



11.3.2015

B8-0242/2015 }
B8-0261/2015 }
B8-0265/2015 }
B8-0267/2015 }
B8-0268/2015 }
B8-0270/2015 } RC1

JOINT MOTION FOR A RESOLUTION

pursuant to Rules 135(5) and 123(4), of the Rules of Procedure

replacing the motions by the following groups:

Verts/ALE (B8-0242/2015)

ALDE (B8-0261/2015)

ECR (B8-0265/2015)

EFDD (B8-0267/2015)

PPE (B8-0268/2015)

S&D (B8-0270/2015)

on Tanzania, notably the issue of land grabbing
(2015/2604(RSP))

**Cristian Dan Preda, Maurice Ponga, Elmar Brok, Andrey Kovatchev,
György Hölvényi, Ramona Nicole Mănescu, Jiří Pospíšil, Giovanni La Via,
Bogdan Brunon Wenta, Stanislav Polčák, Csaba Sógor, Tomáš Zdechovský,
Lara Comi, Jaromír Štětina, Pavel Svoboda, József Nagy, Tunne Kelam,
Lars Adaktusson, Joachim Zeller, Andrej Plenković, David McAllister,
Ivana Maletić, Therese Comodini Cachia, Francesc Gambús,
Pascal Arimont, Claude Rolin, Davor Ivo Stier, Monica Macovei,
Marijana Petir**

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PE552.221v01-00 }
PE552.240v01-00 }
PE552.244v01-00 }
PE552.246v01-00 }
PE552.247v01-00 }
PE552.249v01-00 } RC1

on behalf of the PPE Group

Josef Weidenholzer, Nikos Androulakis, Norbert Neuser, Miroslav Poche, Liisa Jaakonsaari, Nicola Caputo, Enrico Gasbarra, Kashetu Kyenge, Krystyna Lybacka, Alessia Maria Mosca, Tonino Picula, Neena Gill, David Martin, Arne Lietz, Marc Tarabella, Elena Valenciano, Carlos Zorrinho, István Ujhelyi, Michela Giuffrida, Viorica Dăncilă, Victor Negrescu, Sorin Moisă, Andi Cristea, Marlene Mizzi, Vilija Blinkevičiūtė, Lidia Joanna Geringer de Oedenberg, Zigmantas Balčytis, Maria Arena, Hugues Bayet, Eric Andrieu, Eider Gardiazabal Rubial, Ana Gomes, Demetris Papadakis, Afzal Khan, Jude Kirton-Darling, Luigi Morgano, Soraya Post, Pier Antonio Panzeri, Brando Benifei, Juan Fernando López Aguilar, Javi López, Momchil Nekov, José Blanco López, Laurențiu Rebegea

on behalf of the S&D Group

Charles Tannock

on behalf of the ECR Group

Catherine Bearder, Ramon Tremosa i Balcells, Hilde Vautmans, Maite Pagazaurtundúa Ruiz, Ivo Vajgl, Martina Dlabajová, Beatriz Becerra Basterrechea, Urmas Paet, Marietje Schaake, Dita Charanzová, Javier Nart, Petras Auštrevičius, Gérard Deprez, Marielle de Sarnez, Ivan Jakovčić, Louis Michel, Jozo Radoš, Robert Rochefort, Pavel Telička, Antanas Guoga, Fredrick Federley, José Inácio Faria, Johannes Cornelis van Baalen

on behalf of the ALDE Group

Maria Heubuch, Heidi Hautala, Judith Sargentini, Jordi Sebastià, Michèle Rivasi, Bodil Ceballos, Barbara Lochbihler, Ernest Urtasun, Davor Škrlec, Igor Šoltes

on behalf of the Verts/ALE Group

Ignazio Corrao, Fabio Massimo Castaldo, Piernicola Pedicini, Marco Valli, Eleonora Evi, Rolandas Paksas, Valentinas Mazuronis

on behalf of the EFDD Group

European Parliament resolution on Tanzania, notably the issue of land grabbing (2015/2604(RSP))

The European Parliament,

- having regard to the G8 Land Transparency Initiative of 2013,
- having regard to the African Union’s Framework and Guidelines on Land Policy in Africa (ALPFG), to the African Union’s ‘Policy Framework for Pastoralism in Africa: Securing, Protecting and Improving the Lives, Livelihoods and Rights of Pastoralist Communities’ adopted by the Conference of African Ministers of Agriculture in October 2010 and approved by the 18th ordinary session of the Executive Council held in Addis Ababa in January 2011 (Doc. EX.CL/631 XVIII) and to the African Union’s Declaration of 2009 on Land Issues and Challenges in Africa,
- having regard to the declaration of the World Summit on Food Security, adopted in Rome in 2009, to the Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources (PRAI), and to the Food and Agriculture Organisation (FAO)’s Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT),
- having regard to the Guiding Principles on Large-Scale Land Based Investments in Africa (LSLBI) of the African Union, the African Development Bank and the Economic Commission for Africa,
- having regard to the report of 11 June 2009 by the United Nations Special Rapporteur on the Right to Food, Olivier De Schutter, entitled ‘Large-scale land acquisitions and leases: a set of core principles and measures to address the human rights challenge’,
- having regard to the Millennium Declaration of 8 September 2000 setting out the Millennium Development Goals (MDGs), in particular Goals 1, 3 and 7,
- having regard to the UN’s ‘Millennium Development Goals Report 2014’,
- having regard to the report of the UN Conference on Sustainable Development, held in Rio de Janeiro (Brazil) from 20 to 22 June 2012,
- having regard to the 2008 United Nations Human Settlements Programme (UN-Habitat) study entitled ‘Secure Land Rights for All’ and to the UN-Habitat guide on ‘How to Develop a Pro-Poor Land Policy: Process, Guide and Lessons’,
- having regard to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and to the Indigenous and Tribal Peoples Convention (No 169) of 1989 of the International Labour Organisation (ILO),

- having regard to the Village Land Act No 5 of 1999 and the Local Government Act of 1982 of the United Republic of Tanzania,
 - having regard to the EU Land Policy Guidelines of 2004 providing guidance for land policy development and programming in developing countries,
 - having regard to the Commission’s announcement of 9 April 2014 of the establishment of a new programme to the sum of EUR 33 000 000, aimed at improving land governance and food and nutrition security for family farmers and vulnerable communities in sub-Saharan Africa,
 - having regard to the UN Guiding Principles on Business and Human Rights of 2011,
 - having regard to the ACP-EU Joint Parliamentary Resolution on the social and environmental impact of pastoralism in ACP countries adopted in November 2013 (ACP-EU/101.526/13/fin),
 - having regard to the 2015 study on ‘Addressing the Human Rights Impact of Land Grabbing’ commissioned by its Subcommittee on Human Rights,
 - having regard to the revised Cotonou Agreement,
 - having regard to the Universal Declaration of Human Rights,
 - having regard to the African Charter on Human and Peoples’ Rights,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas key challenges of the 21st century – food security, energy scarcity, water shortages, urban and population growth, environmental degradation, climate change, natural disasters and state fragility – are related to land governance issues, reinforcing the need to prioritise comprehensive land reform and securing land rights;
- B. whereas the Tanzanian authorities announced a plan to sell 1 500 square kilometres of Maasai land in Western Serengeti to a private hunting and safari company based in the United Arab Emirates; whereas this plan involves the eviction of 40 000 Maasai pastoralists;
- C. whereas due to international pressure, the President of Tanzania, Jakaya Kikwete, claimed in November 2014 to have dropped the plan and pledged never to force the Maasai people out of their ancestral lands; whereas despite the promise made, thousands of Maasai were illegally evicted from their lands; whereas recent reports indicate that over 200 houses have been destroyed and livestock confiscated by the Tanzanian authorities, leaving more than 3 000 people homeless and without shelter;
- D. whereas the Tanzanian Maasai have a long-fought history of escalating land ownership disputes with the Tanzanian authorities, since 1992 when the foreign-owned Ortello Business

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PE552.221v01-00 }
PE552.240v01-00 }
PE552.244v01-00 }
PE552.246v01-00 }
PE552.247v01-00 }
PE552.249v01-00 } RC1

Corporation (OBC) was granted hunting rights within the Loliondo Game Control Area, which is inhabited and legally owned by Maasai pastoralists;

- E. whereas a petition by the Maasai community of Ngorongoro district has been signed on line on the AVAAZ platform by more than 2 million people worldwide;
- F. whereas private investors and governments are showing a growing interest in large-scale land acquisitions or long-term leasing for food or energy production or for mineral extraction, mostly in African developing countries, especially in Tanzania;
- G. whereas Tanzania witnessed a significant increase of foreign and domestic interest in establishing large-scale biofuel plantations in the country between 2005 and 2008, when around 640 000 hectares of land were allocated to investors, thus depriving peasants and rural households of their lands and livelihoods and increasing their food insecurity;
- H. whereas an estimated 1.4 billion hectares worldwide are governed by customary norms; whereas access to land for indigenous people has been afforded specific forms of protection under ILO Convention No 169 and the UN Declaration on the Rights of Indigenous Peoples, while Article 10 of the latter guarantees the right not to be forcibly removed from one's lands or territories and states that no relocation shall take place without the free, prior and informed consent of the indigenous people after agreement on just and fair compensation as well as, where possible, the option of return;
- I. whereas large-scale land acquisitions can be defined in accordance with the Tirana Declaration of 2011 as 'land-grabbing' when one or more of the following apply: when there is a clear violation of human rights; when the displacement of affected local communities is carried out without their free, prior and informed consent; when it is not based on transparent contracts; and when there is an assessed negative social, economic and environmental impact;
- J. whereas, according to the African Development Bank, 75 per cent of the population of Tanzania are small-scale farmers; whereas pastoral communities live well and in harmony with protected wildlife and represent about 10 % of the Tanzanian population, including the Maasai, but continue to face the massive loss of their land arising from the selling of land without adequate knowledge of the legal and practical consequences, corrupt and illegal allocation of land to foreigners, and the classification of land as trust land, reserves or national parks by the authorities;
- K. whereas Article 17 of the Universal Declaration of Human Rights recognises the right of everyone to own property either alone or in association with others, and states that no-one shall be arbitrarily deprived of their property;
- L. whereas international companies, including European companies, have played a significant role in large-scale land acquisitions in Tanzania, and international financial institutions have been involved in financing large-scale land deals in the country;

- M. whereas the Framework and Guidelines on Land Policy in Africa calls for respect for the human rights of communities, including respecting customary land rights and land-related resources;
- N. whereas in May 2014 the EU launched a new programme to strengthen land governance and help improve the food and nutrition security of family farmers and vulnerable communities in African countries;
1. Firmly condemns the illegal displacement of local rural communities, the destruction of their villages and traditional way of life, and the violation of their basic human rights, including the right to adequate food, the right to water and the right to adequate housing;
 2. Condemns in particular actions that do not recognise the legitimacy of customary tenure arrangements that provide statutory rights for individuals and communities, and prevent dispossession and abuses of land rights, which are especially prevalent among African communities;
 3. Calls on the Tanzanian Government to immediately implement the VGGT and grant the effective justiciability of the rights enshrined therein; to uphold the first fundamental principle of the Guiding Principles on LSLBI, which includes respecting the human rights of communities and customary land rights and contributes to the responsible governance of land and land-based resources in compliance with the rule of law; and to improve land rights for women, who account for at least half of the workforce in farming and trading, but whose access to property rights and the services that accompany such rights (e.g. access to banks and participation in associations) remains constrained , as well as land rights for vulnerable communities and social groups, such as pastoral communities;
 4. Calls for the launching of an independent investigation into the land disputes in Loliondo;
 5. Urges the Government of Tanzania to promote agricultural investment policies which benefit the local population in the regions concerned, to comply and enforce its policies regarding social and environmental impact assessments, including assessments of impact on local food production, before the commencement of any investment project, and to duly respect the provisions on consultation and compensation in case of land expropriation;
 6. Recalls in particular that indigenous people have been granted specific forms of protection of their land rights under international law; stresses, in line with the UN Declaration on the Rights of Indigenous Peoples, that any shift in land use should take place only with the free, prior and informed consent of the local communities concerned; insist that states must provide effective mechanisms for prevention of, and redress for, any action which has the aim or effect of dispossessing indigenous peoples of their lands, territories or resources;
 7. Expresses its concern at the lack of accurate information and the secrecy surrounding a number of investments in Tanzania; asks the Commission to encourage the authorities to ensure that land deals are conducted in a public and transparent way and are adapted to mobile livestock keepers or pastoralists;

RC\1053704EN.doc

PE552.221v01-00 }
 PE552.240v01-00 }
 PE552.244v01-00 }
 PE552.246v01-00 }
 PE552.247v01-00 }
 PE552.249v01-00 } RC1

8. Calls on the Commission, in particular, to engage actively with the Tanzanian authorities in order to strongly encourage them to bring forward a legally binding and codified acknowledgement of the rights of the Maasai, with particular reference to their ancestral land, therefore providing the necessary legal protection to prevent future disputes;
9. Emphasises that securing land tenure for rural communities is essential to achieving the Millennium Development Goals (MDGs); calls for the EU to strengthen capacity-building of courts in developing countries in order to enforce property law effectively and to resolve land disputes, as part of a universal approach aimed at consolidating judicial systems and the rule of law;
10. Recalls that large-scale projects frequently cause severe damage to the natural environment, including clearing of forests, loss of biodiversity and contamination of water;
11. Asks the Commission to ensure the alignment of its land policy guidelines with the VGGT and to give greater importance to it in its development cooperation programmes, trade and investment policy and involvement in multilateral financing institutions;
12. Reiterates that human rights and the rules prohibiting land grabbing should be mainstreamed in the EU's trade and investment agreements, including the Generalised System of Preferences (GSP);
13. Stresses the importance of full transparency and accountability of the operations of EU companies and financial institutions in large-scale agri-business investments and land acquisitions in Tanzania, and calls for a strong and efficient EU mechanism to monitor these operations;
14. Calls on the Commission to submit a report to Parliament on expenditure under development programmes and the EU budget related to land governance, with a view to ensuring that those programmes promote human rights and tackle the challenges linked to land-grabbing;
15. Stresses that land policy processes must effectively recognise the role of local and community-based land administration/management institutions and structures, alongside those of the state;
16. Encourages the European private sector to review the existing voluntary and non-voluntary codes of conduct which relate to land-grabbing practices, and to ensure that European companies apply the same quality standards in this context within the Union and in their investments outside the EU;
17. Instructs its President to forward this resolution to the Council, the Commission, the African Union and the Government and Parliament of Tanzania.