

LES OPPORTUNITÉS DE L'INVESTISSEMENT ÉTRANGER DANS LE SECTEUR AGRICOLE:
UN ATELIER SUR LA FAÇON D'ATTIRER DE L'INVESTISSEMENT DURABLE
ET DE HAUTE QUALITÉ ET LE RÔLE DES CADRES LÉGAUX

FOREIGN INVESTMENT OPPORTUNITIES FOR AGRICULTURE:
A WORKSHOP ON HOW TO ATTRACT HIGH QUALITY AND SUSTAINABLE
INVESTMENT AND THE ROLE OF LEGAL FRAMEWORKS



Abidjan » Côte d'Ivoire » 2 - 3 novembre 2016 | 2 - 3 November 2016

FOREIGN INVESTMENT OPPORTUNITIES FOR AGRICULTURE:

**A workshop on how to attract high quality and sustainable investment and
the role of legal frameworks**

Concept Note and Programme
Training for governments and parliamentarians from ECOWAS
2-3 November 2016

Hotel Novotel Abidjan, Ivory Cost

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1. Background

Agriculture features heavily the economies of many countries in West African region. The sector is characterised by environmental constraints, such as drought, soil erosion, desertification and deforestation. In addition, the sub-region exploits a very small portion of the arable land available and remains highly dependent on weather conditions. Furthermore, agricultural productivity is constrained by under-developed linkages between farmers and markets, and limited access to affordable, reliable, and high quality seeds and fertilizer.

Despite these challenges, agriculture remain the backbone of the ECOWAS region' economy as it represents approximately 35 per cent of the region's GDP and 60 per cent of the active labour force. Agricultural exports constitute an important element of West Africa's foreign trade, generating around six billion dollars per year. Finally, agriculture provides food security for the region, and this role will continuously be challenged as the regions' population is expected to rise from 350 million today to more than 500 million by 2030.

Foreign direct investment (FDI) can help the region develop its agriculture and improve the contribution of this sector to its social and economic development. Indeed, FDI allows ECOWAS and its member states to fill the finance gap for agriculture and unlock the sector's potential. Also, if done right, FDI can help promote food security, eradicate poverty, generating employment, increase incomes and promote broader economic development.

In the past decade, the Land Matrix project confirms the existence of 128 agricultural projects in West Africa, covering almost 5 million hectares of land, with another 5 million hectares planned (Land Matrix Project). Not all these projects are leading to expected benefits for the host countries and its people.

At the global level, an array of initiatives has been developed to ensure investment in agriculture, across the value chain, becomes responsible and complies with international standards. These efforts aim at maximizing gains for the host country and its population while minimizing risks.

For parliamentarians and government officials, there is interest to improve legal and policy frameworks to promote sustainable and responsible investment in agriculture. Indeed for foreign investment to work countries need a robust policy and legal framework for investments projects to be compatible with the country national priorities, needs of local stakeholders as well as those of the investors.

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The West Africa region is well positioned to advance economic growth with stable, engaged and committed regional institutions. ECOWAS has - in its efforts for a closer regional economic integration and for improving food security - developed its regional agricultural policies, namely the Economic Community of West African States' Agricultural Policy (ECOWAP) as part of the implementation plan for Comprehensive Africa Agriculture Development Programme (CAADP). The ECOWAP vision is that of "a modern and sustainable agriculture, based on effectiveness and efficiency of family farms and the promotion of agricultural enterprises through the involvement of the private sector."

It is within this context that the Commission and the Parliament of ECOWAS and IISD, together with the support of the Swiss Agency for Development and Cooperation (SDC), are organising a two-day training workshop in Abidjan, Ivory Coast, from 2-3 November 2016. The meeting will focus on the importance of strengthening and enhancing the negotiating capacity and how to use and implement legal and policy tools to promote sustainable and responsible investment in agriculture within the ECOWAS region.

2. Meeting objectives

The main goal of this meeting is to develop concrete and practical legal and policy tools for the ECOWAS Commission and Parliament on how to better integrate legal and policy options for FDI in agriculture. The specific objectives include:

1. Understand how to implement key international and regional initiatives for responsible investment in agriculture, in particular the CFS Principles for Responsible Investment in Agriculture and Food Systems (CFS-RAI) and the LPI Guiding Principles for Large-scale Land-based Investments (LSLBI).
2. Explore different business models for investing in agriculture, including contract farming, out-grower schemes, joint ventures and long-term land leases;
3. Learn how to screen and evaluate investment projects for the agriculture sector;
4. Study the design of an investment contract from a sustainable development perspective; and
5. Understand how the ECOWAS agricultural policies (ECOWAP) relate to the regional's FDI strategy.

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Day 1: Wednesday, 2 November 2016

08:00 – 08:30	Registration
8:30 – 9:00	<p>Welcome and introduction</p> <p>Hon. Fatimata Fomba Niamballi, Member of the ECOWAS Parliament Francine Mukazi Picard, IISD</p>
09:00 – 10:00	<p>What can we learn from countries who have succeeded in attracting foreign investment in agriculture?</p> <p>This session will provide an overview of foreign investment experiences in the West Africa, with a focus on countries that have successfully attracted high quality and sustainable investment, resulting in a positive transformation of the agricultural sector. This will include how to define and measure “quality and sustainability.” Each participant will be asked to share one positive and one negative experience of what has and has not worked in their countries.</p> <p>Speakers: Mohamed Coulibaly and William Speller, IISD</p>
10:00 – 11:00	<p>A new generation of laws and contracts to promote investment in agriculture</p> <p>A number of countries in Africa have been experimenting with new laws and contracts to promote investment in agriculture, in many cases inspired by recent global principles and standards to promote responsible agriculture investment. Participants will learn about the global and regional initiatives and how countries have used those principles in their reform processes.</p> <p>Speakers: Francine Mukazi Picard, IISD and Hon. Ciata Bishop, Liberia Investment Commission</p>
11:00 – 11:30	Break

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<p>11:30 – 13:00</p>	<p><i>Interactive session: Identifying ways to improve the law to promote sustainable investment in agriculture</i></p> <p>Participants will break into groups and identify three ways to improve the law in their countries to promote investment in the agricultural sector. They will list the pros and cons in order to identify next steps in their own countries' reform process.</p>
<p>13:00 – 14:00 Lunch</p>	
<p>14:00 – 15:30</p>	<p><i>Investment contracts in West Africa</i></p> <p>Investment contracts are one of a number of legal tools that can be used to promote sustainable development. But they must exist within a broader domestic legal system and decision-making process. This session will critique a handful of investment contracts from West Africa, highlighting the pros and cons. There will be a special focus on investment contracts in Liberia.</p> <p>Speaker: Hon. Ciata Bishop, Liberian Investment Commission and Mohamed Coulibaly, IISD</p>
<p>15:30 – 16:00</p>	<p><i>Break</i></p>
<p>16:00 – 17.30</p>	<p><i>Interactive session: Role play for contract negotiations</i></p> <p>In this session, participants will be given a scenario about a foreign company that wants to set up an agricultural plantation. Participants will be divided into four groups: investor, government, community, and local farmers cooperative. Groups will be given one hour to prepare their list of interests, demands, red lines, and negotiating strategies and tactics. They will come back to the main room to participate in a first round of negotiations.</p>

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Day 2: Thursday 3 November, 2016

08:30 – 09:00 <i>Summary of day 1</i>	
9.00 – 10.30	<p><i>How to screen and select investors</i></p> <p>This session will provide an overview of how to effectively screen and select foreign investors and their projects. This will include tips, tools and advice on aspects to look out for, including screening financial, social, economic and environmental aspects of proposed investments. Participants will be invited to share observations on the process of screening investors in their home countries.</p> <p>Speaker: William Speller, IISD</p>
10:30 – 10:45	<i>Break</i>
10:45 – 12:30	<p><i>Interactive session: Screening investors</i></p> <p>Participants will be provided with real investor business plans and proposals and will be asked to assess and screen the investor and decide whether to accept the proposal or reject it. Participants will learn how to identify weaknesses with business plans and proposals and what additional information is needed to make informed decisions.</p> <p>Facilitator: William Speller: IISD</p>
12:30 – 13:30 Lunch	
13:30 – 15:00	<p><i>Towards a model legislation for investment in agriculture in West Africa</i></p> <p>This session will start with a presentation on the main elements to consider improving investment legislation in West Africa, inspired by the IISD model contract. The presentation will be followed by an interactive session to discuss the possibility of developing a model investment tool for ECOWAS.</p> <p>Speaker: Mohamed Coulibaly, IISD</p>

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15:00 – 15:30	<i>Break</i>
15:30 – 16:30	<i>Open discussion on joint actions</i> Government officials and parliamentarians will define what could be their respective roles and define joint actions to improve investment in agriculture.
16:30 – 17:00	<i>Conclusions</i> Participants will share what they have learned from the workshop and plans for implementing this new knowledge in their countries.