

Domestic Investments in Land: Transparency & Community-Investor Interactions

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Columbia Center
on Sustainable Investment

A JOINT CENTER OF COLUMBIA LAW SCHOOL
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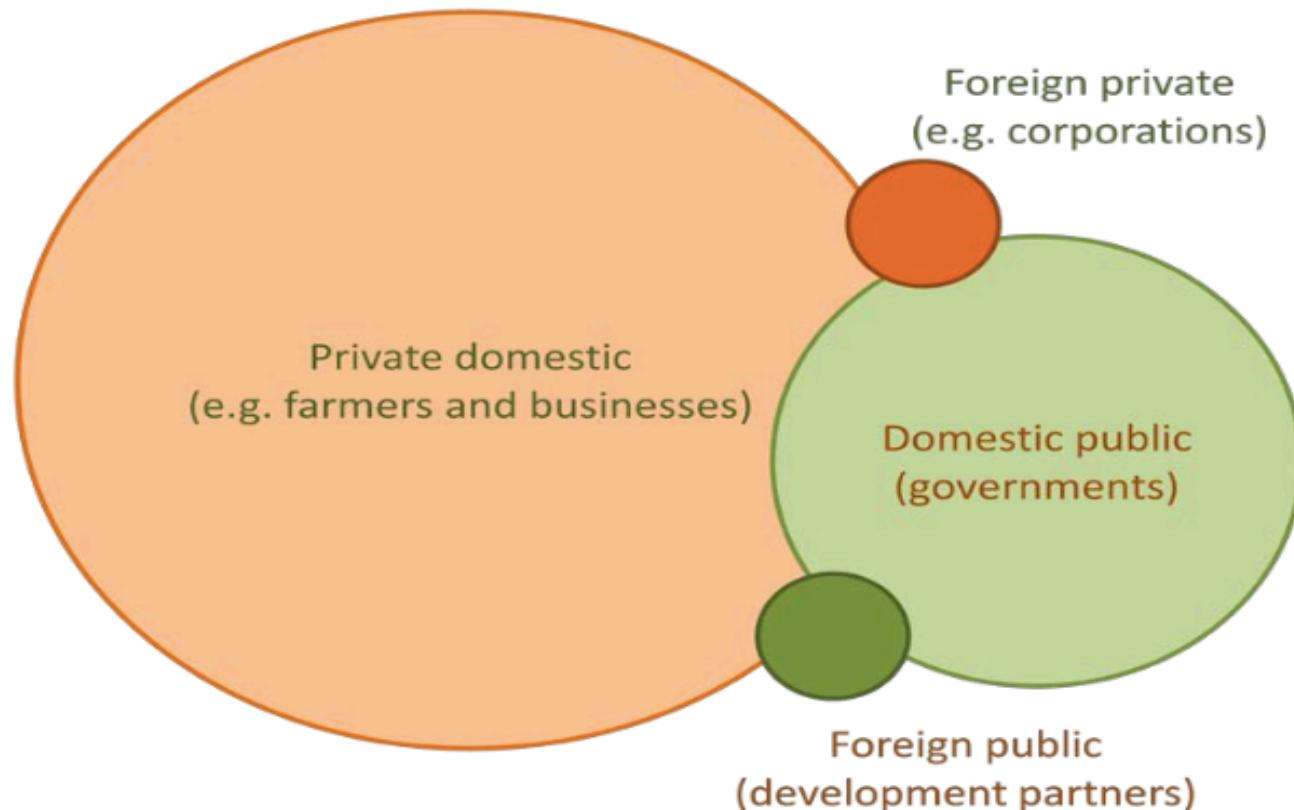
Overview

1. Context
2. Gaps
3. OpenLandContracts.org
4. Community-Investor Interactions



Context

Agricultural investors: public or private, domestic or foreign



Source: FAO.



Context

*“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 Rights
Beneficiaries Type
Human Legal Costs
Social
Environmental
Power Structure
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



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Open Land Contracts

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193 Documents | 14 Countries | 45 Resources

Explore contract terms:

- Environmental impact assessment
- Outgrowers programs
- Work and investment commitments

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?

OPENLAND CONTRACTS Beta

Search all documents

Nega Mamay Mihret, Lease, 2011

See Summary

Search in this document

TEXT PDF 1 of 8 + X

Corporate headquarters

3453 Kebele 03, Sebeta Town, Oromia Regional State, Ethiopia

Page 1 (Preamble)

Country

Ethiopia

Page 1 (Preamble)

Custom duties

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

Page 5 (Art. 6.2)

Date - contract signature

30/09/2011

Page 8 (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

LAND RENT CONTRACTUAL AGREEMENT MADE BETWEEN MINISTRY OF AGRICULTURE AND NEGA MAMAY MIHRET

This Land Lease Agreement is made and entered by and between Ministry of Agriculture of FDR having its principal office at Bole sub city , Addis Ababa, Ethiopia, [herein after referred to as the " Lessor"]. and

Nega mamay Mihret is an Ethiopian origin Australian having passport No N3891364, Ethiopian origin ID No.010011440 IL.no 3453 Kebele 03, Sebeta Town, Oromia Regional State, Ethiopia [herein after referred to as " lessee", which expression where the context admits shall also mean and include its successors and assigns, including a company to be incorporated for the purpose here in after mentioned by the lessee in the Federal Democratic Republic of Ethiopia].

WHEREAS, the lessee, a business organization incorporated to engage in Cotton principal investment and sesame & soy bean rotational crops development under the relevant laws of Ethiopia, and requires sufficient land in Benishangul Gumuz Regional State;

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

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

Article 1
Scope of Agreement

1.1 The scope of this lease Agreement is to establish a long term land lease of rural land for Cotton principal investment and sesame & soy bean rotational crops farming and related activities on the land measuring 3,000 hectares, located in Benishangul Gumuz Regional State, Metekel Zone, Dangur District, Abay dar kebele together with all rights of easement of amenities, fittings, fixtures, structures, installations, property or other improvements standing thereon.

See Summary

METADATA

Country Ethiopia

Signature Year 2011

Resource Cotton | Sesame | Soybeans (Soya beans)

Type of Contract Land Lease Agreement

Open Contracting Identifier ocds-591adf-3088551951

Disclosure Mode Government

Annex(es) missing from document Yes

Land Matrix ID #3830

More from Ethiopia



How can OLC help?

OPENLAND CONTRACTS Beta

Search all documents

Hunan Dafengyuan Agriculture Co, Lease, 2010

See Summary

Search in this document

TEXT PDF 1 of 9 +

Parent company or affiliates outside of country

Hunan Dafengyuan Agriculture Co.,Ltd is a private limited company incorporated in China and registered under Ethiopia

Page 1 (Preamble)

Physical security or protection of property

The Government shall provide adequate security, free of cost, against any riot, disturbance or any other turbulent time other than... [more](#)

Page 5 (Arts. 6.6, 14)

Renewal or extension of term

The agreement can be renewed for additional years if mutually agreed by the parties. The agreement shall be renewed on... [more](#)

Page 2 (Art. 2.1, Art. 8)

Reporting requirements

Hunan Dafengyuan Agriculture shall provide correct data and investment activities reports upon request by the Ministry of Agriculture and Rural... [more](#)

Page 3 (Arts. 4.6, 5.1, 5.3)

LAND RENT CONTRACTUAL AGREEMENT MADE BETWEEN
MINISTRY OF AGRICULTURE
AND
HUNAN DAFENGYUAN AGRICULTURE CO.,LTD

This Land Lease Agreement is made and entered by and between Ministry of Agriculture of FDRE having its principal office at Bole sub city , Addis Ababa, Ethiopia, [herein after referred to as the "Lessor"]. and

HUNAN DAFENGYUAN AGRICULTURE CO.,LTD is a Private limited company incorporated in China and registered under Ethiopia, having its Registered Office at **ILan 1093, Kebele 03/05, Bole sub city, Addis Ababa Ethiopia** [herein after referred to as "lessee", which expression where the context admits shall also mean and include its successors and assigns, including a company to be incorporated for the purpose here in after mentioned by the lessee in the Federal Democratic Republic of Ethiopia.

WHEREAS, the lessee, a business organization incorporated to engage in development of Sugar Cane plantation and sugar processing under the relevant laws of Ethiopia; and requires sufficient land in Gambela Regional State;

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

NOW THEREFORE, the parties have executed this land lease agreement on **25/11/2010** under the terms and conditions indicated herein below,

Article I

Scope of Agreement

1.1 The scope of this lease Agreement is to establish a long term land lease of rural land for Sugar Cane farming and related activities on the land measuring **25,000** hectares, located in **Gambela Regional State, Agnuwa Zone, Dime District around Uach and awaya kebeles** together all rights of easement of amenities, fittings, fixtures, structures, installations, property or other improvements standing thereon, to the company incorporated for the purposes hereinafter mentioned by the lessee in the Federal Democratic Republic of Ethiopia.

METADATA

Country Ethiopia

Signature Year 2010

Resource Sugarcane

Type of Contract Land Lease Agreement

Open Contracting Identifier ocds-591adf-3697697327

Disclosure Mode

Annex(es) missing from document Yes

Land Matrix ID #1306



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

A NEW GLOBAL REPOSITORY

Thank you!

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