Domestic Investments in Land:
Transparency & Community-Investor Interactions

Jesse Coleman
CFS44, Rome – October 9, 2017
Overview

1. Context
2. Gaps
3. OpenLandContracts.org
4. Community-Investor Interactions
Agricultural investors: public or private, domestic or foreign

- Private domestic (e.g. farmers and businesses)
- Domestic public (governments)
- Foreign private (e.g. corporations)
- Foreign public (development partners)

Source: FAO.
“Most agricultural investments are financed from domestic resources – whether public or private – and only a small share of funding comes from international sources.”

Source: FAO, SOFA (2016)
Gaps

Support
Dynamics
Technical
Beneficiaries
Rights
Human
Social
Legal
Environmental
Power
Structure
Costs
Type
Impacts
Lack of Transparency

- Lack of transparency that permeates land investments also extends to domestic investments in land, both large and small.

- Addressing systemic lack of transparency = critical for building clearer picture of nature and implications of these investments.
An online repository of
Open Land Contracts

Search 193 contracts and associated documents

OpenLandContracts.org is a repository of publicly available investment contracts for land, agriculture, and forestry projects. It features plain language summaries of key provisions and provides tools for searching and comparing contracts. Learn more
The repository features:

1. **Plain-language summaries** (or “annotations”) of each contract’s key provisions

2. **Metadata**, i.e. basic information concerning a contract

3. **Tools and resources** to further facilitate users in understanding and analyzing land contracts, including:
   - *Clips tool*
   - *Guides to contracts*
   - *Training modules*
How can OLC help?

Nega Mamoay Mihret, Lease, 2011

Corporate headquarters
- 3453 Kebele 03, Sebeta Town, Oromia Regional State, Ethiopia

Page 1 (Preamble)

Country
- Ethiopia

Page 2 (Preamble)

Custom duties
- The Government undertakes to provide special investment privileges such as exemptions from taxation and import duties of capital goods and...

Page 3 (Art. 6.2)

Date - contract signature
- 30/09/2011

Page 4 (Art. 19)

Environmental impact assessment and management plan
- Nega Mamay Mihret, or the company or business organization incorporated for the purposes of the agreement, bears an obligation to...

More from Ethiopia

ON FIRST RECONCILIATION AGREEMENT MADE BETWEEN MINISTRY
OF AGRICULTURE
AND
NEGA MAMAY MIHRET

This Land Lease Agreement is made and entered into by and between Ministry of Agriculture
at FOFRE having its principal office at Bole, Addis Ababa, Ethiopia, thereinafter referred to as the "Lessor".

and

Nega Mamoay Mihret, an Ethiopian origin Australian logging company No.N079196,
Ethiopian origin ID No.5001001148015.00.0015561, Sebeta Town, Oromia Regional State, Ethiopia (hereinafter referred to as "Lessee", which expression shall also mean and include its successors and assigns, including a company to be incorporated for the purposes hereinafter created) agreed on the 30th September 2011.

WHEREAS, the Lessee, a business organization incorporated to engage in Cotton principal investment and sesame dry bean rotational crops development under the relevant laws of Ethiopia and registered with the Ministry of Agriculture, Food Security and Cooperatives of Ethiopia;

WHEREAS, the Lessor is willing to provide the required land lease basis in accordance with the terms and conditions provided hereinafter;

NOW THEREFORE, the parties have executed this land lease agreement on 30th September 2011 under the terms and conditions stated herein below.

Article 1

Scope of Agreement

1.1 The scope of this lease Agreement is to establish a long-term land lease of land land for Cotton principal investment and sesame dry bean rotational crops farming, and related activities on the land mentioned. 2,999 hectares, located in Bonger Gumi, Regional State, Melkad district, Bonger District, Abaya, vehicle with all rights of exemption of amenities, fixtures, fittings, structures, installations, property or other improvements standing thereon.
How can OLC help?

Hunan Dafengyuan Agriculture Co., Lease, 2010

LAND RENT CONTRACTUAL AGREEMENT MADE BETWEEN
MINISTRY OF AGRICULTURE

AND

HUNAN DAFENGYUAN AGRICULTURE CO., LTD

This Land Lease Agreement is made and entered into by and between Ministry of Agriculture of Ethiopia having its principal office at Addis Ababa, Ethiopia, (hereafter referred to as the “Lessee”),

and

HUNAN DAFENGYUAN AGRICULTURE CO., LTD, a Private limited company incorporated in China and registered under Ethiopia, having its Registered Office at Zone 1000, Addis Ababa, Ethiopia, (hereafter referred to as the “Lessor”).

NOW, THEREFORE, the parties have executed this Land Lease agreement on 26/10/2010 for the terms and conditions hereinafter below:

Article 1
Scope of Agreement

1.1 The scope of this lease agreement is to establish a long-term lease of rural land for Sugar Cane plantation and related activities on the land measuring 25,000 hectares, located in Gambela Regional State, Agowra Zone, Bahir Dar District, around Katch and away islands, together with rights of possession of agricultural, botanical, horticultural, installations, property or other improvements standing thereon, to the company incorporated for the purposes mentioned by the Lessee in the Federal Democratic Republic of Ethiopia.
Community-Investor Interactions

- Guide for communities and their advisors regarding interactions with investors over land
- Domestic investments involving national elites, without necessarily involving government agencies or foreign companies
Legal & Technical Support Gaps

- Part of broader work on *identifying and addressing legal and technical support gaps* around land investments
  - Legal support for host governments
  - Financing mechanisms for legal support for communities
  - Non-legal technical support for communities
  - Mechanisms for redress of harms in case of project failure/ abandonment
  - Access to justice and impact of international investment treaties and investor-state arbitration
OpenLandContracts.org serves as the first online, searchable, and user-friendly repository of publicly available contracts for large-scale land, agriculture, and forestry projects. The online repository includes the full text of contracts; plain language summaries of each contract's key social, environmental, human rights, fiscal, and operational terms; and options for searching and comparing contracts. Launched in 2015, OpenLandContracts.org promotes greater transparency of land-based investments, facilitates better understanding of the contracts that govern them, and provides useful tools for governments, communities, companies, and other stakeholders.

Thank you!
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