better model for agriculture in Africa. *Dr van den Brink* explained that this mode of production has existed there for decades and is quite successful. High-quality production and up-to-date market knowledge are the most important factors in this context. He emphasised, again, his preference for family farming as the most efficient way of producing almost all agricultural products.

A controversial debate arose about the impact of IMF and World Bank structural adjustment programmes (SAPs). The SAPs resulted in a massive decrease of public services, as *Angeline Munzara* from the Ecumenical Advocacy Alliance and *Michael Windfuhr* emphasised, and had an extremely negative impact on rural areas in particular. *Dr van den Brink* defended these programmes, pointing out that many farmers had benefited tremendously from SAPs. The accusation that SAPs result in cuts to public services implied that these services existed before, which was not true. "There are mythical romances about areas before SAP," said *Dr van den Brink*. African states were totally

indebted so there was a need for action to prevent states' collapse. "To blame SAPs for balancing is like blaming the firemen for the fire," said *Dr van den Brink*.

*Roman Herre* from the Food First Information and Action Network (FIAN) took up the debate about investment and explained that it is the smallholder farmers themselves who invest most in agriculture. For this reason, he called on donors to support this group, instead of focussing solely on large-scale agriculture and investments. *Dr van den Brink* agreed and stated that reinvesting their own profits is crucial for smallholders. A further debate arose about the involvement of civil society and African farmers' organisations in the CAADP process. *Dr Mizzi* explained the EU's support for involving more civil society organisations; so far, 20 of these organisations have participated but this number needs to increase.

### **The Malawi Case: positive example or total debt overload?**

The case of Malawi was discussed by nearly every panel. Assessments ranged from Malawi as a success story in increasing agricultural production with the help of fertiliser subsidies, to Malawi as a negative example of how massive public expenditure on fertilisers can lead to a crushing national debt. *Dr Abebe Haile Gabriel* from AUC and the Malawian Ambassador *Professor Isaac C. Lamba* explained that the Ma-

lawian government – after serious famines – introduced subsidies for fertilisers and seeds in 2005, a policy that was heavily criticised by international donors such as the World Bank. The subsidies led to a massive increase in agricultural production, changing Malawi from a food importer to a food exporter. According to several participants, the main reason for Malawi's success was the government's focus on supporting smallholder farmers who profited most from the subsidies. The question was even raised whether the case of Malawi could serve as a role model for other countries. This was rejected by *Dr Mizzi* who expressed his deep scepticism towards the Malawian policy. Almost 50 per cent of public expenditure was spent on the subsidies – an approach which was neither sustainable nor to be recommended.



Isaac C. Lamba

Despite massive subsidies and agricultural growth, Malawi is still one of the poorest countries in the world. *Ambassador Lamba* admitted that this policy was only temporary, and that the government is already looking for alternatives to reduce the country's high level of public expenditure. In addition, not all the smallholders have profited from the subsidised fertilisers so there is still a need to reach all farmers in rural areas. He pointed to massive crop failures and floods as further problems in Malawi. What's more, Malawi has found it difficult to sell the food surpluses resulting from the increase in productivity. The international community could be a helpful partner in addressing these challenges.

## African Regional Organisations – a Channel of Communication? Opportunities for African Regional Organisations to Help Shape the International Framework for a Responsible Land Policy

*What do African regional organisations expect from the international community in terms of strengthening food security? This question was addressed by the last panel of the conference, provoking a controversial debate about how African regional organisations could be involved more intensively in other international processes on food security. The participants also discussed opportunities to implement regional land policy initiatives at the national level.*

*Dr Klemens van de Sand, a member of the Advisory Board of the Development and Peace Foundation, who chaired the panel, asked: “What do the regional organisations expect from the international community?”*



Abebe Haile Gabriel

*before giving the floor to Dr Abebe Haile Gabriel, Director of the Department of Rural Economy and Agriculture at the African Union Commission (AUC). Dr Gabriel began by introducing the Comprehensive Africa Agriculture Development Programme (CAADP), a*

model for Africa’s development based on agricultural growth. To give the agricultural sector priority in development processes, CAADP requires its member states to spend 10 per cent of their budget on agriculture. Furthermore the programme defines rules for improving agricultural policy and investment and provides a platform for dialogue between African countries and international donors. CAADP comprises four pillars which relate to sustainable land and water management, rural infrastructure and trade, vulnerabilities such as food security, and agricultural research and innovation. So far, 25 AU member states have aligned their policies, programmes and investment plans to CAADP. The G20 and the EU fund the CAADP process. According to *Dr Gabriel*, CAADP involves governments, civil society and various development partners as well as farmers’ organisations.

In general, *Dr Gabriel* emphasised the importance of Africa articulating a common position with a united voice. African regional organisations such as the AU and RECs play an important role in achieving these common positions, in particular “in terms of advocacy, harmonisation of policies and strategies, coordination of efforts and mobilisation of support”. Nevertheless, RECs often suffer from weak capacities which need to be improved.

*Dr Gabriel* presented two kinds of partnerships: one involves Africa-wide organisations such as the AUC, UNECA and AfDB launching continental frameworks, e.g. the Framework and Guidelines on Land Policy in Africa. Other partnerships have been established between Africa and other continents, e.g. between Africa and the Arab countries, Africa and China, Africa and the EU, etc. The African Union has played a crucial role in this process. *Dr Gabriel* concluded by emphasising that international organisations should rally their support behind the continental frameworks like CAADP or the Framework and Guidelines on Land Policy, instead of “running parallel overlapping initiatives”. International donors should not undertake activities that may frustrate such continental frameworks.

### More participation by African institutions needed

*Noel De Luna*, Chair of the recently reformed Committee on World Food Security (CFS), an FAO body, then gave a presentation about the CFS. The aim of the Committee is to review and monitor policies for world food security. It provides a platform for discussing best practices for national land policies and lessons learned, and involves civil society, regional organi-



Noel de Luna

sations, farmers and other relevant stakeholders. The CFS also provides advice and support on food security policies upon request. *De Luna* especially highlighted the FAO's Voluntary Guidelines on Responsible Governance of Tenure of Land and Other Natural Resources whose zero draft was released the day before. The Voluntary Guidelines are the outcome of a two-year consultation process within the CFS which involved many different stakeholder groups. He invited all participants to comment on the zero draft. The Principles for Responsible Agricultural Investment (RAI Principles) and the elaboration of a global strategic framework for food security are other initiatives being discussed by the CFS.

*De Luna* described the situation on the ground as decisive for the work of the CFS. Strong cooperation with RECs is therefore very important, in his view. He called on African governments and regional organisations to increase their involvement in the CFS. Up to now, not a single country or region has asked for advice in designing their land policies.



Elisa Manukjan

### Germany's commitments

The following two panellists, both representatives of German ministries, informed the participants about Germany's current activities to support the agricultural sector in Africa and highlighted some of the ongoing challenges. *Birgit Gerhardus* from the Federal Ministry for Economic Cooperation and Development (BMZ) emphasised the Ministry's support for African regional organisations and especially CAADP. Speaking with one voice, providing platforms for regional exchange and creating regional markets are very important. *Gerhardus* pointed out that Africa remains the focal continent of the BMZ's activities and that the Ministry strongly supports Germany's commitment, undertaken at the G8 summit in L'Aquila, to provide 2.1 billion euros for agriculture and food security.

The BMZ focusses strongly on rural development, *Gerhardus* said, the crucial point being to connect smallholders to the markets. Nonetheless, large-scale investments can also have positive outcomes, as some studies have

shown. "Size is not the criterion when judging investment," said *Gerhardus*; however, there is a substantial need to ensure that investment in African countries has positive impacts and to prevent negative outcomes such as land grabbing.

With particular regard to land policy, *Gerhardus* made clear that the BMZ is doing a great deal to support this issue and sees good governance as decisive to achieve improvements. Referring to previous statements about corrupt national governments being involved in land grabbing, she said it was important not to assume that every African government is corrupt. She proposed that the BMZ provides advice to governments and local communities in designing land investment contracts with foreign investors to prevent negative outcomes.

*Elisa Manukjan* from the Federal Ministry of Food, Agriculture and Consumer Protection (BMELV) appreciated the CFS reform and especially highlighted the relevance of the FAO's Voluntary Guidelines

with their focus on the right to food, an important approach that is strongly supported by the BMELV. She expressed the need to create synergies between the FAO's Voluntary Guidelines and the Framework and Guidelines on Land Policy adopted by the AU, UNECA and AfDB. The FAO document makes reference to the AU's Framework and Guidelines, based on an intensive exchange with African regional organisations within the CFS. Nonetheless, she invited the African governments to increase their participation in the Committee.

Compared to the Voluntary Guidelines, the RAI Principles were developed with very little consultation and exchange among stakeholders. These challenges need to be addressed, for example by including OECD guidelines or the right to food approach. *Manukjan* mentioned the African regional organisations' lack of resources, which makes it difficult for them to attend international meetings and engage in their own consultations on the continent. The BMELV is willing to provide funding for capacity building in this area.

### Implementation on the national level as the litmus test

In the following discussion, *Dr Brüntrup* from DIE asked precisely how CAADP programmes and other regional initiatives such as ECOWAP can be integrated into national ministries' activities and national budgets. CAADP clearly attempts to change politics at the national level but how successful is this process? He called implementation at the national level the "litmus test" of CAADP. *Dr Gabriel* and *Dr Sanon* responded by explaining that within CAADP, investment plans, together with a set of priorities, are formulated by member states in order to implement the programme. In the ECOWAS region, the implementation process is already complete. Ongoing challenges for African states are the integration of the private sector and especially the acquisition of funds and resources. Whether these investments are small or large is less relevant; they just need to be successful and lead to more agricultural growth. Both speakers also called for more financial support from international donors in implementing regional programmes at the national level.

*Dr van den Brink* appreciated regional initiatives on land policy but emphasised, nonetheless, that they should be more successful. In the past, many other initiatives, such as trade agreements, were launched without improving the situation. "We have to learn lessons from past initiatives and analyse the reason why they failed, in order to improve existing ones," he said. He again made a plea for free trade and against export bans in situations of food shortages. Free trade offers the best opportunity for smallholders to earn income through the sale of their products.

Unlike previous speakers, *Dr Abebe Haile Gabriel* doubted that the involvement of RECs in the CFS consultations is genuinely possible. Instead, he emphasised again that international initiatives such as the FAO's Voluntary Guidelines should not create parallel structures but should include existing African land policy frameworks. *Kneller* from BMZ agreed and suggested that the CFS might not have involved African regional or-

ganisations adequately. She called for more harmonisation between the various initiatives and for more cooperation. *De Luna* responded by commenting that coordination and coherence within the CFS are more important than integration and called again for more participation in relation to the Voluntary Guidelines.

*Dr Henning Melber* from the Dag Hammarskjöld Foundation listed several discussion points that had not been addressed so far. African countries have adopted various Economic Partnership Agreements (EPAs) with the EU but what does this mean for regional governance? He also criticised the conference for only addressing the issue of food security and for leaving out the more important approach of food sovereignty. He doubted whether the African governments are willing to prioritise the agricultural sector, given that national investments in this sector have been minimal so far. Genetically modified crops and genetic engineering had also been omitted from the discussions. *Dr Sanon* responded by pointing out that ECOWAS has already established a programme on genetically modified crops which could improve yields, but it requires further support, technology and



Elisa Manukjan, Abebe Haile Gabriel, Klemens van de Sand, Noel de Luna and Birgit Gerhardus

know-how. ECOWAS is also engaged in research with the aim of improving access to high quality seeds. He emphasised that the political will to prioritise agriculture clearly exists, and drew attention to ECOWAP and CAADP as examples. These programmes focus not only on food security but also on food sovereignty, suggesting that the African countries are keen to decide on their own pathway towards agricultural production

and food security. *Michael Windfuhr* from the German Institute for Human Rights picked up on Dr Melber's criticism of the EPAs and listed examples where EPA investment agreements have had a negative effect on agricultural strategies. Governments should be in a position to make their own policy decisions without being hindered by investment agreements.

In her closing remarks, *Gerhardus* agreed with Sanon and emphasised the will of African governments to actively promote food security. "Don't create negative images: the continent is on the move," she said. The participants agreed that harmonisation between the various international initiatives on land policy is needed. In general, it was clear that the topic of land policy cannot be discussed in isolation as it is related to various other issues such as agriculture, food security, the right to food, investments in agri-

culture and access to markets. No single factor makes land policy successful, so a comprehensive approach and intensive international cooperation involving African regional organisations are decisive.



Birgit Gerhardus

## List of Acronyms in alphabetical order

<b>AfDB</b>	African Development Bank Group
<b>AU</b>	African Union
<b>AUC</b>	African Union Commission
<b>BICC</b>	Bonn International Center for Conversion
<b>BMELV</b>	Federal Ministry of Food, Agriculture and Consumer Protection
<b>BMZ</b>	Federal Ministry for Economic Cooperation and Development
<b>CAADP</b>	Comprehensive Africa Agriculture Development Programme
<b>CFS</b>	Committee on World Food Security
<b>DIE</b>	German Development Institute
<b>ECOWAP</b>	Regional Agricultural Policy for West Africa
<b>ECOWAS</b>	Economic Community of West African States
<b>EPAs</b>	Economic Partnership Agreements
<b>FAO</b>	Food and Agriculture Organization of the United Nations
<b>FIAN</b>	Food First Information and Action Network
<b>GIZ</b>	Deutsche Gesellschaft für Internationale Zusammenarbeit
<b>IFAD</b>	International Fund for Agricultural Development
<b>IMF</b>	International Monetary Fund
<b>RAI</b>	Principles for Responsible Agricultural Investment
<b>RECs</b>	Regional Economic Communities
<b>SAPs</b>	Structural Adjustment Programmes
<b>UNCTAD</b>	United Nations Conference on Trade and Development
<b>UNECA</b>	United Nations Economic Commission for Africa

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**BMZ**  Federal Ministry  
for Economic Cooperation  
and Development