

# Large-scale land deals in Southern Africa: voices of the people

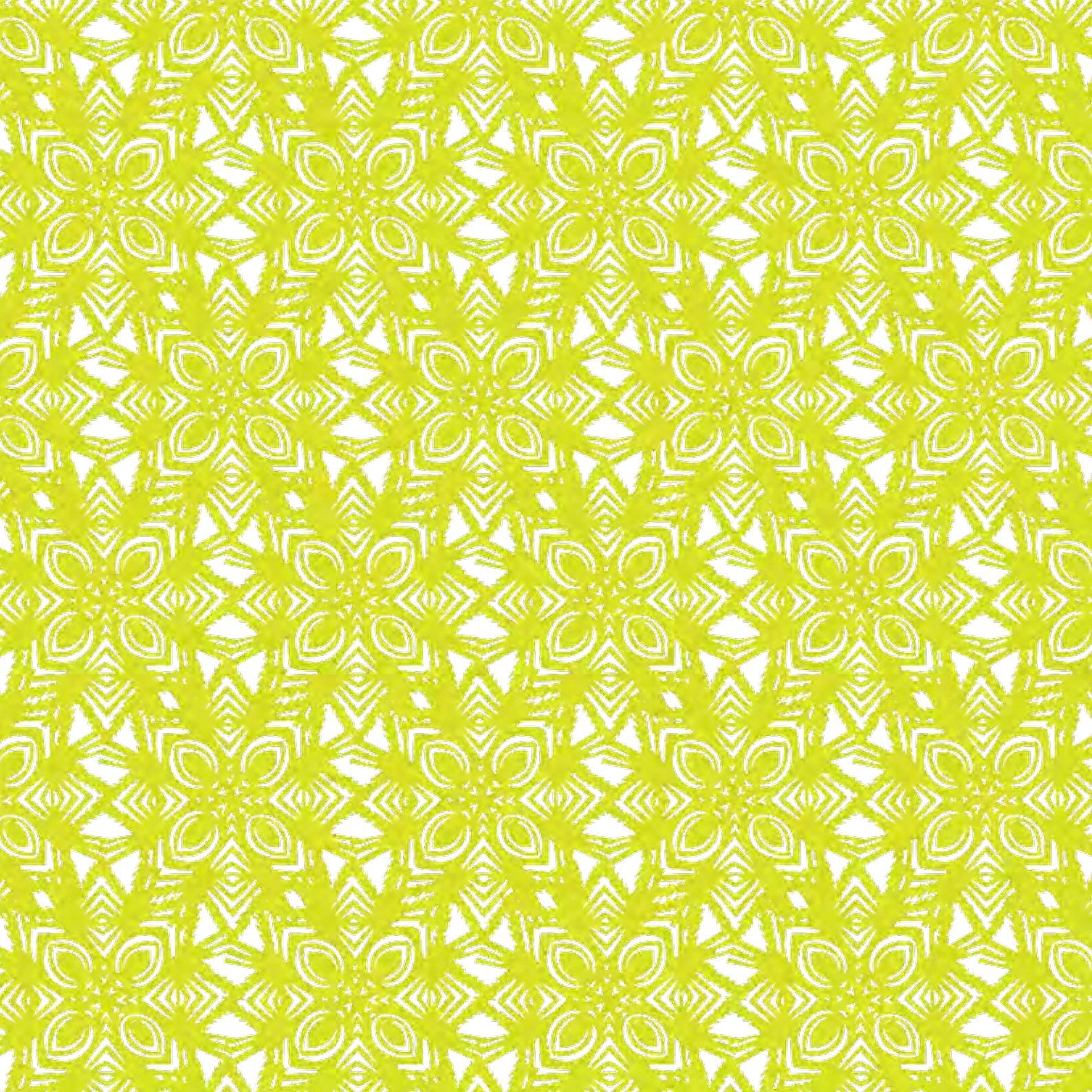


RUTH HALL, JOSEPH GAUSI, PROSPER MATONDI, THEODOR MUDUVA,  
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**PLAAS**   
Institute for Poverty, Land and Agrarian Studies  
Faculty of Economic and Management Sciences









# Large-scale land deals in Southern Africa: voices of the people

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Camilo Nhancale, Dimuna Phiri and Phillan Zamchiya





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# Preface

This book presents case studies of large-scale land deals in Southern Africa. It aims to provide an accessible and vivid window into the lived realities and responses of rural people who are affected by such deals. For this reason, we have paid particular attention to what local people say, and have quoted their experiences and responses to the land deals.

The book emerges from an action research project implemented by the Institute for Poverty, Land and Agrarian Studies (PLAAS) at the University of the Western Cape, South Africa, in partnership with non-governmental organisations in five Southern African countries: LandNet in Malawi, Kuwuka Juventude Desenvolvimento e Advocacia Ambiental in Mozambique, Legal Assistance Centre in Namibia, Zambia Land Alliance in Zambia and Ruzivo Trust in Zimbabwe.

Our joint project, entitled *Commercialisation of Land and 'Land Grabbing' in Southern Africa: Implications for Land Rights and Livelihoods in Southern Africa*, involved not only documenting what was happening on the ground but also action research, together with the communities, in negotiations, lobbying and meetings with investors and with government institutions.

We hope that this book, its case studies and the testimonies from the people affected, will prove to be a useful resource to popularise knowledge of big commercial land deals in the region, among policymakers, activists, farmers' organisations and other civil society bodies. It can be used to debate why land deals are happening, how they affect rural communities, and the gaps in national laws, policies and institutions that govern land rights. We hope that reading this book, and using it in training and workshops, will help to strengthen activism and advocacy for just land laws and policies, and their full and transparent implementation.

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Camilo Nhancale, Dimuna Phiri and Phillan Zamchiya**

*Cape Town, Lilongwe, Harare, Windhoek, Maputo and Lusaka*

*June 2015*

# Acknowledgements

The authors and organisations involved in compiling this book of testimonies would like to thank the rural communities, whose stories are documented here, for sharing their time and experiences. In some (but not all) instances, we were also able to meet with government officials, political representatives, traditional leaders and the investors themselves – and thank them for their time and willingness to engage. We would also like to express our appreciation for the support of our respective organisations and their research teams that made the documentation of these stories possible. Gaynor Paradza, Darlene Miller and Emmanuel Sulle provided valuable input and leadership of elements of the wider project.

We extend our sincere thanks to the Austrian Development Agency for its generous support for action research on land rights in Southern Africa. Our thanks go in particular to our programme manager, Gertrude Leibrecht, for her unwavering support.

Our thanks also go to John Hall for drawing up our maps, Glynne Newlands for swift copyediting, and to Doret Ferreira and her team at Dotted Line Design, who have been a pleasure to work with.

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# List of abbreviations

<b>ARDA</b>	Agricultural and Rural Development Authority
<b>AU</b>	African Union
<b>BOT</b>	Build, operate and transfer
<b>CLRA</b>	Communal Land Reform Act
<b>DCGL</b>	Dwangwa Cane Growers Limited
<b>DCGT</b>	Dwangwa Cane Growers Trust
<b>DEPIC</b>	District Ethanol Project Implementation Committee
<b>EIA</b>	Environmental Impact Assessment
<b>EMA</b>	Environmental Management Agency
<b>FAO</b>	Food and Agriculture Organization (of the United Nations)
<b>GDP</b>	Gross Domestic Product
<b>GNU</b>	Government of National Unity
<b>JDA</b>	Juventude Desenvolvimento e Advocacia Ambiental
<b>LAC</b>	Legal Assistance Centre
<b>PLAAS</b>	Institute for Poverty, Land and Agrarian Studies
<b>TA</b>	Traditional Authority
<b>VGGT</b>	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests
<b>ZLA</b>	Zambia Land Alliance

# Notes on contributors



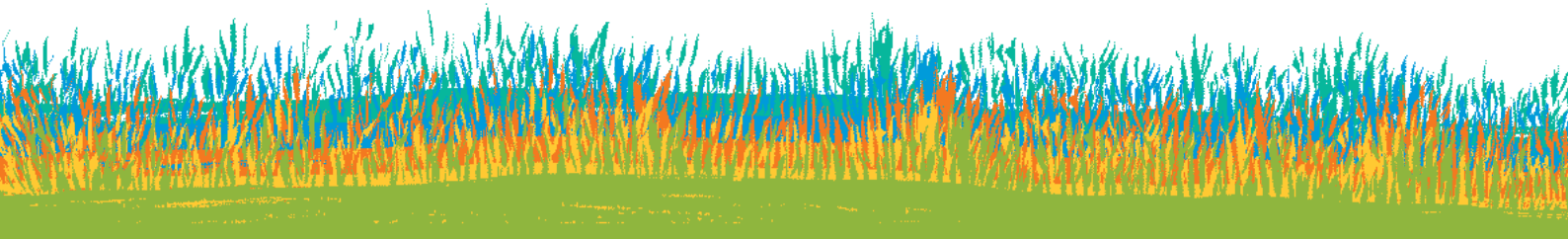
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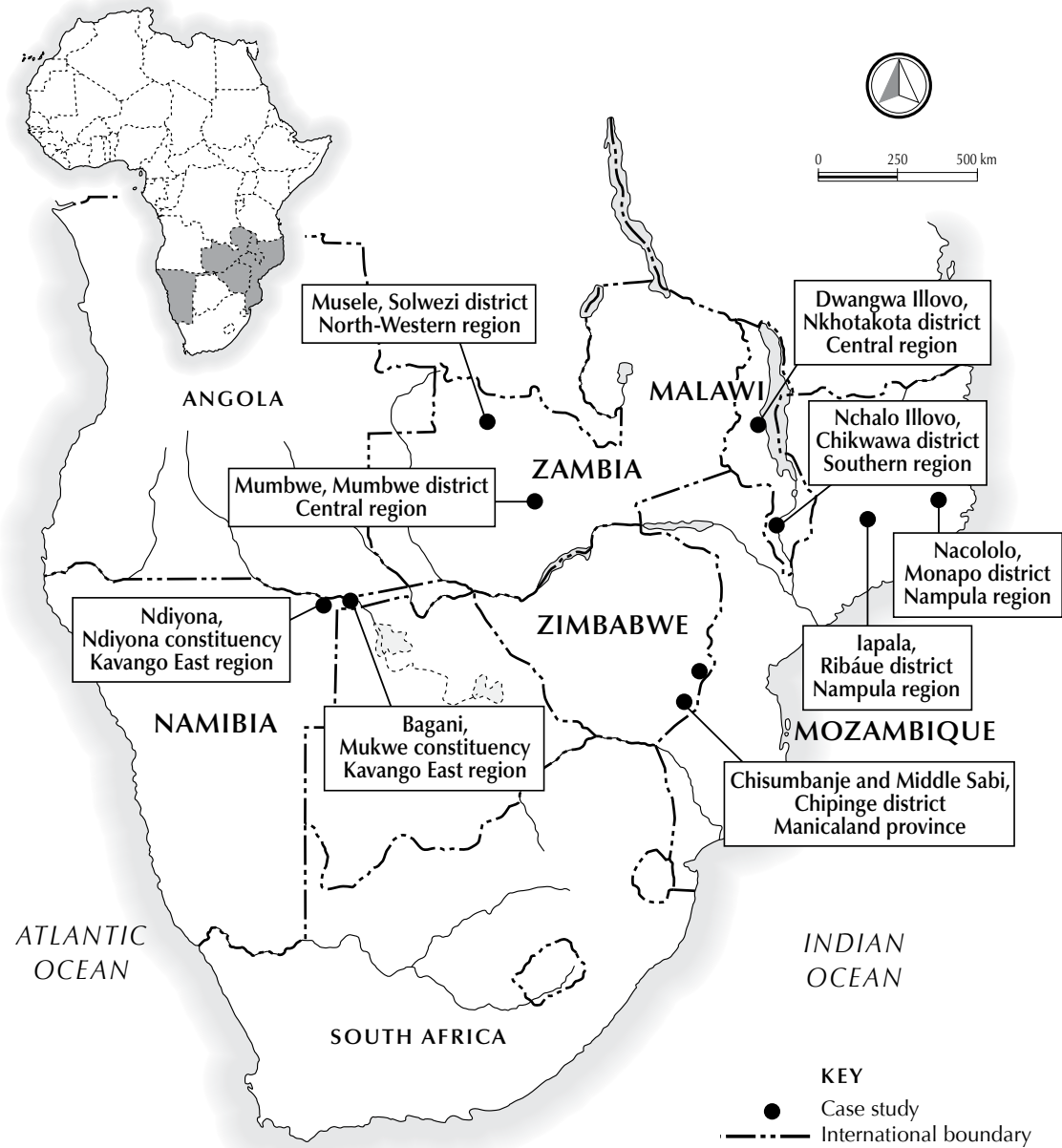
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Map 1: Southern Africa, showing locations of study sites across the five countries





## Chapter I

# Introduction

This book of case studies addresses situations in which commercial projects are planned on land held by rural communities. These include big farming projects by foreign and local companies, farmers becoming out-growers selling to agribusinesses, and concessions to mining companies.

The dramatic growth in big land deals over the past decade is a phenomenon not specific to Southern Africa. It is part of what has been termed a 'global land rush' following food price spikes, financial crisis and fuel price volatility (and growing interest in biofuels) in the period 2007-2008. Both domestic and foreign investors are increasingly keen to move into farming and other commercial ventures in rural areas. This has been presented as welcome development but also criticised as constituting a 'land grab'. Our case studies provide some empirical basis to debate these points of view.

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### **International and regional land governance frameworks**

In response to the 'global land rush', the Food and Agriculture Organization (FAO) of the United Nations adopted in 2012 a set of Voluntary Guidelines on Responsible Tenure of Land, Fisheries and Forests in the Context of National Food Security. These FAO Voluntary Guidelines (VGGT) set out the rights of landholders, and the obligations of both states and investors when entering into deals that will affect these rights. While ostensibly 'voluntary', the VGGT constitute the definitive guide to good governance of land tenure, and reference binding international law.

Similarly, the African Union (AU) adopted in 2014 a set of Guiding Principles on Large-Scale Land-Based Investment. These AU Guiding Principles require respect of good governance of land, including respect for customary land rights, transparency and gender equality, among other principles. Any large-scale investments in land should be informed by coherent national development plans that recognise the strategic importance of African agricultural land and the contributions of smallholder farmers to food security and poverty reduction.





Photo: sourced from Creative Commons (Molly Stevenson)

## Recognising rural communities' land rights

Southern Africa is a region still grappling with dual legal systems governing rights to land. While privately titled land is usually well protected through deeds registries and cadastres, most rural people live on land held as communities under customary tenure, and without registered rights. This is the legacy of colonial legal systems which introduced private ownership and degraded customary tenure. After independence, some countries nationalised land, vesting greater state control over land occupied by rural communities, with national governments claiming this as state land and asserting authority over it.

The failure in law to recognise rural communities' rights as constituting property lies at the centre of the disputes over how community land can be transacted, who should be consulted and who can provide consent. Even where laws recognise such rights – as in Mozambique and Namibia – actual practices by state officials and traditional authorities continue to treat communities' claims on land as if they do not constitute property rights.

## Support for and opposition to big land deals

Where ambitious commercial projects are introduced in poor rural areas, they tend to provoke different responses among different people. Our case studies in Zambia, Namibia and Zimbabwe illustrate how communities often become divided when there is the promise of 'development', even at the cost of people's existing livelihood strategies. The case studies also illustrate how family farmers have contested commercialised land uses – not only farming but also energy and minerals. While these are important sectors for national economic growth, their expansion has provoked conflicts.

Our cases highlight gender and generational differences. Women are often excluded from consultation and their roles in producing food for their families are undermined. Also, they are less likely to get contracts as out-growers, or to control cash incomes where the family turns over its land to commercial projects. Some younger people hope for jobs, while older people want to retain their land and livelihoods based on farming. People's levels of education and wealth also influence their responses. In Namibia, those who were poorer and more desperate hoped for jobs, while those able to sustain themselves from their own cultivation and livestock saw the risks of losing their land. These are some of the patterns we have identified, but there are variations, too.

In the big developments seen as strategic for development of poor regions – in Zambia (mining) and Zimbabwe (sugarcane for ethanol) – those opposing the deal and their impending loss of land were labelled as 'anti-development'.



Yet in these regions it is agreed by all that investment and development is needed. The disputes centre on the kind of investment, whether this entails loss of land and what status local people will have in ownership of any new enterprises. This underscores the importance of building alternative visions and plans for development that builds on rural people's livelihoods and the need to promote forms of investment that do not involve dispossession.

### **Consultation and 'free, prior and informed consent'**

Most of the disputes over the investments we describe in this book arise from the failure, right at the start, to conduct adequate consultation with the people likely to be affected. The FAO Voluntary Guidelines and the AU Guiding Principles both confirm the principle that people likely to be affected by large-scale land deals are entitled to provide or withhold 'free, prior and informed consent'. This is a principle well established in international law. It means that people should have all the relevant information about investments planned in their area, and be able to decide whether or not to agree, and on what terms, before any deal is concluded.

Several of the cases show that failing to adequately consult and negotiate equitable terms with local people who will be affected is not good for the investors either. In Malawi, Namibia and Zambia, deals that were concluded with government or traditional authorities proved to be unimplementable due to local opposition. In Namibia, this led to a delay of several years and required the re-negotiation of the deal, while in Malawi this provoked protests and court cases over several years. In our Namibia and Zimbabwe cases, communities agreed to the projects, but these became mired in controversy because of delays in investment and the payment of compensation, and poor communication between investors and local communities. Rising conflict has had the effect of drawing public attention to the deals, leading state authorities to give greater scrutiny to the deals and to engage with both the communities and the investors to find solutions.

### **Who are the leases with and who gets paid?**

In most cases, private companies are concluding long-term leases with national governments to land already claimed and used by local communities. In our Zimbabwe case, the company leased land from a government parastatal, though local people contest its authority over land they claim as theirs. In some instances, as in Namibia and Zambia, the deals are made between investors and traditional authorities, who claim to represent the will of local people. Payments for these leases usually go to government directly, rather than to local people.





There is a generalised lack of transparency on the terms of the deals, and sometimes even the identity of the investor. In some instances this is complicated where governments themselves are parties to the land deals, such as in our cases from Zimbabwe and Mozambique, and where commercial deals form part of ambitious national development plans in the form of growth corridors, such as the ProSavana initiative in Mozambique and the Green Belt initiative in Malawi.

An unspoken issue in this set of case studies is the degree to which intermediaries – including government officials, politicians and chiefs – have accepted bribes in return for their support. We were not able to confirm whether or not this was the case. We do note, though, that several communities suspect that this is the case. Allegations of bribery and corruption show how untransparent processes of concluding land deals undermine governance and the faith of citizens in their representatives and leaders.

## Control over production and territory

Not all cases involve investors taking direct control over land, though. In Malawi, the disputes in both cases involve deals between sugar companies and traditional leaders, to convert farmland held under customary tenure to growing sugarcane to supply the sugar mills. Here, the companies have not acquired the land but rely on chiefs' willingness to dispossess people in their areas who refuse to switch to sugarcane and to re-allocate it to those who will, including outsiders and elites. This is not a case of a corporate 'land grab', though it does involve the expansion of corporate control over what is produced and across a territory it does not own.

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## What impacts do these deals have?

The main impacts documented in our case studies are the enclosure and loss of land used by communities. Such enclosure may be subject to long-term leases, but for local people, in practice they are seen to represent the loss of land in perpetuity. In several cases, it was not residential or farming land that was acquired, but rather common property resources like grazing land, water sources and forests on which rural communities depend. Communities have claimed that the loss of land and related resources has undermined their livelihoods and food security, and want the deals to be cancelled, or want them on different terms.

But some benefits have clearly accrued, too. In some instances, jobs have been created, infrastructure has been improved and the local economy has been boosted. As cases from Malawi, Zambia and Zimbabwe show, small trading centres



have grown into small towns, with businesses emerging as a result of increased cash flow in the area. However, not all community members are happy. Some people are certainly benefiting. This suggests that, rather than big land deals having a uniform impact, there are winners and losers from the process.

### **Resettlement and compensation of the dispossessed**

Resettlement and compensation policies still need to be strengthened. In Malawi and Zambia, for instance, evicted people were compensated only for improvements on the land and sometimes for standing crops – but not for the land itself. In Zimbabwe, a more diverse approach to compensation emerged, including providing displaced households with irrigated plots as compensatory land, as well as cash payouts. International frameworks can help guide national governments to revise legal requirements and policy guidelines for resettlement and compensation.

### **Land deals without investment**

Our cases show that, in the midst of claims of ‘land grabs’, many planned mega-projects have not taken off, and the direction of change is not uniform. While debates on commercial land deals usually use the term ‘investor’, in several cases land deals have been concluded and yet no investment has materialised – even five or six years after leases are issued. People may be dispossessed in the interim, with the result that people lose their land and do not receive promised benefits like jobs. Often, the first form of investment is the fencing of allocated areas, which can impede local people’s use of land, even if they are not physically dispossessed.

### **Gaps in land governance: law, policy and institutions**

Our case studies show that there are still gaps in the laws, policies and institutions governing land rights in Southern Africa. Central to this is the status and support for customary tenure of land obtained through custom, occupation and use, and the recognition of customary tenure as constituting a property right. Related to this is confirmation of the role of chiefs and other traditional leaders as custodians rather than owners of land, so that they cannot enter into leases or agree with investors on deals that will affect the land rights of residents.

Several countries have very incomplete policy and legal frameworks. Malawi and Zambia have been revising their land laws and policies over the past decade and a half, while Zimbabwe is yet to develop adequate provisions for land tenure



and land rights administration following its Fast-Track Land Reform Programme. In Mozambique and Namibia, where the legal frameworks for recognition of customary and unregistered land rights are robust, implementation and coordination among state institutions and local authorities (including traditional authorities) remains the challenge.

If land governance is to be strengthened, then priorities include the need for stronger oversight and disclosure from government, and the publication of contracts and leases, in line with best practices in other countries. It is also important to promote possibilities for rural people to register their land rights in a low-cost and accessibly administrative way, and to provide for local dispute resolution mechanisms. In the absence of these, there are few alternatives for local people other than to protest or to challenge the deals in the courts – often a lengthy and expensive process.

## Conclusion

The cases in this book demonstrate the resilience of rural people in Southern Africa and their insistence that their land rights be respected, and that outsiders – whether private investors or even their own governments – treat them as de facto owners of land. The cases also point to some of the limitations of the land governance frameworks and land administration in our respective countries, and the need for further reforms in law, policy and the institutions governing land rights. Our case studies suggest that, in practice, none of the countries addressed here are fully compliant with the FAO Voluntary Guidelines nor the AU Guiding Principles, to which our governments are bound. The voices of the people affected by these land deals should serve as a guide as to how rural communities wish to be treated. We hope that this book will provide inspiration to those who wish to hear them.







# Malawi



## Chapter 2

# Malawi

In 2002, Malawi adopted a National Land Policy and since then land laws have been under revision. The state of this review process has reached a critical stage as there is growing interest from various stakeholders in having the proposed land bills enacted and implemented. In June 2013, parliament debated and passed the principal Land Bill but presidential assent was withheld because of opposition from civil society groups which argued that the bill would pave the way for land dispossession through customary systems. Traditional leaders saw the new laws as undermining their chieftainship powers. The other bills that parliament debated were the Customary Land Bill (2012), Registered Land Bill (2012) and the Land Acquisitions Bill (2012). Since then the land bills have been under further revision and are to be tabled again in parliament.

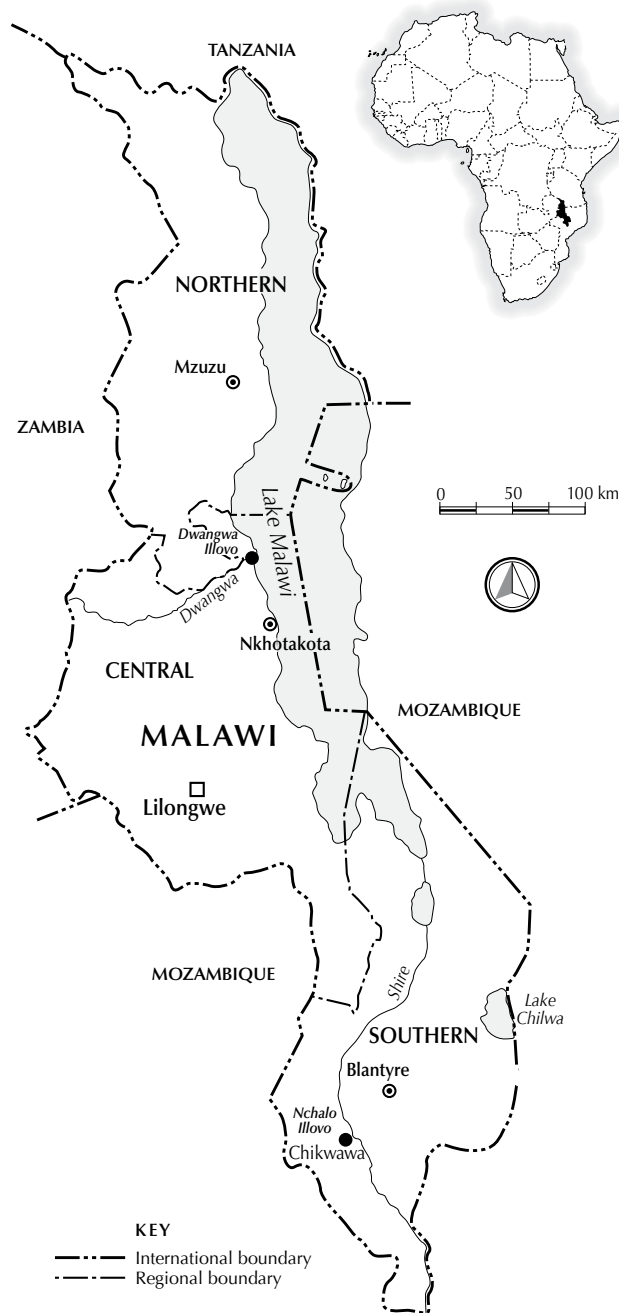
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While the incomplete legal and policy framework continues to be discussed, land conflicts persist as foreign and local investors as well as politicians acquire huge tracts of customary land. This is made possible by the weak legal framework and land administration systems. Poor people in the rural areas continue to lose their land and land-based livelihoods as a result of land acquisitions for commercial purposes by companies and local elites. Even though both men and women may be victims of land dispossession caused by commercial interests, women are affected more than men because of their traditional roles in food cultivation and reliance on common property resources. Furthermore, custom does not enable women to control decisions on the use of land (such as shifting from food crops to sugarcane), even in matrilineal areas. Even though Malawi's Constitution and its promise of gender equality supersedes customary and other laws, customary laws and practice still discriminate against women's access to and control of land and related natural resources.



*Special thanks to Yvonne Mmangisa, Emmanuel Mlaka, Darlene Miller and Emmanuel Sulle for their contributions to the fieldwork and action research reported in this chapter.*

The civil society position is that the legal and policy framework needs to be revised to conform to global and regional guiding principles, as set out in the FAO Voluntary Guidelines on the Governance of Tenure of Land, Fisheries and Forests (VGGT), signed by the government of Malawi in 2012. In July 2014 the Ministry of Lands initiated the VGGT process in Malawi with a multi-stakeholder workshop, to address the VGGT principles. On 16 September 2014, LandNet submitted a common civil society position calling for the revision of the land bills and proposing a joint taskforce from government and civil society to finalise the legislation. The bills have since been under revision and the government aims to table them during the parliamentary session in November 2015. The civil society position we put forward included a call for women's land rights to be secured in the legal framework through joint spousal land registration, and we identified ways in which the bills need to be amended to conform with FAO and AU policy frameworks on land rights.



**Map 2:** Malawi country map showing location of study sites at Nkhonkhotakota and Chikwawa

## CASE STUDY 1

# SUGARCANE COMMERCIAL FARMING IN NKHOTAKOTA DISTRICT

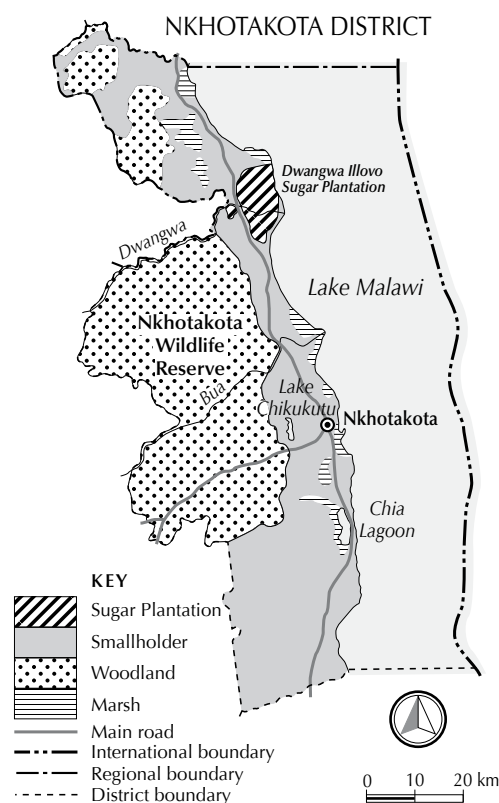
**Location:** Nkhatakota District at Kasitu and Dwangwa

**Size of investment:** Difficult to obtain

## Introduction

Along the fertile crescent of Lake Malawi lie Dwangwa and Kasitu, trading centres that have evolved into small towns. The indigenous people in these areas are Tongas but people have migrated to this area because of the good soils. Some of the migrants are employees of Illovo Sugar Company, a South African sugar producer and a major employer in the area. Dwangwa Sugar Corporation and later Illovo embarked on commercial sugarcane farming on state land until the company opened up to individual commercial growers on communal land in 1995. These farmers grew sugarcane on their own land and sold it to the company out of their own volition. In 2006, however, government established the Dwangwa Cane Growers Trust (DCGT) and, together with the local chiefs, agreed to convert customary land to commercial sugarcane production. The locals used to grow staple food crops such as rice, cassava, maize millet, beans and sweet potatoes, harvesting two or three times a year because of the fertility of the soils. However, since the introduction of sugarcane in these customary areas, most of the fertile land in Dwangwa and Kasitu is now under sugarcane cultivation.

**Map 3:** Nkhatakota district, Malawi, showing location of Dwangwa Illovo Sugar Plantation







## The deal

The main investor in the sugar industry is the Dwangwa Cane Growers Trust (DCGT) which formed a company called Dwangwa Cane Growers Limited (DCGL). The deal was between the government, DCGL and the two chiefs, and the promotion of irrigated sugarcane farming formed part of the government's Green Belt Initiative to commercialise agriculture. Chiefs Kanyenda and Kafuzila agreed to implement this in their areas.

The amount of hectares on which they grow sugarcane cannot be easily quantified, as they are unwilling to disclose this information. The DCGT made agreements with traditional authorities bordering these areas to make land available for smallholder farmers to grow sugarcane as out-growers. Chiefs signed an agreement with the DCGT before consulting the people on whose land the project was to be carried out. The implementation process of this deal provoked resistance from local people who saw it as a mechanism by authorities to grab land from them, as there was no clear policy on how the people would benefit from this deal if they gave up their land for sugarcane cultivation. Traditional leaders told the communities they would receive huge profits if they agreed to join the scheme. While ostensibly voluntary, those who resisted were victimised by chiefs taking their land and allocating it to those willing to grow sugarcane, including outsiders and elites. In this way, land tenure rights became contingent on conforming to imposed land use.

The DCGL promised to provide all the necessary farm inputs, to buy the sugarcane from the out-growers and sell their cane to Illovo. Most communities became sceptical of this deal and rejected the initiative because there were no consultations done by the authorities and they were only informed afterwards. The disdain was exacerbated by the chiefs who sought to implement the deal by force without regard for the land rights of the affected community members. Local people have argued that they were doing much better in the past with food crops, before venturing into sugarcane. The deal was also seen as deepening poverty and food insecurity in the community as the chiefs and DCGL demanded that all cropping land be turned to sugarcane and consolidated into an irrigated out-grower farm block under the Dwangwa Cane Growers' Trust. This meant a dramatic decline in land available for growing food crops and dependence on uncertain income from sugarcane.



Fojara Kaunda of the Mukhoto resistance group, Kasitu, Nkhhotakota District, Malawi (LandNet Malawi 2014).

## What do the people say?

The land deals prompted negative reactions from the indigenous communities who viewed the deals as exploitative and retrogressive to their economic lives. Below are some of the views gathered from the affected communities.

Frojara Kaunda, chairperson of a resistance group of community farmers called Mukhuto<sup>1</sup> in Kasitu, Nkhhotakota, narrates how their land was taken by their traditional authority and the DCGT in 2009:

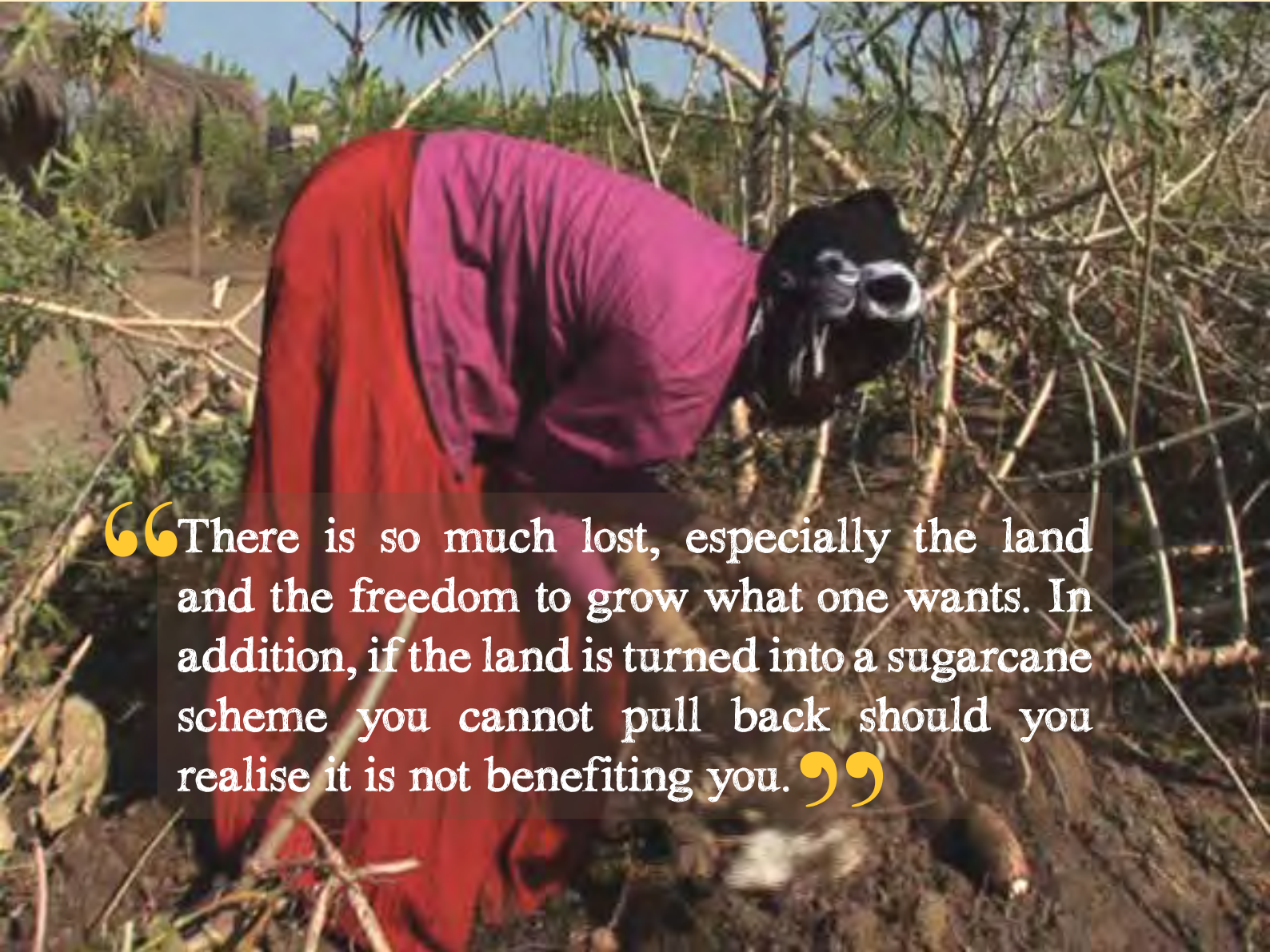


*We were surprised to see tractors belonging to the Dwangwa Cane Growers Trust encroaching into our fields. This was in the year 2009. And when we enquired, we were told that the chief had ordered that all our land be used for the development project for growing sugarcane, which our government had directed. We then mobilised our community and went to attack those driving the tractors. We managed to chase them away but the pressure continued coming, with our chief insisting that everybody should obey what the government had agreed and that is to grow sugarcane on our land. We understand that if government wanted to do development in our area it could have consulted us first, but nobody was consulted or briefed about this idea – including the chief's subjects. It is only the senior chief who was consulted. We are suspecting that our chief received money from elite investors and other politicians to implement this project to benefit them, not us. The way the chiefs and the out-growers' association have treated us has been very unfair as most of our land has been taken away.*

1. Mukhuto means 'to be satisfied with food after eating'. The group refers to itself as a defender of food security, as they perceive sugarcane as a crop that causes food insecurity.

Towepasi Banda (pictured below) is a farmer and member of the Mukhuto resistance group which is against commercialisation of land under sugarcane cultivation. She is a defender of food crops and sees no benefit in growing sugarcane as it only benefits the rich people.

Towepasi Banda of the Mukhuto resistance group, Kasitu, Nkhosakota, Malawi (LandNet Malawi 2014).

A photograph of a woman, Towepasi Banda, wearing a red and purple garment, bending over in a field of sugarcane stalks. The background shows more sugarcane and a thatched roof of a building.

“There is so much lost, especially the land and the freedom to grow what one wants. In addition, if the land is turned into a sugarcane scheme you cannot pull back should you realise it is not benefiting you.”

Towepasi Banda (see previous page) explained her reasons for opposing the sugarcane deal:



*This initiative to force us to give up our land for cultivation of sugarcane is the worst thing that has happened to us. The benefit is only for the rich people and our chief and not for us poor people. There is more loss than gain from cultivating sugarcane. We have seen that sugarcane bring conflicts and poverty to us, the poor people. What they promise is not true because if one joins sugarcane, you are completely alienated from the process of production and harvesting and you do not have powers to bargain, as everything is controlled and done by the company. So when we compare, what we realise is, from what we grow on our land with food crops sometimes twice a year, we are better off than those who are sugarcane farmers as the benefits only go to the rich people. There is so much lost, especially the land and the freedom to grow what one wants. In addition, if the land is turned into a sugarcane scheme you cannot pull back should you realise it is not benefiting you.*

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However, not everyone saw it the same way. Try Kondwesa Phiri (pictured opposite) is a sugarcane farmer from Kasitu. He narrated the advantages of growing sugarcane rather than other food crops.



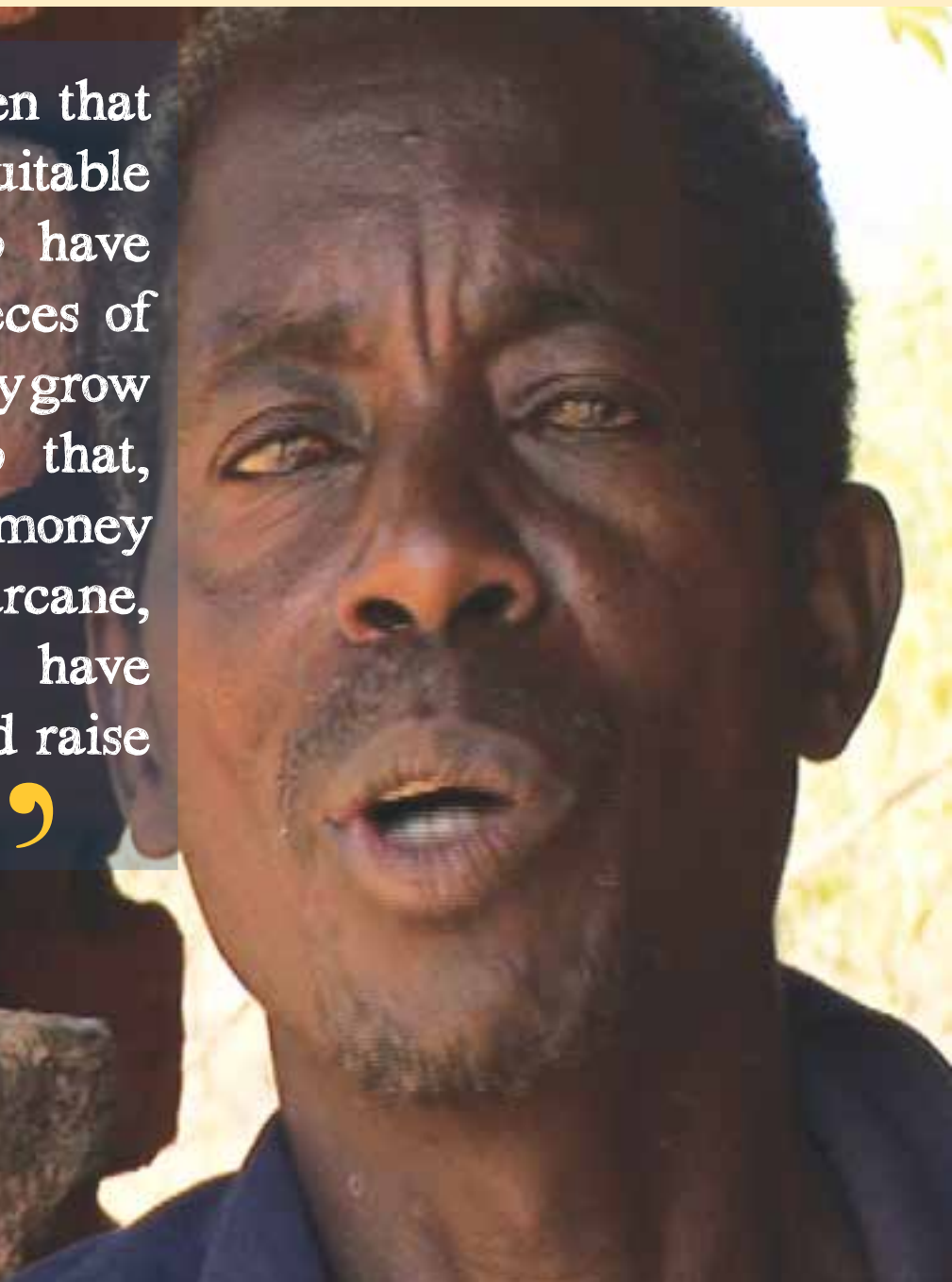
*I have seen that growing sugarcane is better for me and my family. The goodness is that one is able to realise a lot of money at one time, which helps you buy things which other farmers who grow food crops like rice and maize cannot realise. I started growing sugarcane in 2011 and up to now I don't regret (it), although the profits I am now getting are going down. In 2011, I realised K300,000, in 2012 I realised K250,000, in 2013 I got K100, 000 and this year I am waiting to receive my money. The reason for the decline in my profits is due to poor rains and inadequate inputs. Even though the decline in my profits is bad, I am still better off than the other farmers who cannot realise money amounting to what I am getting. I have also seen that sugarcane is suitable for those who have alternative pieces of land where they grow food crops so that, should the money delay for sugarcane, they can still have food to eat and raise their family.*

Members of the community also spoke about the actual impacts of the deal.



Try Kondwesa Phiri, sugarcane farmer in Kasitu, Nkhosakota District, Malawi (LandNet Malawi 2014).

“I have also seen that sugarcane is suitable for those who have alternative pieces of land where they grow food crops so that, should the money delay for sugarcane, they can still have food to eat and raise their family.”



Reverend Augustine Kalirani (pictured below) from Dwangwa is the chairperson of the community that was dispossessed of their land in 2006. They call themselves the rightful owners of Kazilila *Dambo*<sup>1</sup> which was taken by the DCGT and allocated to other farmers to grow sugarcane. In the process, crops were destroyed and inhabitants evacuated from their homes.



*We are sad to say that since 2006 we have been forced into destitution on our own land. We used to grow cassava, rice, maize and other staple food. Now, with this dispossession which was caused by our chief, we have lost a lot. For example, many people who used to cultivate in Kazilila Dambo have to rent a piece of land for them to survive. Some have to survive on casual labour and [the returns] they realise is not adequate to provide for their children and educate them. We have exhausted every effort to have our issue addressed by government authorities so that the investors give us our land back, but nothing has materialised. We have had meetings with the cane growers, our chiefs [and] government officials but nothing has materialised. We attempted going to [the] courts in 2007 and had the ruling in our favour, but the situation remains the same. Recently, this last month of October, another court ruling has been issued by the Mzuzu High Court in our favour. There is nothing that the original owners of the land will benefit from the investment in sugarcane. What has happened can only worsen the livelihoods of our poor people. We want the encroachment into our land by the Dwangwa Cane Growers Trust to be stopped [as well as] the damage of our property. This deal has only benefited the elite in this community. For example, we have seen that the Trust has allocated land to business people, and some influential political figures in the area.*



Rev. Augustine Kalirani, Dwangwa, Nkhosakota District, Malawi (LandNet Malawi 2014).

We could not get views of the businesspersons and political elites in the Kasitu and Dwangwa areas where DCGL is operating, as they refused to speak to us.

<sup>1</sup> Dambo refers to low-lying land in the floodplain of rivers.

## CASE STUDY 2

# LAND TRANSACTIONS FOR SUGARCANE INVESTMENT IN CHIKWAWA DISTRICT

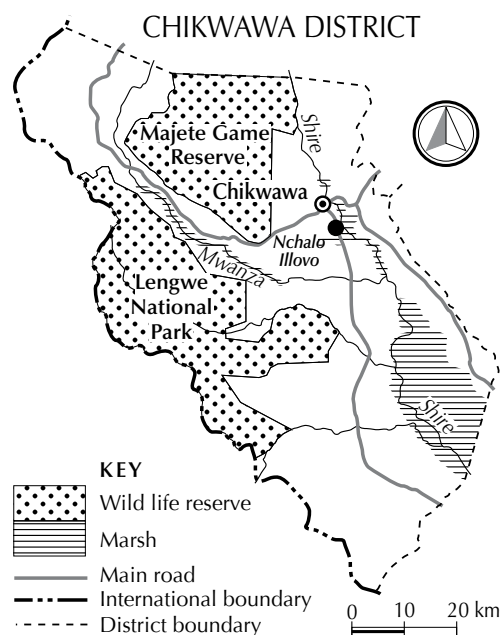
**Location:** Ngowe area in Chikwawa District

**Size of investment:** Approximately 20,000 hectares

## Introduction

The fertile land where this transaction took place is along the Shire River in Chikwawa District, an area conducive to the cultivation of sugarcane and other crops. Most of the inhabitants were livestock and crop farmers, dependent almost entirely on their own farming for survival. The area is close to the Illovo Sugar Company which is situated in Nchalo, a trading centre that has now evolved into a small town. With the introduction of the sugarcane out-grower scheme in 2010, wealthy elites scrambled to acquire land to grow sugarcane for commercial purposes. In some cases, chiefs were involved in dubious land transactions on customary land, thereby threatening the food security status of people who lost the land they used for food production.

**Map 4:** Chikwawa district, Malawi, showing location of Illovo Sugar Company at Nchalo







Sugarcane being transported from the out-grower schemes to the Illovo factory in Nchalo, Chikwawa District, Malawi (LandNet Malawi, 2014).





## The deal

The deal in 2010 was initiated by a businessman and politician who secured the agreement of the traditional authority, who presided over the customary land, to lease the land belonging to the communities. This investor and the chief agreed to a lease agreement without consulting the community. However, the process of leasing the land for private use was not completed when people found out about it and protested against it. According to the communities, the land that was leased to the investor is about 20,000 hectares of land.

## What do the people say?

Headman Brown Bissenti Konzere is also a victim of the land transaction concluded between a chief and a businessman-turned-politician.

Headman Konzere said:



*I am one of the [headmen] who has people whose land was sold to a businessman in this community. The deal was negotiated secretly between our chief and the businessman when they processed a lease without our consultation and had to use a fake community [people resident elsewhere] to give consent to the lease when the affected land is within our territory. We think our traditional chief has treated us unfairly by failing to negotiate with us and selling our land without our knowledge. If the businessman wanted to buy this land, then we should have been consulted for our opinion.*



Headman Brown Bissenti Konzere in Chikwawa District (LandNet Malawi 2014).



Group village headman Anderson Vizyalona Mwananjobvu in Chikwawa District (LandNet Malawi 2014).

Group village headman Mwananjobvu narrated how the investor leased 20,000 hectares of land without consulting the owners of the land and described the ensuing land struggles.



*We were surprised to be notified that we were no longer supposed to use our land for gardening because the land now belonged to Mr X. This land covers more than 15,000 hectares. It supports a population of more than 10,000 people of which some are orphans and others are widows. We were also surprised to see that our chief got a restraining order from court, stopping us from having access to the land. We then mobilised our community members to be resilient and block every attempt at taking our land because we knew that, if they succeeded, many poor people in the village would suffer greatly, as land is the only economic asset they have to sustain their livelihoods. Besides, in Chikwawa many of us are livestock farmers and that would mean that our cattle would not have adequate grazing area. When applying for the land, the buyer and our chief alleged that it was idle land and that they want to use it for sugarcane cultivation. But this is a lie; we do not have idle land in this place. Most of that land which they call idle is grazing land for our livestock. We are now losing our resources in fighting the court orders and injunctions they are obtaining to restrain our people from farming on our land. Even though the judgement was in our favour, they have applied for another injunction which is posing a huge threat to us, as we may not be able to raise money to hire lawyers to represent us. We are so poor that we cannot raise huge sums of money to meet the costs of justice which include hiring expensive lawyers.*

People also spoke about what they stood to benefit or lose from the land deal. Headman Konzere observed:



*I don't think there was anything for us to benefit in this deal. Our chief meant to grab land from us and cause us to fall into poverty. Our children... could have been forced into prostitution because of the poverty that would come if this land was taken from us. They plan to build a fence around the whole land and that would mean that no villager will have access to the land, not even gain access to grazing land for our livestock. If this land will be given to one person to open an out-grower scheme, they will employ our children as casual labourers and I don't think that is a genuine benefit to the community. What casual labourers earn is not sufficient to support their needs.*

## Land governance in Malawi

Land governance in Malawi is still a challenge as there are many problems with the current land laws which do not safeguard the interests of poor people. The case studies above illustrate the need for concerted efforts to improve land governance and for land laws that are pro-poor and safeguard the land rights of the marginalised.

From our work with the affected communities, we have learnt that these land transactions on community land are top-down processes and affect the livelihoods of the poor. The absence of a progressive land law in Malawi provides investors with an opportunity to acquire land without proper consultation with indigenous owners of the land. There are also no compensation requirements to compensate victims of commercialisation of land; current law requires compensation for land improvements for those forcibly removed, and not for land itself. But people displaced in the contexts we describe here have not received any compensation because chiefs have dispossessed them rather than the investors themselves. We have also learnt that traditional leaders make costly decisions without regard for their subjects.

“...they will employ our children as casual labourers and I don't think that is a genuine benefit to the community. What casual labourers earn is not sufficient to support their needs.”

## LandNet Malawi's role

As LandNet Malawi, for the past three years we have repeatedly raised these issues in the national media, writing newspaper articles and talking on radio. Local people in the areas affected by commercial sugarcane expansion have informed us that, following this media campaign, the rate of new dispossessions is declining. We have attempted, without success, to hold meetings with chiefs and representatives of the DCGL (in Nkhotakota) and local elites (in Chikwawa). With regards to Chikwawa District, in 2010 the courts confirmed that the land rights vest in the people, not the chief – and an appeal by elites aiming to have their rights confirmed has been rejected by the courts in 2013 and again in 2014. Following this, we have worked with lawyers to inform local people of their rights in terms of this judgement. We are also discussing a further court case on land rights violations in Nkhotakota District. Here, in 2014, the court ordered the DCGL to compensate people for the destruction of their crops and it has agreed to pay in instalments, though no compensation had been paid by early 2015. However, the judgement does not address land rights. We are therefore now supporting the Mukhoto resistance group and lawyers to prepare a fresh application to get the court to rule on land rights and compensation for loss of land itself. Alongside these interventions in the two cases, we continue to work with a civil society alliance to engage with the government of Malawi on the necessary legal reforms required to bring Malawi in line with FAO and AU guidelines on land policy, specifically on gender equality, recognition of customary tenure and strengthening land governance.



## Key interventions

- Government must enact a progressive land law to ensure tenure security of the marginalised rural communities, with rights of households and individuals being recognised.
- Civil society and government must educate vulnerable communities on their land rights.
- Civil society and government must train traditional authorities on best practices on land governance to ensure that they do not misuse their positions to make decisions that would disadvantage their people.
- Key stakeholders must popularise and advocate for implementation of the VGGT which stipulate measures to secure and defend tenure rights, consultation processes, compensation and best practices in investment on community land.
- There is a need to support a Customary Land Bill which provides for land administration to be decentralised, and land transactions monitored transparently through the creation of local land committees.





# Mozambique





## Chapter 3

# Mozambique

### Introduction

Mozambique has launched an ambitious plan to commercialise agriculture and develop related industries through its ProSavana initiative (see box below).

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#### What is ProSavana?

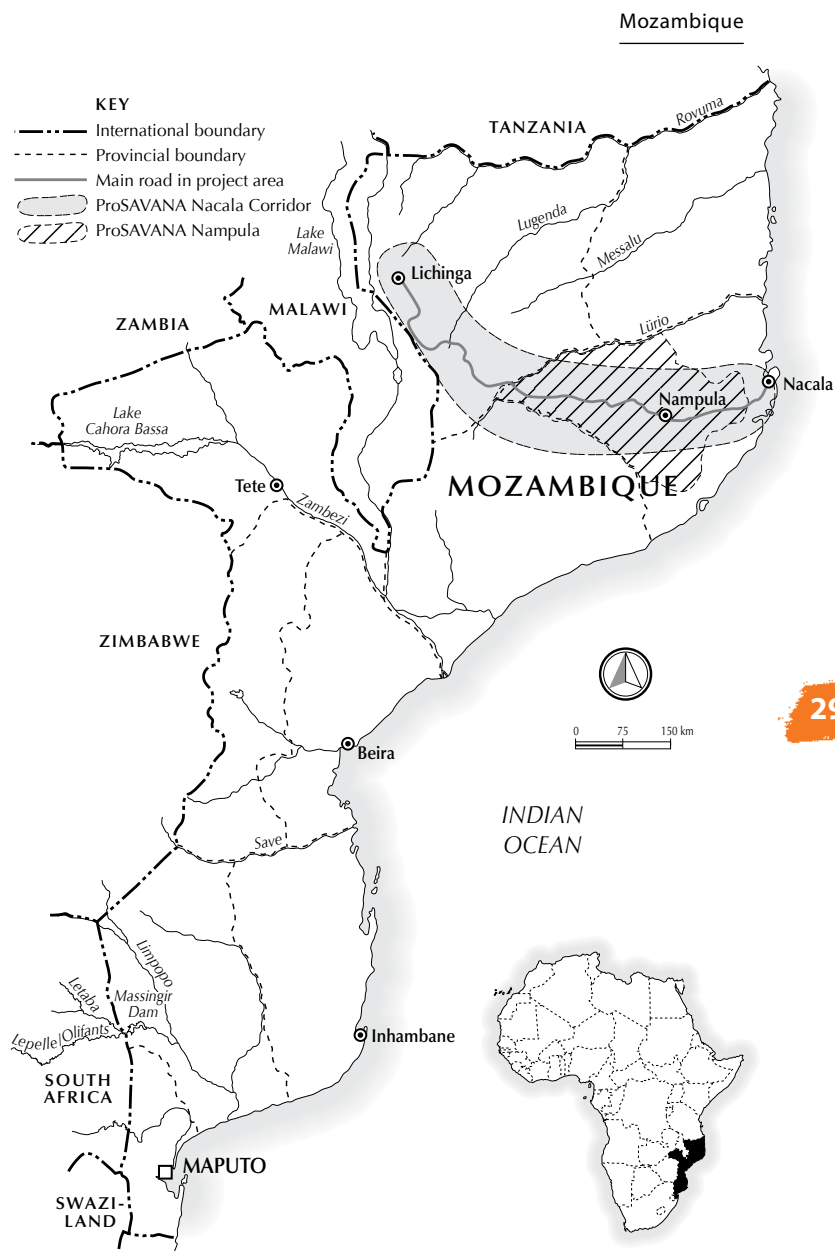
ProSavana is a partnership programme between the governments of Brazil, Japan and Mozambique, which aims to accelerate agricultural commercialisation in northern Mozambique as a response to the challenges of food security and agricultural economic growth. It centres on the Nacala Development Corridor, covering an area of 10 million hectares, of which 4.3 million hectares is considered to be potentially available for commercial farming, largely of soya and rice. ProSavana has been lauded as one of the biggest and most ambitious agricultural commercialisation initiatives in Africa, and also criticised as a programme with the potential to begin a massive corporate 'land grab'.

After its official launch in 2011, the ProSavana initiative was contested by civil society groups in Mozambique, Brazil and Japan, due to lack of public participation and consultation. In March 2015, the government of Mozambique posted the Draft Zero of the ProSavana Master Plan, and held public consultations in April and June 2015. Although the draft Master Plan calls for foreign investors to obey international principles, the plan would see large areas of Nampula, Zambézia and Niassa provinces being converted to large commercial estates.

The ProSavana representative in Nampula claims that, while the Master Plan is being finalised, the only activities underway are research involving seed and soil testing and support to two smallholder farmers' associations with water pumps in the Rapale and Ribáue districts. Civil society organisations see this as beginning the implementation of the ProSavana programme ahead of agreement on the Master Plan. Although official sources claim that ProSavana is not yet being implemented, we examined two case studies in the Nacala Corridor.



*Special thanks to Gilda Homo, Aunicia de Katia and Ussene Salimo for their contributions to the fieldwork and action research reported in this chapter.*





## Land rights in Mozambique

More than 80% of the Mozambican population live in rural areas and depend on land and natural resources for their livelihoods. Land rights are therefore an integral part of Mozambique's rural development initiatives.

The protection of the rights and interests of local communities has received special treatment in Mozambique's national legal framework. In 1995 the government of Mozambique adopted a National Land Policy and, soon afterwards, the Land Law of 1997 was proclaimed. Mozambique's Land Law is widely considered to be one of the most progressive and innovative land laws in Africa. It recognises the occupation of land by local communities as constituting land rights, whether they are registered or not. In this way, the law protects land-use rights acquired under customary law, while striking a balance between protecting customary rights and enhancing land access for investors. The rights acquired through customary law are legally recognised as rights allocated by the state, equal to the rights that are formally assigned to investors or to private citizens.

However, implementation of the Land Law has been challenging and even problematic in some cases. Conflicts between local land rights holders and investors have been increasing, because private investors have not complied with the law and state institutions have not enforced it, especially when it comes to observance of community rights. This includes inadequate community consultations, which in some cases merely inform people about the projects and potential benefits, rather than being an exercise in community participation and negotiation. Details provided are often too sketchy, preventing local communities from providing or withholding free, prior and informed consent. Additionally, most local communities lack knowledge about their rights in law, and some investors and government officials responsible for land administration act in bad faith, taking advantage of local communities' lack of information and knowledge on their rights and the law.

The government of Mozambique has made efforts to develop land administration policy and legislation in line with international best practices, such as the recommended FAO Voluntary Guidelines and AU Guiding Principles. But land administration systems and capacity is limited. The result is the continuation of practices, especially when it comes to large-scale land investments, which fail to respect the legislation.

Subsequent changes to the legal framework have revised which sphere of government has the authority to approve land investments, depending on the area of land to be allocated. In 2007 the regulations to the Land Law were amended by Presidential decree, with limited participation of affected and interested parties. Such changes reverse the decentralisation of land administration and strengthen central state control, enabling state-supported commercial farming projects, often at odds with the interests of smallholder farmers, and even when opposed by district and provincial authorities.

## CASE STUDY 1

# NACOLOLO VILLAGE IN MONAPO DISTRICT

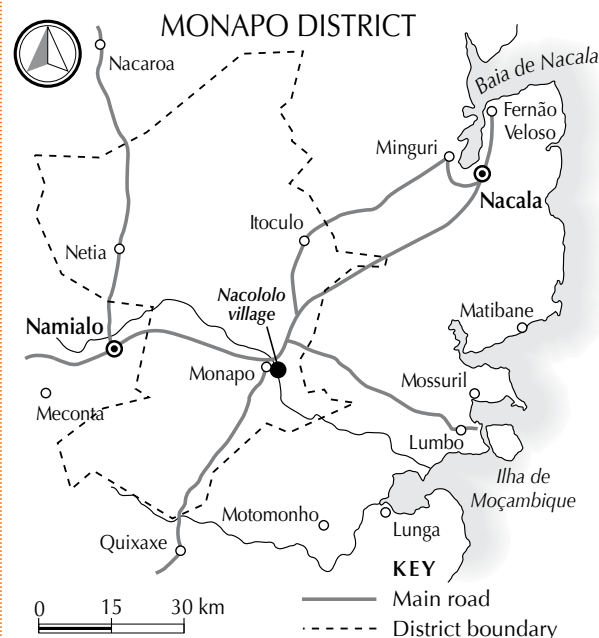
## Location

Nacololo is a village located about 30 km from Monapo town, the district capital, in Nampula Province. Monapo is one of the districts within the Nacala Development Corridor. The size of farmland under dispute between local communities and a private investor is 630 hectares.

## Introduction

The agricultural potential and fertility of land in Nacololo has attracted large-scale commercial land investment since the colonial era. According to local smallholder farmers, an area of 630 hectares of farmland in Metucheria-Nacololo village was awarded by the Mozambican government to an investor in December 2013 for soya production. The investment is only known by the local community by the name of its representative, who is said to be a South African citizen.<sup>1</sup> Historically, this land had been allocated to a German commercial farmer. According to the local community, the farmer was allocated the land under the Portuguese colonial regime in 1968, and many families have members who used to

**MAP 6:** Monapo district, Mozambique, showing Nacololo village (close to Monapo town)



<sup>1</sup> We refer to the investor's representative as Mr X.



The company's farming infrastructure (Kuwuka JDA 2014).

work on the farm. After independence, the farmer abandoned the land, which was then re-occupied in good faith (customary occupation) by more than 150 local smallholder farming families who used the land for almost 38 years for their livelihoods. In 2008, a Mozambican investor established a cotton out-grower scheme in the area, providing a market for local farmers but without displacing existing farmers.

In 2013, the government allocated this formerly private farmland, now occupied by local communities, and including the Mozambican cotton enterprise, to a foreign private investor. The land was awarded without observance of the legal requirements of community consultation and consent. Local communities consider the allocation to be a case of 'land grabbing', resulting in conflict between the local community and the investor.



## The deal

According to local communities, the awarding of the farmland to the investor took place under dubious circumstances.

Community members who signed the minutes of a community consultation meeting say they did so without knowing that the minutes certified that the farmland could be awarded to a private investor. Instead, they claim they were told that they were signing up for employment. They say they did not claim to represent the community, but their signatures were used to prejudice others, whose land was taken.



Women returning home from their farms with firewood walk across the company farmland (Kuwuka JDA 2014).

A man from Nacololo recalled these events:



*Mr X [investor] held a meeting with a group of community members last year and promised employment on the farm, asking those who wanted jobs to sign their names on a paper list... and we did sign with the hope of being employed. More than ten of us signed the document. They told us they would employ approximately 1,000 people, but when they came back in December last year (2013) they brought machines and none of us was employed. Those who are employed from the community are less than 20 people and are only working as guards.*

The Mozambican Land Law requires community consultation prior to allocation to investors, to certify if the land is under use or occupied by other users. Only when there is an agreement should 10–12 community representatives sign the minutes of the meeting, as testimony to the agreement with the investor being awarded the land. The regulations require that at least three meetings should be undertaken as part of the community consultation process:

- The first meeting is meant to inform the community about the project (to allow prior informed consent).
- The second meeting is to consult, negotiate and confirm the availability or not of the land.
- The third meeting is to publicise the results of the negotiation and reach an agreement, formalised by community representatives signing on behalf of the whole community.
- All meetings should be led by the district administrator or an assigned representative, as well as land administration authorities.

According to the local people we interviewed, this procedure was not followed.

## What do the people say?

Since independence in 1975, local communities have been using the farmland area for family food production. The allocation of the land to the investor has resulted in the loss of land, household income and affected food security. Members of the community have complained about a lack of consultation in disregard of the national law and the paltry compensation offered for loss of crops.

They also complained that the land deal had been imposed on an already existing partnership between a private investor and local farmers.





Baptista Nulaneque (left), secretary of Monapo District smallholder farmers' association, speaks to a young man who signed the consultation meeting minutes (right). (Kuwuka JDA 2014).

An affected community member recounted the history of the contested land:



*In 2008, the government awarded the farmland to a Mozambican private investor, SANAM<sup>2</sup>. The company worked with us, giving us seeds and pesticides. We produced cotton to sell to SANAM, but they also encouraged us to continue to produce food crops. SANAM did not grab our farms. In fact, communities had contracts with SANAM as cotton out-growers.*

Another displaced farmer said:



*Surprisingly, in 2013 the government awarded the same farmland without knowledge of SANAM, nor the community. SANAM also came and found that the farmland is in the hands of the South African investor. [Mr X] expelled us from our farmland, grabbing all the smallholder farmland. Furthermore, he invaded other community farmland outside of the limits of the then private farmland, where he established his office and facilities.*



Members of the community that signed the papers in the hope that they would get employment (Kuwuka JDA 2014).

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2 SANAM is the Sociadade Algodoeira de Namialo (Namialo Cotton Society).

The district secretary of the smallholder farmers' union, Baptista Nulaneque, said:



*We have the registration of 150 smallholder farmers that have lost their farmlands to the investor. We have supported the community to write a complaint letter to the district government authorities to resolve the conflict, but to date there is no response. We are waiting for the government to resolve this problem. We depend on the government. We have sent a complaint letter.*

An old woman (pictured on right) lamented the arbitrary loss of her land and the paltry compensation offered by the company.



*One day I woke up and went to my farm, and I found out that they had cleaned up my farm with machines (tractors) and destroyed all my crops. When I complained, I was informed that the farm was no longer mine. Then after negotiations and support from my cousin to complain, they said they would pay me 800 Meticaïs (US\$27) for all the crops I lost. They told me that they would pay me US\$5 for each cashew nut tree I lost. I refused, as my cousin told me that each cashew nut tree costs US\$25; however, they refused to pay such an amount, arguing that it was too much, and to date they never compensated me for my farmland and my cashew nut trees I lost.*

Villagers used a path through her farm to get to their farms. Now that her farm has been fenced, this route has been closed off.



This elderly woman said 'this is the (company) fence on my farm. Now I don't have anywhere to farm'. The company office is on her farm (Kuwuka JDA 2014).



A man and the old woman (also pictured on previous page) show the newly-constructed fence that prevents access to their farms (Kuwuka JDA 2014).

Another farmer (pictured left) narrated how he found the way to his farm fenced by the company. The man said:



*Here used to be the way we crossed to get to our farms. They fenced here for the company offices... This fence was exactly constructed within (the elderly woman's) farm. Why didn't they build their office within their farm area that the government awarded them?*

He also complained that the company took some of his land without consultation and how this has affected his family's livelihood.



*I had 10 hectares of land outside of the 630 hectares of the private farmland; however, the company grabbed 2 hectares and left me with 8 hectares. We depend on this land for our livelihoods, we produce to feed our families and for income to pay school fees for our kids, but now we have no land. Look, here used to be a public passage that [Mr X] has closed. We used to walk from here to the other side where our farms are – now we do not have the means to reach the other side of our farms.*



The dispossessed woman with her daughter and grandchild (Kuwuka JDA 2014).

“One day I woke up and went to my farm, and I found out that they had cleaned up my farm with machines (tractors) and destroyed all my crops.”



## CASE STUDY 2

# EHIKITI VILLAGE IN RIBÁUE DISTRICT

### Location

Ehikiti is a rural village in the lapala locality in Ribáue District, around 15 km from Ribáue town, and about 140 km from Nampula city. At Ehikiti, a smallholder farmers' association has 40 members and occupies 500 hectares of farmland – though it only has a Land Use Certificate<sup>3</sup> of occupation to 200 hectares.

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The association is one of 11 associations that formed the lapala Smallholder Farmers' Forum. Each farmer has his or her own farm plot within the association's overall farmland. The crops grown were maize, sugarcane, bananas and vegetables (carrots, onions, tomatoes, cabbage, beans and potatoes, among others), as well as fish in water tanks.

**Map 7:** Ribáue district, Mozambique, showing Ehikiti village in lapala locality



<sup>3</sup> Under Mozambique's Land Law, once registered, land holders can receive a title or certificate of *Dereito de Uso e Aproveitamento* (land use and benefit right), confirming their land tenure rights and the location of their land.



## The deal

Ehikiti community is one of the beneficiaries of the ProSavana support to rural communities. The ProSavana representative in Nampula pointed out that ProSavana is still in the planning phase and therefore no project is under implementation yet. However, the Platform of Civil Society in Nampula has claimed that Ehikiti is part of one of the ProSavana 'Quick Impact Projects'.

In early 2014, the Ehikiti smallholder farmers' association signed an agreement with the ProSavana programme as part of its plan to develop models for improved extension services.<sup>4</sup> In terms of this agreement, the association would receive equipment and fertiliser to support the smallholder farmers. Although the association understood the agreement to be for a grant of equipment and fertiliser for its members, the agreement itself states that it is a credit agreement and not a grant. It is expected that government will showcase the potential for agricultural development in the Nacala Corridor, which will attract local and foreign companies to invest in farming and agribusiness projects there, and donors to finance them, as indicated in the ProSavana draft Master Plan.

According to members of the association, ProSavana has provided a water pump on credit for the irrigation of onion fields, and the members have received training on irrigation technology as well as farmland management. After two years, with the income generated from onion production, the association is bound by this agreement to buy a water pump for another smallholder farmers' association in Iapala, which in turn must buy another water pump for another association, and so on, until all the members of the Iapala Smallholder Farmers' Forum have one.

<sup>4</sup> *The expected results of this Plano de Extensão e Modelos (Extension and Model Plan) are (i) implementation of agrarian development models to increase production at different scales and (ii) improved access to and quality of extension services in ProSavana target areas, according to the government of Mozambique's written response to a civil society complaint (27 May 2014).*



Water used for irrigation and to grow fish in tanks (Kuwuka JDA 2014).



Farmer clearing weeds from the onion fields (Kuwuka JDA 2014).

## What do the people say?

Members of the farmers' association that we interviewed showed minimal knowledge about ProSavana and its objectives. As one member said:



Men show the pipe used to pump water uphill to the fields (Kuwuka JDA 2014).



*ProSavana is a company that supports smallholder farmers' associations to improve productivity through giving water pumps, new irrigation technology and assisting communities with fertiliser. Before we used plates<sup>5</sup> for irrigating our farms but now we use the gravity method as we have a water pump.*

Another member stated that:



*ProSavana is a company led by JICA (Japanese International Cooperation Authority) and Brazilians while the government of Mozambique acts as a guide.*

In contrast, the ProSavana programme official in Nampula pointed out that:



*ProSavana is a Mozambican government's programme supported by international partners.*

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<sup>5</sup> This labour-intensive method involved filling water containers from tanks and then irrigating the farms manually, distributing the water using plates used for meals.

The local communities, though, have a perception that the programme is owned by Japanese and Brazilians. When information about ProSavana was first circulated from Brazil and reached Mozambicans through the media, this was the dominant view. Some members of the farmers' association at Ehikiti were happy with the programme but had fears around the marketing of their produce. As one man said:



*We are happy with ProSavana, they are supporting our association with a water pump. Nowadays we can produce in two cycles per year while before we could only produce in one cycle per year. But the problem will be the market for the association's produce. We received the water pump in January this year. We are in our first production cycle, but we have not identified a market yet to buy all our produce. We only have occasional buyers that come to buy our produce. We hope ProSavana will help us with a market.*

Members of the association pointed out that they were not consulted on what they would like in terms of support. Another man said:



*ProSavana officials did not consult us prior, to know our priorities on how they should support us. They came and told us that they will offer us a water pump, which we accepted, but if we were given chance to suggest how we would like to be supported, we would have asked for a tractor to open more area for our farms.*

This agreement, then, is not a land deal but rather a form of farming support that was offered and accepted, even though it did not meet the main needs of the farmers' association and its members. Contrary to perceptions of ProSavana consisting of mega-projects and large land acquisitions, this is very modest in scale. It intends to showcase and test the programme on how it will support smallholder farmers as a model that private investors would follow. At the same time, local people are concerned that, now that they are in debt, their land rights could be in jeopardy in the future.

This fear arose in part because officials from ProSavana required the association's land certificate to serve as a guarantee for their loan. One member of the association recalled that the ProSavana official had asked them if they knew how people lost their land, which prompted their suspicion that ProSavana had an intention of grabbing the land. In our experience, this narrative is also common in other communities.



## Conclusion: Land governance in Mozambique

While Mozambique's law is clear about respect of customary rights, most local communities lack information about their land rights. Some investors and state officials act in bad faith, taking advantage of poverty and the lack of information of local communities on their land rights to manipulate community consultation process.

Situations such as that of our case study of Nacololo result in increasing conflicts between local communities and investors, with communities losing their rights to access land. This is in contradiction to the legal framework that envisages balancing the rights and interests of local communities with private-sector interests, in order to promote investments for economic development. Many large-scale land investments in Mozambique fail to materialise due to land disputes with local communities. These experiences suggest that large-scale land investments are not the best models for the development of commercial agriculture and that respect for community rights still needs to be strengthened in practice. The Nacololo case study is evidence of many other examples of growing conflicts and disputes over land between local communities and private investors, due to lack of compliance and enforcement of the law by land administration authorities, leading to the enclosure of local communities' land for private commercial purposes.

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The two case studies reveal that local communities have no or little information on ProSavana and its ultimate objectives. In the case of Nacololo, local communities never had contact with ProSavana representatives. While ProSavana is proceeding slowly, new commercial farmers from Brazil and Portugal have been awarded land recently, not only in Nacololo but also in other districts along the Nacala Corridor.

There is a need for inclusive participation and transparency, allowing affected communities and other interested parties to obtain prior and timely access to information about ProSavana. This would help to avert land conflicts and allow better and more inclusive land use planning. Most importantly, the government of Mozambique must enforce the law and respect local users' rights and livelihoods.



## **Kuwuka JDA's role**

Kuwuka JDA conducts national advocacy work to demand the rights of local communities to land and other natural resources in Mozambique, and is part of the National Platform on Natural Resources. We have pursued work on ProSavana in partnership with a platform of civil society organisations in Nampula Province, which is following the process closely. In conducting the two case studies reported in this chapter, we held meetings with the provincial farmers' union, and organised several meetings, drawing together the district farmers' association and the local communities at both Nacololo and Ehikiti, among other areas. The purpose of the meetings was to build the capacity of these institutions, to inform farmers' representatives about ProSavana implementation underway, and to develop joint strategies to advocate for the rights of local communities. We met with the ProSavana representative for Nampula to interview him, attended seminars on ProSavana in Maputo, shared our findings in local newspapers and on local radio in Nampula, and participated in the public consultations on the ProSavana Master Plan. Our core concern about the Master Plan is that it envisages titling at the household level rather than the community level, which could suggest that common property resources – such as grazing land, forests and water – are considered to be unused and available to be awarded to investors.

## Civil society responses to ProSavana

ProSavana has been highly contested by civil society groups in Mozambique, Japan and Brazil, due to the lack of involvement of affected and interested parties. Civil society groups wrote an open letter on 23 May 2013 to the heads of state of Mozambique, Brazil and Japan, complaining that the programme was non-participatory and could form a basis for grabbing land of smallholder farmers. It took a year for the government of Mozambique to respond, with a letter from the Minister of Agriculture dated 27 May 2014, indicating that ProSavana will respect international laws and principles and align with Mozambique's agricultural strategy.

In March 2015, the government of Mozambique released the Zero Draft of the ProSavana Master Plan and announced public consultations in affected districts and in Maputo.

The draft Master Plan has not been provided to affected communities and, among those who participated in the consultations, smallholder farmers were in the minority. The consultation meetings were held in towns and there were no meetings held in affected rural villages or localities. Some of those farmers who did attend have reported that they did not have adequate opportunity to express their views, and in Mutuáli in Malema District, smallholder farmers abandoned the meeting, as they feared that ProSavana was to grab their land and destroy their crops as they claimed has happened in the neighbouring district of Gurue. Civil society organisations have called for fair and open hearings, and to take into account civil society and local smallholder farmers' concerns. This should include public debate but also consideration in national parliament.

# Namibia



## Chapter 4

# Namibia

### Background

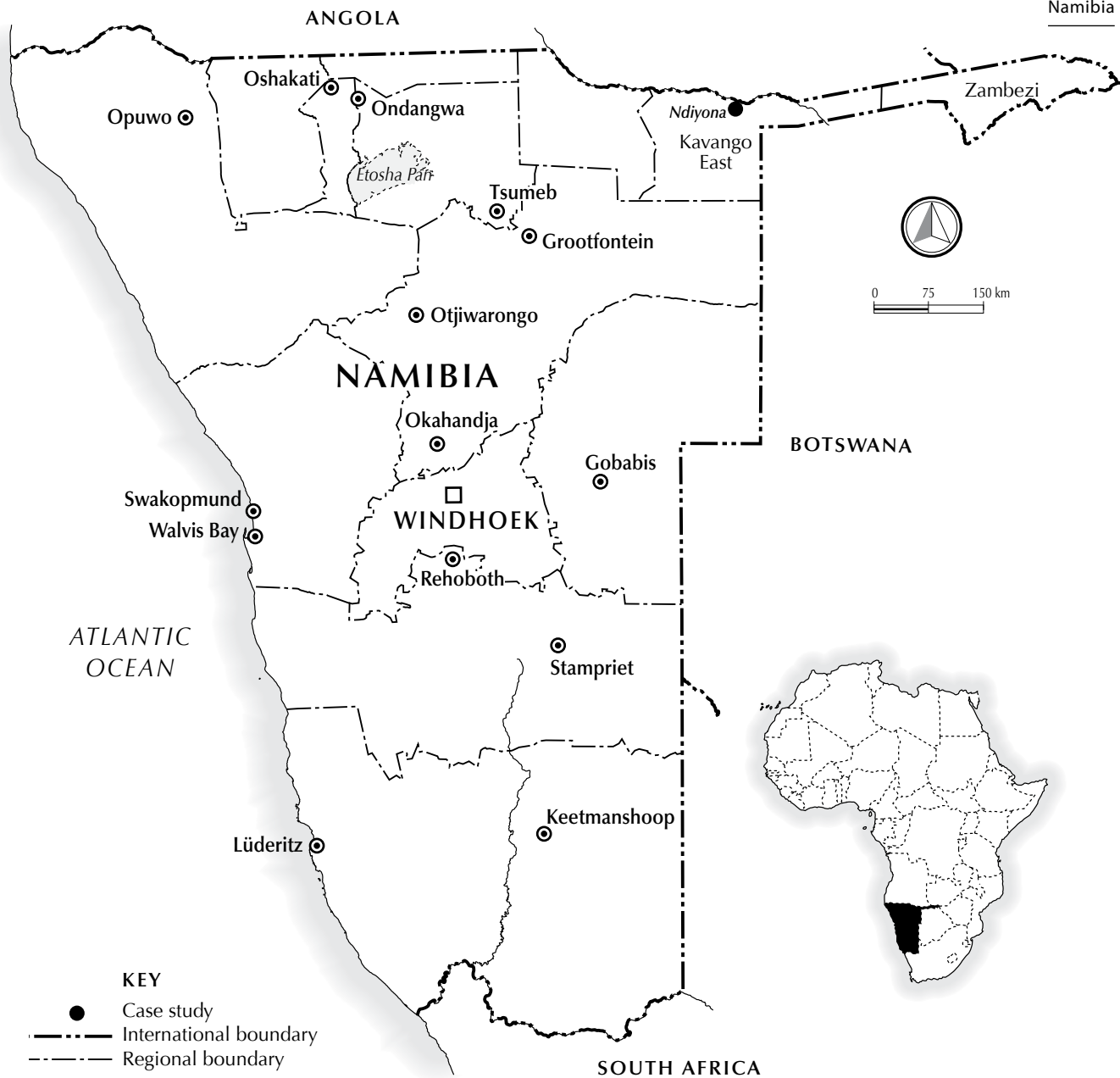
Namibia is one of the most sparsely populated countries in Africa and one of the most arid countries on the continent. Much of the country is divided into privately-owned commercial farms, while a substantial area is owned by the state and protected as conservation areas and national parks. Alongside these lands are the communal areas, occupied under customary tenure, which cover 41% of the total area and accommodate about 60% of the population. The communal areas are regulated in accordance with the Communal Land Reform Act 5 of 2002, which provides for registration of customary rights for the utilisation of land and for leaseholds. This Act provides a progressive legal framework for the administration of communal land, defining the roles and responsibilities of the actors involved in land allocation and administration, and the functions of these actors following a system of checks and balances.

In recent years, Namibia has received a number of proposals from multinational and domestic agricultural corporations wanting to develop large-scale irrigation projects, mainly in Namibia's water-rich north-eastern regions, which have been promoted as a potential 'bread basket' of Namibia. The potential projects focus on communal land and have increased the pressure on land and land scarcity.



*Special thanks to Maarit Thiem, Willem Odendaal and Emmanuel Sulle for their contributions to the fieldwork and action research reported in this chapter.*





## CASE STUDY 1

# NDIYONA MILLS IRRIGATION PROJECT

**Location:** Ndiyona settlement, Kavango East Region

**Size of land deal:** Initially HJM AGRI Farm Ndiyona Irrigation Project (2,000 hectares) which changed to Ndiyona Mills (778 hectares)<sup>1</sup>

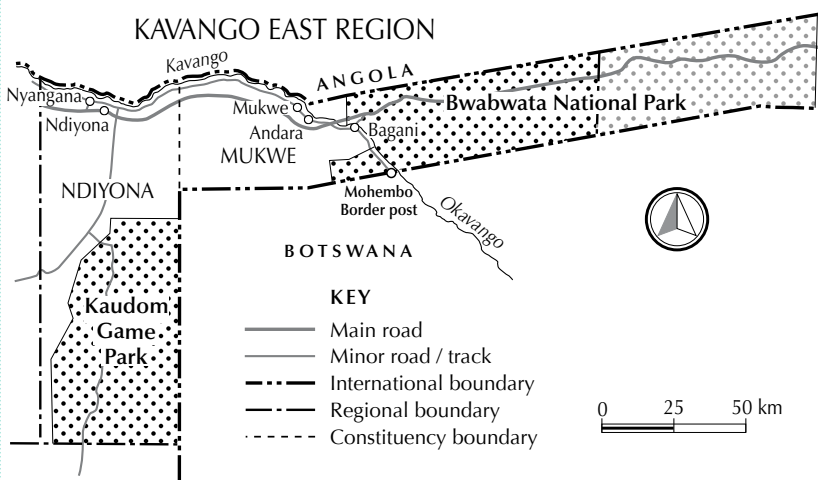
48

## Introduction

A potential irrigation project, called the Ndiyona Mills Irrigation Project, is situated at Ndiyona settlement, about 90 km east of Rundu in the Ndiyona Constituency.

<sup>1</sup> The name change and land deal was necessitated by mounting pressure from the affected communities, CLB/MLR and to some extent the efforts of the Legal Assistance Centre in Windhoek.

**Map 9:** Kavango East Region, Namibia, showing Ndiyona constituency





## The deal

In early 2013 the investors approached the Constituency Councillor, the Governor, the Headman and the Chief to set up a large-scale irrigation project on 2,000 hectares, with the aim of producing maize, potatoes, wheat, groundnuts and vegetables for the domestic market. He promised to provide a total of 940 jobs – 40 permanent, 500 seasonal and 400 casual.

The affected area was customary land, including an old defunct state farm which was re-occupied by local people prior to independence, but also surrounding crop fields, rangelands and natural bush. The project would directly affect the villages of Ndiyona, Shikoro, Rucara, Hoha and Kashipe.

The investor did not carry out sufficient consultations with the affected communities and legal procedures for securing leasehold – as required in the Communal Land Reform Act – were not adhered to. For instance, there was no Environmental Impact Assessment (EIA) carried out to ascertain the socio-economic impact of the project.<sup>2</sup> In 2013, the investor started clearing fields and also put up a fence without having first obtained a leasehold.

## What do people say?

There was a public outcry as a result of the manner in which the project was planned and carried out, with media coverage of local communities mobilising and a petition being submitted to the Ministry of Land Reform. The project led to a division within the community, creating deep mistrust between the two opposing factions – those in favour of the project and those opposing it – between poorer and less educated and wealthier and more educated community members.

<sup>2</sup> Following our intervention and meetings with the investor, he engaged a consultant to conduct an environmental impact assessment.



The boards bearing the name of the company at the main gate of the potential irrigation project (LAC, 2013).



The fence which was put around the project area before the lease was approved (LAC, 2013).



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A community member who was opposed to the potential irrigation project (LAC, 2013).

“We are not against the development, but people must be properly informed.”

The main argument of the group opposing the project is that they will lose their land rights, especially for future generations, and that they would not be able to use the commonage as before. The project would further violate existing planning for the newly-proclaimed settlement of Ndiyona.

An affected community leader, who is one of the most educated people in the area, had this to say:



*Our problem is that the project was done the wrong way. The procedures were not followed and the investor does not even have respect for the elders. They were even clearing the land before determining the compensation and this means that people will just receive the same amount of compensation, despite the variations in sizes of the individual crop fields. People do not realise that settlements are expanding because of population growth and relocations and at the same time land is being taken away by projects like this. If you look back to 1980, this place was small and had few people. We are not against the development, but people must be properly informed. I think that the Chief was just convinced and made to sign because these people are very clever.*



Women at Rucara village in Kavango East region opposing the project (LAC, 2013).



An individual interview with a community member who was opposed to the potential irrigation project (LAC, 2013).



A focus group discussion with crop field owners and concerned community members who were opposed to the potential irrigation project (LAC, 2013).



Kavango grazing land (LAC, 2013).





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Women who were in favour of the project during a focus group discussion at Hoha village, another affected area (LAC, 2013).



A focus group discussion (Hoha village) with crop field owners who were in favour of the project, most of whom had surrendered their crop fields for the project to be implemented (LAC, 2013).

The group supporting the project consists primarily of less educated people. A large number of them are unemployed young people who are in dire need of jobs. They were more concerned with deriving immediate benefits rather than the long-term vision of securing land rights for future generations.

Some of the women in a focus group discussion said:



*We as the owners of the crop fields gave them up to the project. Our children are suffering and as parents we are struggling from hunger. Those who are against the project are eating every day and we are still hungry.*

*The pension money is not enough especially if you are having 12 children. Our children are now grown-ups and this is an opportunity for them to work so that we can make a living.*

“Our children are now grown-ups and this is an opportunity for them to work so that we can make a living.”



Community members of Rucara village in Kavango East opposed to the project (LAC, 2013).

In 2013 the opposing group sent a petition to the Ministry of Land Reform and their opposition was widely reported in the local newspapers. In response, the Ministry and the Communal Land Board conducted investigations and found that legal procedures were not followed and that part of the land earmarked for the project fell within the town boundaries of Ndiyona settlement. The investor was informed that the land he could apply for was reduced to 778 hectares, and he complied in a new application in 2014. By mid-2015, the project was still in limbo.

## CASE STUDY 2

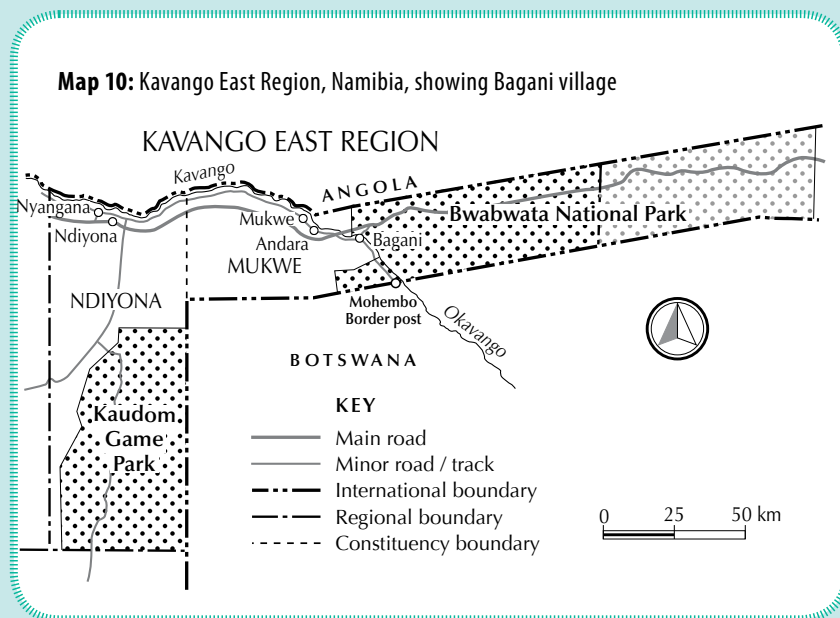
# FUMU MBAMBO IRRIGATION PROJECT

**Location:** Bagani village, Kavango East Region  
East Region

**Size of the land deal:** 891 hectares

## Introduction

The proposed project, known as Fumu Mbambo Irrigation Project, is situated in the north-eastern part of Namibia, in the Caprivi Strip, and close to the village of Bagani in the Kavango East Region. The project is in the Mukwe constituency, which has 26,000 inhabitants.



“...people are hungry and they wanted the project to start as soon as possible.”



## The deal

The project plan was initiated by a community member, who is a teacher and religious leader in the community. He was also a former journalist with local newspapers. He is now a partner and spokesperson of the impending project. In 2010, he began engaging the community about the idea of approaching potential investors for an irrigation project in the area and, after receiving consent from them, he approached a potential investor. The investor is a well-known Namibian businessman who is based in the Kavango East Region. Together with the investor, they held consultations with community members, headman and the chief of the Hambukushu Traditional Authority, after whom the project is also named. The Chief and his Traditional Authority (TA) gave consent and forwarded the application to the Kavango Communal Land Board for ratification. All the legal requirements to secure a lease, as stipulated in the CLRA, were followed.

The approximate size of the project area is 891 hectares, stretching from close to the Okavango River in the north, and southwards towards the border with Botswana (approximately 14 km). The project developers intend to plant various crops like maize, beans, cabbage, sorghum and nuts. Water from the Okavango is to be extracted and distributed through a pivot sprinkler system. The investor hired a company to do an Environmental Impact Assessment (EIA) at a cost of about N\$80 000. To pave the way for the project, more than 38 people gave up their crop fields – ranging from half a hectare to 12 hectares – but to date have received no compensation. The community and TA were promised various benefits by the investor resulting from the project, ranging from employment, food, royalties and cash benefits in the form of rent.



The headman of the project area (Bagani village) showing the area earmarked for the potential project (LAC, 2013).





Workshop participants with communal land board representative (LAC, 2014).

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Subsistence farmers from Bagani village (LAC, 2013).

## What do the people say?

The lease between the community and the investor has not been issued to date, and this is what is causing tension within the community as they wanted the project to be implemented as promised. While the lease is not in place, households have passed up their crop fields for the project .

One woman, who had given up her crop field at Bagani village, said:



*We always get false promises and even lodge owners in this area did the same and people never benefit at the end.*

The headman of Bagani village said:



*I also believe that if it was up to the investor alone this project could have already started, but maybe the lease is not granted yet. As a result of this delay people who have given up their crop fields are not cultivating and this is accelerating poverty. A few have gone back to cultivate their crop fields, because they have lost patience.*





A community member standing in his crop field which he had given up for the potential irrigation project, but decided to cultivate it because of the delay with the irrigation project being implemented (Bagani village, Kavango East region, LAC, 2013).

“A few have gone back to cultivate their crop fields, because they have lost patience.”

The spokesperson of the project – the local man who initiated the project – recognises the costs local people have incurred in the face of the non-realisation of the planned project. He has been accused of lying and misleading them:



*In my case some community members tried to attack me, because people are hungry and they wanted the project to start as soon as possible.*

However, we found that there was also a lack of feedback to the community with regard to project progress. Doing so could have defused these tensions.



Workshop participants (LAC, 2014).

## Land governance in Namibia

Investors often do not consult properly with the potentially affected communities, but consult directly with chiefs, TAs and sometimes politicians. The Traditional Authority Act 25 does not require that chiefs be democratically elected and, as a result, they are not compelled to be accountable to the affected communities. At the same time, the Communal Land Reform Act of 2000 does provide some protection for local communities, but these are widely ignored. Section 30 (4) of the Communal Land Reform Act (CLRA) states that a right of leasehold can only be granted if the TA of the traditional community in whose communal area the land is situated consents to the right of leasehold. The TA is then expected to consult communities before giving such consent. The need for raising awareness to educate people at the community level on the major provisions of the CLRA is vital, as this will help people to understand how to defend their rights.

There are, though, remaining challenges at the level of law and policy, and a need for institutional reforms to strengthen land rights in Namibia:

- The Communal Land Reform Act does not provide sufficient security to commonage areas, which are now being fenced off and given as leaseholds to private investors. It also does not take into account land use practices such as shifting cultivation, seasonal crop fields, shifting cattle posts and pastoralism. The Ministry of Land Reform and various stakeholders have acknowledged these issues and are working on an amendment to the CLRA to deal with group rights as one of the solutions.
- The government compensation policy, which was approved by Cabinet in 2008, does not cover compensation for loss of commonage grazing.
- Communal Land Boards are often reluctant to take difficult decisions against the interests of Traditional Authorities and local politicians, which leads to outcomes that are not well accepted among communities.
- In a number of instances, investors complained that the period it takes for the completion of environmental impact assessments slows down processes and delays final decisions regarding the issuing of leaseholds.
- In some cases land has been granted to the investors before leaseholds are approved, and there are allegations that bribery and kickbacks are rife – in return for evading legal requirements – in the context of big commercial land deals in Namibia.





## LAC's role

The Legal Assistance Centre (LAC) team conducted awareness training workshops on the provisions of the Communal Land Reform Act with community members in the Kavango East and Zambezi regions during 2014, and published articles in national media to raise awareness of the issues affecting these communities. We have engaged with village development committees, Traditional Authorities, councillors, the Communal Land Boards, farmers' unions, conservancies, environmental consultants, investors and government officials from the Ministry of Land Reform and Ministry of Agriculture, Water and Forestry. Based on the information we gained through this project, LAC continues to provide relevant legal advice to the communities described in these case studies, as well as others affected by the large-scale acquisition of land. In view of the poor communication between various parties and LAC's extensive interactions with stakeholders, we have been able to provide feedback to affected communities with regards to project progress and, in some cases, have provided guidance to investors on legal requirements.

# Zambia





## Chapter 5

# Zambia

### Background

In Zambia, large-scale land acquisitions for investment pose threats to land tenure security of the poor, particularly to those living on customary land. At present, there is an inadequate legal and policy framework in Zambia to protect the rights and interests of those affected, as several legal and policy frameworks are in draft and still need to be approved and implemented.

Zambia has two land tenure systems, commonly referred to as customary and statutory tenure. The Lands Act of 1995 is a key piece of legislation on land, but has gaps in the administration and governance of both customary and statutory tenure, and fails to address gender disparities in access, control and ownership of land. To address these gaps, government and civil society groups have over the past 15 years engaged in efforts to finalise and approve a National Land Policy, review the Constitution and amend the Lands Act. The statutory legal system is still largely based on English common law, established during colonial rule, despite the influence of common law in the Zambian legal system. However, the Constitution and its Bill of Rights do not adequately provide for social and economic rights for its subjects. There is also a lack of cohesion between various pieces of legislation that centre on land, such as the Mines and Minerals Act, the Lands Act and the Agriculture Lands Act. Consequently, each piece of legislation has its own provisions and procedures on land alienation or regulation, specifically where customary land is converted to statutory tenure.

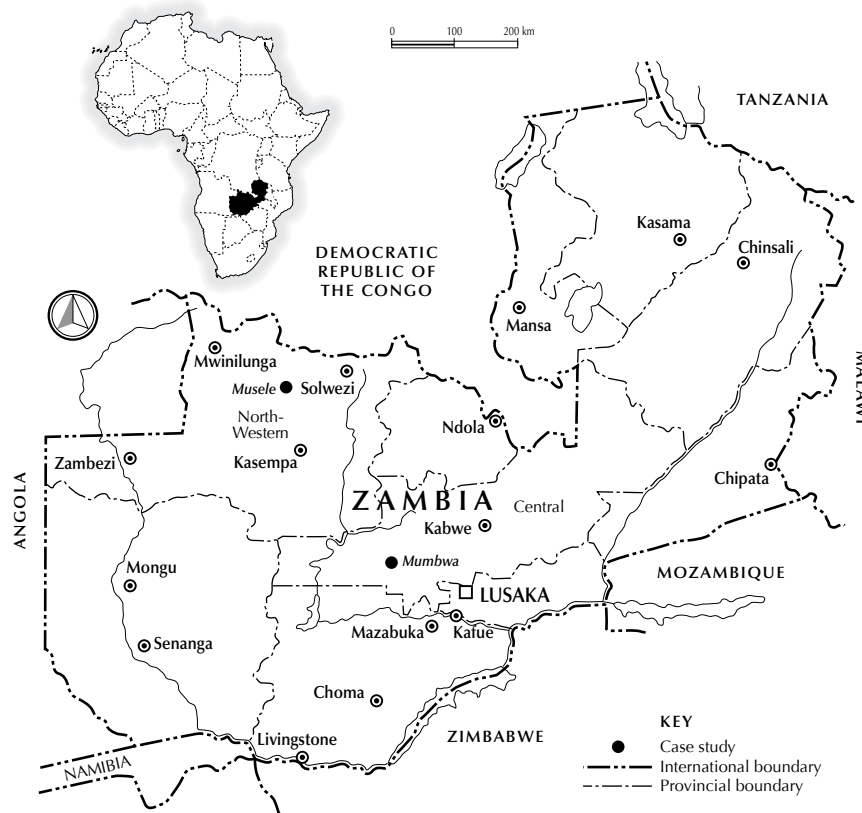


*Special thanks to Caesar Katebe, Jessica Chu and Darlene Miller for their contributions to the fieldwork and action research reported in this chapter.*

In this context, can the rural poor of Zambia benefit from large-scale investments in land? What impacts do they experience? Our research has shown that these impacts include the loss of livelihood opportunities and loss of access to land and other natural resources. Such impacts could be avoided. Whether or not investments involving land acquisition benefit rural communities comes down to one factor: the ability for local communities to participate and be heard in the decision-making processes for such land acquisitions.

In 2014 Zambia embarked on a journey of codifying a Customary Land Administration Bill, which, as of 2015, had not yet been presented to Parliament. This Bill is intended to provide guidance in the administration and management of customary land, reducing displacements and enhancing security of customary tenure. Zambia has also commenced the process of reviewing and finalising the Land Policy to secure tenure rights and improve land governance. The Land Policy has been in draft form for seven years and, when finalised, is expected to give effect to the African Union Declaration on Land Issues, as stipulated in the African Union Framework and Guidelines on Land Policy in Africa.

In order to address the current challenges of resettlement and compensation of internally displaced people in the country, Zambia developed guidelines based on the Kampala Convention. A Resettlement Policy and Compensation Policy have since been drafted and are awaiting finalisation and approval. These are to provide guidance to government and to local and foreign investors to regulate development-induced displacement.



**Map 11:** Zambia country map, showing location of case studies (Musele and Mumbwa)

## CASE STUDY 1:

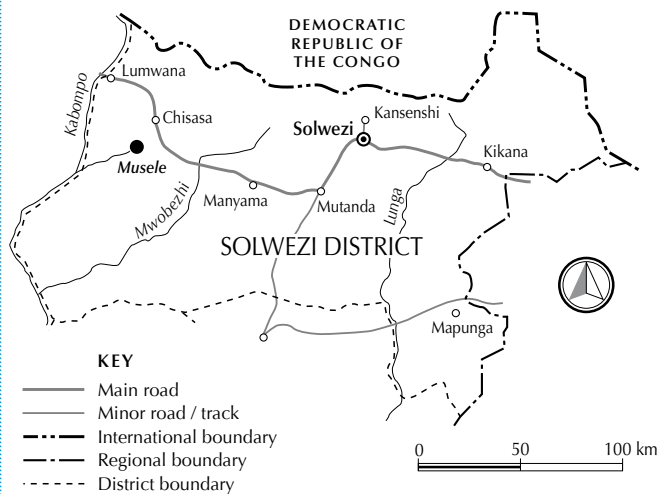
# KALUMBILA MINERALS LTD IN SOLWEZI DISTRICT

**Location:** Solwezi District, North-Western Province

**Size of land deal:** 50,000 hectares

First Quantum Minerals/Kalumbila Minerals Ltd (KML) is a Canadian mining company which initiated the Trident project in Zambia in 2012. It is located in Solwezi District in the sparsely-populated North-Western Province, which has a population of only about 700,000 people. The primary industry is copper mining. Kalumbila Minerals Ltd acquired 50,000 hectares of customary land in this province with an aim to converting it from customary land to statutory land in order to mine copper. This land deal was through the chief of the area who consented to release a huge portion of land in his chieftom to the Canadian Mining Company, even though chiefs do not have the authority to transact such large areas. The terms of the agreement have not been made public.

**Map 12:** Solwezi district in North-Western province, Zambia



## Introduction

The affected community is Musele village which is approximately 150 km from Solwezi Town. As of 2014, over 190 households have been displaced and resettled, while a further 380 households are facing imminent displacement as a result of this mining project.

The Kalumbila Minerals Ltd case study demonstrates the ways in which current laws and policies are inadequate to protect the interests of local communities. As mining interests continue to expand, more and more communities are at risk and vulnerable to decisions being made around them, either by the national or local government bodies, or even by traditional leaders. When the interests of investors conflict with those of the communities, there is inadequate legislation and mechanisms in Zambia's land governance and investment institutions to ensure the community interests are heard and respected. This case study demonstrates that in the acquisition of customary land for a large-scale mining project, it is far from clear as to the procedures for the allocation and acquisition of the land.



### The deal

The mining industry, and especially copper mining, has long played a central role in the Zambian economy. Zambia contains Africa's largest copper reserves, and 4.4% of the world's copper, making it the sixth largest producer of copper in the world. Copper prices increased five-fold between 1998 and 2007 due to rising global demand. This resulted in a wave of re-investment in Zambian mines, and has seen a number of 'brownfield'<sup>1</sup> sites where old mines have been rehabilitated or expanded by new investors and owners, as well as the extension of the Copperbelt and mining investments towards 'greenfield'<sup>2</sup> sites to establish new mines in Solwezi District, now dubbed the 'New Copperbelt'.

Kalumbila Minerals Ltd acquired a mining licence in 2011 from another prospecting company and, after one year of surveying and prospecting, initiated its Trident project in Solwezi in 2012. This is the second mining project in Solwezi by First Quantum, the other holding being Kansanshi Copper Mine. As part of the Trident project, Kalumbila Minerals Ltd acquired five more large-scale prospecting licences for the project, which consist of copper deposits at three different sites, of which the first (and largest) to be explored is the Sentinel deposit, while further exploration is planned for two other copper deposits named Enterprise and Intrepid, also in Solwezi.

<sup>1</sup> 'Brownfield' refers to developments that take place where there were previously commercial investments, and so dispossession took place further in the past.

<sup>2</sup> 'Greenfield' refers to developments where there were none before, and so are more likely to lead to dispossession of local people.



Displaced women in Solwezi District highlighting challenges faced as a result of their displacement (ZLA 2013).

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“You cannot move people when you have not prepared a proper place for them.”

In line with Kalumbila Minerals Ltd’s Corporate Social Responsibility Plan, it put aside US\$11 million for resettlement and compensation of affected families. The compensation is calculated based on the housing structures, trees, crops planted on the land for each household, as well as the displacement inconvenience to families. The company’s approach to compensation does not include the land itself. Indeed, Zambia has no law stipulating criteria or standards for the calculation of compensation.

### What do the people say?

The main problems that the over 190 households that have been relocated are facing are that the resettlement and compensation terms agreed upon with the investors have not been fulfilled. As one woman from the community (pictured left) explained:



*They lied to us. You cannot move people when you have not prepared a proper place for them. When the miners [mining company] came, they made certain agreements with the chief but what they had agreed upon is not what actually happened. When things changed, the miners [mining company] told us to move to a place where they had built houses but the houses were not good and the money they gave us local people as compensation for the houses and land did not amount to what they had agreed upon.*







A displaced woman and her child in Musele village, Solwezi District, complaining about the investor company (ZLA 2013).

As one woman (pictured left), who is from the affected community, said:



*The problems we have seen are that we used to grow more crops for sale and we used to make more money from them but now the miners [mining company] have taken away our land and all we have been left with are smaller areas to farm on. How will we make enough money to sustain our lives with smaller yields? How can we earn enough, especially when we have children to feed? No schools have been built since they have taken away all the land. Even the roads are all damaged and they have not even done anything about it.*

“...we used to grow more crops for sale and we used to make more money from them but now the miners [mining company] have taken away our land and all we have been left with are smaller areas to farm on.”

People who were not yet displaced also complained about compensation. This was during one-on-one interviews with village members, as well as during community meetings. One-on-one interviews are illustrated below:



*The compensation being given now is not adequate for someone to lead a better life. I have seen the rate at which they have actually calculated the compensation and it is not done with the intention of bettering someone's life. In the first resettlement, people were given something that actually improved their living standards. We are coming to this office to complain to the government through the district commissioner so that they can look into these issues because leaving them unattended will create a lot of tension in the community. Worse still, there was no genuine consultation with the community before the resettlement.*



ZLA employee (left) capturing information from a community member (right) in Musele village, Solwezi District (ZLA 2013).

“Worse still, there was no genuine consultation with the community before the resettlement.”





## CASE STUDY 2:

AMATHEON AGRI IN  
MUMBWA DISTRICT

## Introduction

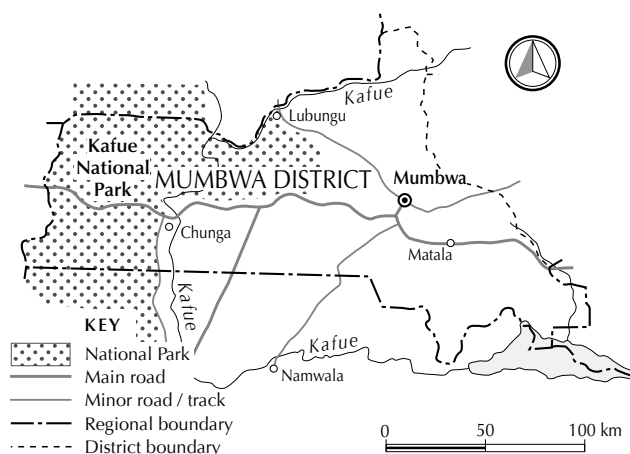
Amatheon Agri is a European company with British and German shareholding, which has acquired 30,000 hectares on a farm block in an area west of Lusaka in Mumbwa District, in Central Province. Its intention is to expand this acquisition to a total of 60,000 hectares in the district. Mumbwa District has a low population density but in recent years has also experienced rapid population growth due to an influx of migrants from other parts of the country, attracted by its good rainfall and grazing land, and its proximity to Lusaka.

Land tenure in the project area consists of a mixture of customary land under a chief and state land provided by the Zambian government to private commercial operators, as part of its Big Concession farming block initiative. The project site is an upland area of varying gentle slopes and has fertile, well-drained soils, making it highly suited to agriculture.

The Amatheon Agri case study represents a growing trend of agricultural investments that have seen the

displacement of people. The Zambia Land Alliance has found in this and other cases that land acquisitions that take place in a context where land pressures are already increasing aggravate land scarcity for the rural poor, even if not directly dispossessing them. While such investments can potentially bring benefits, such as greater access to infrastructure, inputs, markets and wage labour, insecure land tenure continues to be a threat to such communities, many of whom live at the boundaries of state land and customary land. In Mumbwa District, agricultural investments are not the only threat to local people's access to land, as tourism and mining are also contributing to increased land pressures. The map below shows the location.

**Map 13: Mumbwa District, Zambia, showing Mumbwa town**







## The deal

Amatheon Agri acquired this large concession with the aim of embarking on large-scale production of wheat, soya, maize and barley. It has pledged to invest US\$50 million over the span of 10 years; however, the Zambian Development Agency records that it pledged to invest US\$243 million. The company has, among other promised benefits, employed 92 people, while it has projected that employment will rise to around 120 permanent jobs, 80% of which will be offered to local communities.

Amatheon Agri has the self-stated goals of creating shareholder value, community improvement and increased food production through the development of a new, large scale irrigated commercial agriculture operation in Zambia. It has acquired a number of blocks of farmland, with the aim of amassing 60,000 hectares of adjacent land, from which it will develop approximately 10,000 hectares of irrigated wheat, maize and barley cropping within a total of 30,000 hectares of land, including dairy, alongside the infrastructure needed (roads, water and power) for such an agricultural project.

Amatheon Agri's agricultural investment is one of many projects being developed in Zambia that seeks to harness Zambia's agricultural potential for economic development. Under the Sixth National Development Plan for 2011–2016, and National Vision 2030, agricultural investments are being promoted by the Zambian government, not only for economic development and gross domestic product (GDP) growth, but also to diversify the economy away from mining. At the same time, 67% of Zambia's population derive their livelihoods from agriculture, which is why big farming projects compete for land with local people, even in relatively sparsely populated districts like Mumbwa.

“...we have never sat with them  
to discuss as a community.”

## What do the people say?

The affected people lamented the lack of inclusive consultation by the investor. One man from Kaindu village (pictured right) explained that:



*When the investors were about to come we heard from the Chief but we have never sat with them to discuss as a community.*

People complained about the uncertainty of tenure security. A woman (pictured right) who had not been displaced but feared that this would still happen, had this to say:



*When we are removed from our land we would like to be resettled in an area permanently and not moved again. We don't want to find ourselves moved [again] after two years or three years. We also hope we can be given title deeds for the land we will be moved to.*



A community member in Kaindu village, Mumbwa District, speaks about the lack of community consultation (ZLA 2013).



A woman in Kaindu village, Mumbwa District, highlighting interest on security of tenure (ZLA 2013).



## Land governance in Zambia

- These cases demonstrate the limitations of the land governance framework and land administration systems that currently exist in Zambia.
- They also demonstrate limitations in the guidelines and procedures for resettlement and compensation.
- When planning resettlement and compensation, investors are often urged to follow the guidelines of the International Finance Corporation of the World Bank, which do not adequately address land rights and common property resources.
- There appears to be little consensus as to the role of government institutions in decisions regarding land-based investment, especially when land, agriculture, mining and other authorities all have some role. This is particularly evident in the allocation of land.
- At the heart of the conflict and miscommunications in these two case studies has been the livelihoods and general well-being of the affected communities. Their ability to affect decisions and to benefit from processes of resettlement and compensation, and corporate-social responsibility programmes, appears to be limited.
- Informing rural communities about their land rights remains a challenge across Zambia.
- In the two case studies, not all the community members appear to hold the same view, nor do they always agree with the traditional leaders who investors presume speak on their behalf.



## The ZLA's role

The Zambia Land Alliance (ZLA) has engaged with Kalumbila Minerals Ltd regarding how it acquired the land, its plans for resettlement and compensation, and forms of benefit for the local community. With other civil society organisations, we have visited their mining sites to discuss these matters. We have provided guidance to the investor regarding correct procedures for land acquisition in Zambia and best practice along the lines of the FAO Voluntary Guidelines. We have also brokered meetings between the investor and community members, to discuss the social and economic impacts of the mining venture, and possible remedies.

In the case of Amatheon Agri, we have also met with the investor to discuss its process of land acquisition and the effects in terms of displacement. We have engaged with community members and a local councillor to clarify their needs and interests, and have worked with the investor on this basis to revise its resettlement plans (so as to minimise or stop displacement) and its approach to compensation (so as to take land and other natural resources into account). We also pointed out the need for an environmental impact assessment prior to clearing land to make way for commercial crops, and we directed the investor to the Zambian Environmental Management Agency.

## Conclusion

The experience of the Zambia Land Alliance's case studies demonstrates that there is inadequate or non-existent legislation to govern land administration, displacements, resettlements and compensation. Furthermore, the understanding of the roles of various government bodies is lacking and requires further clarification.











Zimbabwe



## Chapter 6

# Zimbabwe

### Background

At independence in 1980, Zimbabwe inherited a highly skewed pattern of land distribution. A small minority of white, large-scale commercial farmers owned and farmed most of the better agricultural land. The majority of black Zimbabweans farmed in areas with lower rainfall and poorer soils, under customary tenure. This dual structure of land ownership was a result of various pieces of legislation introduced during the colonial era, which led to mass expropriation of prime agricultural land by colonial settlers and the subsequent marginalisation of black people into 'native reserves', now known as communal areas.

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Access to land was a major rallying point during the liberation war, but the Lancaster House Agreement that framed the independence deal constrained the land redistribution programme to a 'willing buyer, willing seller' approach, dependent largely on foreign donor funds. Having redistributed 3.6 million hectares of white farmland to 76,000 households in the first decade, the 1990s saw the stagnation of the programme, despite the Land Acquisition Act in 1992 that would provide for compulsory acquisition.



*Special thanks to Clemence Nhliziyo, Rudo Chigono and Cuthbert Kambanje for their contributions to the fieldwork and action research reported in this chapter.*

The Fast-Track Land Reform Programme from 2000 onwards drew on an African nationalist narrative which recounts how British colonists stole the best lands without compensating the indigenous African peoples and which rejects private ownership. While Zimbabweans occupied about 1,000 white-owned farms, substantial redistribution was achieved with just over 10 million hectares of land provided to black small- to medium-scale farmers. Nonetheless, the land tenure of the new occupiers has not been adequately secured, as the state retains ownership. Similarly, the rights of people living in the communal areas (former 'native'



reserves or Tribal Trust Lands) are not secured in law, making people across both categories of land susceptible to dispossession. Zimbabwe's Fast Track Land Reform Programme was not backed by a specific land policy or law, and all customary land and redistributed land is under presidential trusteeship. The Agricultural and Rural Development Authority (ARDA), a state parastatal, has over 20 farms, some located in customary areas, that it has leased to private investors. It is this land that has generated conflict between community members and local elites, state institutions and the investor in Chipinge District in the southern Lowveld.



**Map 14:** Zimbabwe country map, showing Chisumbanje

## CASE STUDY

# CHISUMBANJE ETHANOL INVESTMENTS BY GREEN FUEL IN CHIPINGE DISTRICT

**Location:** Chisumbanje, Chipinge District, Manicaland, Zimbabwe

**Investments costs:** US\$350 million

**Financial sources:** Domestic investment by Green Fuel Ltd.

**Land involved:** Approximately 45,000 hectares in Chisumbanje and 10,000 hectares in Middle Sabi

**Current production:** Approximately 9,000 hectares under sugarcane in 2014, including Macdom Pvt Ltd (Chisumbanje area) and Ratings Pvt Ltd (Middle Sabi area)

**Main products produced:** Ethanol, vinasse<sup>1</sup>, baggasse<sup>2</sup>, electricity, carbon dioxide

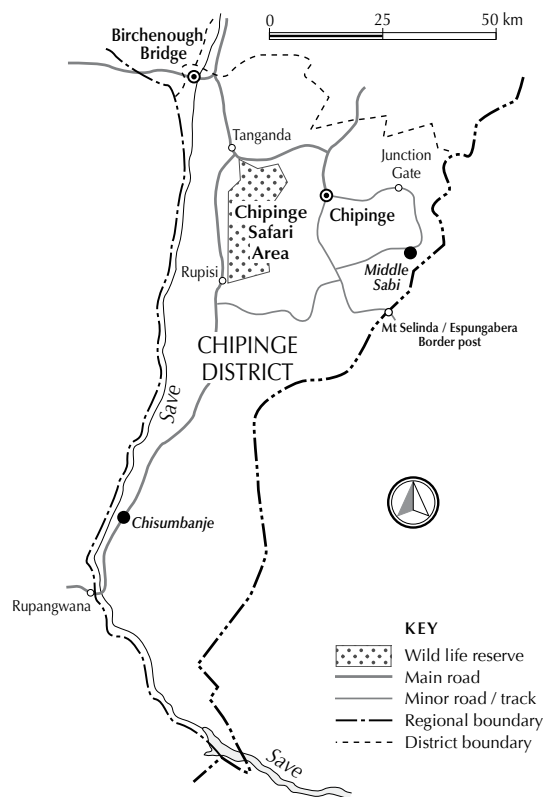
**Community development products:** Sugarcane (sold raw) and fresh vegetables

**Other key stakeholders:** Agricultural and Rural Development Authority (ARDA) and communities of Chipinge District who have usufruct land rights in the areas, as these are communal lands

<sup>1</sup> Vinasse is a by-product that comes from the washing of sugarcane before processing. It has nutrients and is used as a fertiliser.

<sup>2</sup> Baggasse is a by-product that comes from the liquid extracted from sugarcane which is burned to create steam in boilers to generate electricity.

**Map 15:** Chipinge district in Manicaland province, showing Chisumbanje and Middle Sabi



## Introduction

The deal site is in Chipinge District, located in the southern part of the Eastern Highlands in Manicaland Province and spanning the Mozambican border to the east and the Save (Sabi) River to the south. The district covers a total area of approximately 522,498 hectares of which 294,457 hectares (56.36%) is communal land, 2,598 hectares (0.5%) is forest land, 26,100 hectares (5%) is safari area, 83,200 (15.92%) hectares is under resettlement and 116,143 hectares (22.23%) is held as large-scale commercial farms. Chisumbanje is a village located in Ndowoyo Communal Land on the eastern bank of the Save River, on the road between the Birchenough Bridge and the town of Chiredzi.



### The deal

The Chisumbanje Ethanol Project consists of sugarcane plantations in Chisumbanje, where 36,000 hectares was leased and where an ethanol plant is located, and a further 10,000 hectares leased in Middle Sabi.

The ethanol plant is a US\$350-million project that is owned and operated by Green Fuel in partnership with ARDA and commissioned by the Government of Zimbabwe in 2010. By 2014 the plant was producing about 200,000 to 350,000 litres of ethanol per day, and is reliant on 9,000 hectares of land under sugarcane to sustain these production levels.<sup>3</sup> Since not all the land leased is under production, the project also procures sugarcane under contract from 241 out-growers in surrounding communities to augment this supply.

The project is a joint partnership entered into by the government agency Agricultural and Rural Development Authority (ARDA) and Green Fuel Ltd. and its subsidiaries, Macdom Investments in Chisumbanje and Rating Investments in Middle Sabi, to produce sugarcane. The land in Chisumbanje is at the centre of contestation with the communities. Green Fuel is responsible for the processing of sugarcane into ethanol.<sup>4</sup> The land on both estates belongs to ARDA through lease agreements with the Chipinge Rural District Council and has been accessed through two separate 'build, operate and transfer' (BOT) agreements which were later changed to a joint venture between the two private agricultural companies and ARDA. In 2009, Rating Investments and Macdom Investments entered into a 20-year BOT arrangement and later a joint venture with ARDA to grow sugarcane for ethanol production by their parent company, Green Fuel.

The ethanol plant is the biggest of its kind in Africa. Together with the primary production of sugarcane, the initiative employs 4,500 people (compared to the projection of 10,000 jobs), with economic multiplier effects through downstream

<sup>3</sup> Green Fuel has estimated that it needs 17,500 hectares under sugarcane in order to use the ethanol plant at full capacity, but is seeking a larger area of 45,000 hectares.

<sup>4</sup> All three companies are registered in Zimbabwe.



and upstream support services. The authorities project further growth if the area under sugarcane is further expanded. Chisumbanje ethanol plant can potentially produce 700,000 litres of ethanol per day, far more than the Zimbabwean market is able to consume, making it a potential export product from which the country could benefit. Ethanol blended with petrol produces exhaust fuels with less carbon dioxide than regular petroleum. All these are envisaged benefits of the project.

### Land compensation issues

Green Fuel, as the current leaseholder and proprietor, has compensated 1,008 households in local communities, where ARDA has directed, on areas they could expand in the phased production process. The contestation is over the boundaries of ARDA land, with counterclaims from ARDA against the community that they do own the land. In order to amicably resolve the land disputes, Green Fuel has agreed to pay land compensation in a phased fashion alongside its planned expansion.

Following protests, it has tried to involve and compensate the farmers who lost their land. Macdom Investment set aside 0.5 hectares of irrigated portions of land for smallholder farmers to engage in horticulture projects to compensate for their losses, and it provides the farmers with irrigation services and gives them logistical support. Green Fuel's initial plan was to provide support to smallholder out-growers to grow sugarcane on 3,570 hectares of irrigated land (10% of the total area) to compensate them for losing part of their land during the expansion of the main estate. In addition to developing an out-grower model, they sought to integrate the communities into the sugarcane value chain at the production level, where Green Fuel provided inputs and tillage support to the new sugarcane producers. The contracted sugarcane out-growers, who were trained in sugarcane production, are producing cane and selling to Green Fuel for processing. This provides a ready market within the vicinity.

This was an area previously targeted for mega-farming investments in the 1960s, but these plans were abandoned during the liberation war because of the intensity of the war. Some of the chiefs confirmed that the memory of dispossession at that time was a reason why people, who re-occupied the land in the 2000s, did not actually build homes on the land.



The Green Fuel processing plant in Chisumbanje, Chipinge District, during a tour of the plant (Ruzivo Trust, 2014).

## What do the people say?

The villagers in Chisumbanje complained of the displacement. No explanation was given to the villagers that a phased approach was to be taken for the development of the scheme in a parallel fashion. For example, the villagers acknowledge that for every hectare developed for the company, equal investments in irrigation are being done for villagers willing to be part of irrigated sugarcane production – but this compensation is only available to those households willing and able to farm sugarcane. For this reason, some members of the community have positive views, as articulated by one war veteran in 2014:



*If you hear anyone saying that those in Chisumbanje refused the mill that is a lie. No one refused the mill. It is the effects of the mill that are being disputed by the people. They should amend their lies as a company.*

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A feeling that the company lied is what irked the communities, based on a set of promises made, such as local employment and broader economic development. Yet the timing of the complaints also reflects a deep desire for rapid development and such economic growth to be felt. The communities were 'giving' up land and their land-based livelihoods and so their feeling was that, as promised, they should quickly feel the positive impact of the project. The business sector experienced the impact during the construction of the milling plant, as services were sourced locally. But issues remained, especially clarity on land rights into the future.

A local farmer explained how the land affected was not only land leased after fast-track land reform, but also communal land long held by local communities. The extent of the land to be accessed by the company was what most shocked the communities. This is what one affected community member said in 2014:



*What shocked the community was that the company leased 40,000 hectares of land that included land belonging to settlers who had valid lease agreements with ARDA and land that belonged to the community under communal land, without any form of consultation. And when asked about the lack of consultation in a meeting that was between the company and the community, the Green Fuel Assistant General Manager said, 'What do you have that we were to consult you and who are you? We consulted the chief and the District Administrator!'*

The response of the company to complaints that there had been a lack of consultation shows the way in which people's land rights were unrecognised by the company or the government. This required intervention by government at the highest level, with the former Deputy President and Prime Minister during the Government of National Unity (GNU) era playing a key role in negotiations over land. This was in addition to the negotiations done by local actors, who reached consensus to form the District Ethanol Project Implementation Committee (DEPIC) to address the contested issues. In all deliberations, stakeholders noted that there was no opposition to the project, but rather process issues and involvement of local people in aspects of the project for their economic benefits.

In fact, some community members were happy that Green Fuel, through its companies, bought and invested pumping units and waterways for 18 schemes. The local leadership applauded the introduction of irrigation infrastructure covering 1,863 hectares, which was divided into small plots for 2,681 small-scale farmers. This was because the capacity of government to undertake major infrastructural development works was low.

But the Chisumbanje project and the ethanol plant in particular are valued as a form of investment and development in a poverty-stricken area. The local Member of Parliament, Enock Porusingazi conveyed this view:



*Green Fuel is the first company to invest in a processing plant in Chipinge South. There were no other companies based here except for cotton companies (buying depots). Green Fuel was the first industry to come into the constituency to do farming and processing of sugarcane into ethanol. It is the only company that employs many people, and currently has 4,600 workers.*



A village elder with historical memories on land issues (Ruzivo Trust, 2014).



The MP of Chipinge South, Honourable Enock Porusingazi (Ruzivo Trust, 2014).

Commercial sugarcane and ethanol production has had positive and negative benefits on the local farmers in the Ndowoyo Communal Lands. The local community has cried foul over the loss of land and unfulfilled promises of employment and compensation. It has lost some of its prime land, reducing access to this valuable source of livelihood and affecting their food security. A traditional leader said this:



*The livelihoods of people in this area are dependent on farming. They farm crops like millet, maize, groundnuts, nyemba [cow peas], beans and cotton. Cotton is their main cash crop and maize their own staple food but now they have lost arable land to produce these. With regards to sugarcane, they do not grow sugarcane though they now wish they could also be given plots so that they too can grow and sell sugarcane to get income.*

### Risks

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There are many associated risks with the project, chief of which are the deep canals without fencing that threaten livestock and humans, particularly children. Then there are inconclusive views on the health impact of vinasse. The company pointed out that it was a harmless nutrient but communities complained of various ailments, including cracked feet and stomach problems. There is yet to be independent testing by the Environmental Management Agency (EMA) and the Ministry of Health and Child Welfare to examine whether cases had increased after Green Fuel started operations.

The company has constructed canals that they use for irrigation and this was seen as a risk to livestock and children as they are prone to drowning. A villager from Tazwa said:



*The project has done more harm than good to the community; cattle died from the effluent that is being pumped into Jerawachera River. Fish and various aquatic life is also dying.*

One woman says that children have drowned in the village of Chinyamukwakwa where the canals are not fenced.



*The canals are a risk to the people; children are drowning in the canal.*

Other villagers claim that their livestock have died from the effluent in their water sources and there are also allegations of oil spillage by the company trucks into the Save River.



Women appreciated the rehabilitation of schools and the construction of a crèche for children. Nonetheless, they noted that not everyone was going to be employed by the company and so there was a need for further social investments in the affected communities. The women in the affected communities complained about unfulfilled promises. It is these complaints that resulted in Green Fuel establishing a garment-making factory for locally producing uniforms for the employees. In addition, a resource centre with computers and access to Internet facilities was also opened for the community. Before these developments, the women at the focus group had complained that:



*What pains us as the women is that the community was forced to pay for mandatory blending<sup>5</sup> [of ethanol with fossil fuel in national fuel supplies] and in return we were promised out-grower schemes, income-generating projects, markets for our crops, jobs, development in infrastructure and rural electrification but nothing has materialised five years on.*



“...nothing has materialised five years on.”

<sup>5</sup> Mandatory blending assures a market for the ethanol. The Zimbabwean government's current regulations require 20% ethanol to 80% fossil fuel, which is known as E20 fuel.



Infrastructural development at Checheche Growth Point (Ruzivo Trust, 2014).

## The changes: Economic transformation

As the District Administrator noted, this was the first time that Chipinge had experienced agricultural development of this magnitude since 2000, and other districts are crying for the same type of investment, where agriculture and the economy are in a perilous condition.

The local traditional leader, the headman of Chisumbanje, has been a supporter of the project from the start and argues that the project has brought 'development' while acknowledging that people have lost land. The headman of Chisumbanje said:



*... it cannot be disputed that the plant, despite creating problems for the people, has brought about some sort of development to the community. Prior to the plant there was only the POSB (Post Office Savings Bank) and Agribank in terms of banks, but now there is ABC (African Banking Corporation), CABS (Central African Building Society), CBZ (Commercial Bank of Zimbabwe) and ZB (Zimbabwe Bank). Though we had shops that sold all wares, including hardware, prior to the investment, these shops have increased.*

## Land governance

Land tenure and governance are at the centre of the conflict between ARDA and the community in Chisumbanje. The tenure system for the community, which claims to have had its land unilaterally taken, is basically communal and based on a range of uses that includes homes for living, cultivation, grazing

88 “...it cannot be disputed that the plant, despite creating problems for the people, has brought about some sort of development to the community.”

areas, cultural ritual sites and land for access to common property resources – such as hunting, wild fruits, medicinal plants and firewood and timber for home use. The community claims to have been cultivating the land for a long time and claims ownership of the disputed land. ARDA, on the other hand, claims ownership of the land, as it is technically state land, and argues that it merely allowed the community to use the land because it could not utilise all its land but, now that it has found an investor, has taken back its land.

Some of the displaced farmers had valid offer letters from the local authority under the Rural District Councils Act (1988), while others are holders of 99-year sub-leases from ARDA. Yet ARDA leased the land from the Chipinge Rural District Council, and had a right of ownership under the ARDA Act (1982). The centralisation of land by the government and local authorities raises issues of tenure insecurity in communal land ownership, especially when investments are planned or implemented, as is the case with the Chisumbanje project. While communities may have some form of entitlement and use rights, these are weak in law because all customary land is under the trusteeship of the President. So the valid offer letters or 99-year leases are not entirely binding on government, as demonstrated first by the taking of large-scale farms and, secondly, in this case allowing ARDA to lease out customary lands. The Chisumbanje Ethanol Project represents a unique case, as the state supported the forced removal of an estimated 1,008 rural households from what residents consider to be their communal farming land — an act contrary to the redistribution goals of its Fast-Track Land Reform Programme.

Local people object to the process by which the private investors had partnered ARDA on land that had been held under customary tenure. Displaced farmers reported that they were neither consulted nor formally advised about the land acquisition agreements or before the land clearance commenced. According to respondents, consultation was largely confined to the chief and local district council officials, and the ethanol project went ahead without local people's approval. There were no meaningful platforms to provide a voice for local people affected by the ethanol development project.

## Impacts on the local economy

The Chisumbanje Ethanol Project is in the marginal district of Chipinge, which requires enormous resources for human development that neither the government nor development agencies can provide. In this context, the project provided hope and promises were made, but while the project is up and running, some of the promises have not totally



One of the bridges constructed in the community by Green Fuels (Ruzivo Trust, 2014).

**Green Fuel has been key to the revival of infrastructure taking over the role played in the past by government and local authorities.**

materialised. With regards to compensation, each household losing land in Chisumbanje and Chinyamukwakwa is expected to get at least a 0.5-hectare irrigated plot on which to grow sugarcane. By the time of our research in 2014, some 172 households had received such plots. Yet a recent visit to Chipinge showed that irrigation land allocation has proceeded. The District Administrator pointed out that in Chinyamukwakwa everyone has since been allocated their 0.5 hectares except for seven families. However, none of the households in Chisumbanje have been compensated for their loss of land.

At the same time, the project has had multiplier effects in the local economy as other companies, such as Matanuska Banana Company Ltd, have also invested in the area, riding on the irrigation revitalisation of the Chisumbanje project. The economic context of the project needs to be understood in terms of how it has transformed people who for years had suffered from declining cotton production because of poor international prices. Although the biofuels project offers an opportunity, the land area for individual farmers has been reduced from an average of 20 hectares to 0.5 hectares. Some better performing irrigation schemes, such as Mutema in the same area, are irrigating on less than 0.2 hectares. A key outcome therefore has been that local people engaged as out-growers on 0.5 and 2.1 hectares are now able to produce throughout the year a variety of crops, and not necessarily just sugarcane. The choice of what to produce lies with the smallholder farmers, and they also have a choice of producing sugarcane for the company or selling elsewhere, because the relations are not conditional.

Green Fuel has been key to the revival of infrastructure taking over the role played in the past by government and local authorities. Through road rehabilitation, this has relieved pressure on the local authority budget, while the Ministry of Transport budget dependent on the national fiscus has been relieved to focus in other areas. Communities noted that a key achievement

was being able to transport their produce to the markets in Mutare and Harare. Financial services and small and medium enterprises have mushroomed, offering various services, while some entrepreneurs have emerged providing accommodation services through rentals and lodges constructed. Green Fuel has introduced several corporate social responsibility initiatives. For instance, the project has brought investment in local infrastructure, including a bridge constructed by the company itself, which improves transport options not only for its own operations but also for the community. Nicole Mollet, Community Social Responsibility Manager, of Green Fuel, said:



*A major bridge along the Chinyamukwaka–Checheche Road was constructed to link the community to health centres and other major service facilities at Checheche.*

In addition to the bridge, a community market, community sewing workshop and a community library (yet to be furnished) have been constructed by Green Fuel.

## Key challenges

The unilateral seizure of communal land draws attention to tenure and legal issues around land transfer deals in the context of sugarcane and ethanol expansion in the region. Though communal land is held under customary tenure through chiefs that administer it, and local people are *de facto* owners, this land is *de jure* state owned. National law does not protect customary land systems and use rights in Zimbabwe. Instead, the Constitution of 2013 vests authority over land transfer in the state, which has a right to acquire land for national strategic reasons. According to the Member of Parliament, this is what has happened at Chisumbanje, because the energy sector is of national importance.



## Conclusion

The communities pointed out that they would want to see Green Fuel going back to its initial promises with regard to compensation and make efforts to improve relationships with the surrounding communities. Though they are not entirely opposed to the project, they are against the consequences brought about by such an investment, such as loss of land and livelihoods, loss of livestock, loss of homes and alleged pollution. As one woman said:



*The company should fulfil its promises. They used these promises to attract the people and get the people. They should also give everyone the irrigation plots. The men are now laughing at us because they say we were used.*

The community also wants the company to contract everyone as out-growers so that they can have an alternative source of livelihood. They want community share ownership in the company that will be owned by the community itself, through a community trust, which could use dividends to invest in community projects. They also expressed that they want free transport from the company buses to ferry children to school. The youth in the area also desire some employment in the company and that long-term training programmes be undertaken with support from the company and government so that they can take up higher paying jobs in future. The community is fighting for greater inclusion in various aspects of the project, as producers, as suppliers, as service providers and also to develop long-lasting, co-existing relationships with the company.

## Ruzivo Trust's role

Ruzivo Trust has intervened in the Chisumbanje case in various ways. We have generated knowledge about the project and its impacts. We have reported back to the community on several occasions regarding our findings, as well as taking these issues to government and other stakeholders, including Green Fuel Ltd. We have motivated for an increase in the number of people who can acquire plots of 0.5 hectares so that more people can benefit. We have taken lessons from this case study to argue for a National Land Policy, and have generated guidelines around (1) clarification of tenure rights; (2) forms of compensation and its calculation; (3) mechanisms for dispute resolution; (4) land use planning; (5) land registration and development of the cadastre; and (6) land administration. We have been central to the design of the Ministry of Lands and Rural Resettlement's Action Plan towards this National Land Policy, as well as the development of a National Biofuels Policy, and we have argued for the FAO Voluntary Guidelines and AU Guiding Principles to be addressed in both of these processes.



# Resources

## International and regional guidelines

FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (2012) <http://www.fao.org/docrep/016/i2801e/i2801e.pdf>

AU Guiding Principles on Large Scale Land Based Investments in Africa (2014)  
[http://www.uneca.org/sites/default/files/PublicationFiles/guiding\\_principles\\_eng\\_rev\\_era\\_size.pdf](http://www.uneca.org/sites/default/files/PublicationFiles/guiding_principles_eng_rev_era_size.pdf)

## Useful resources

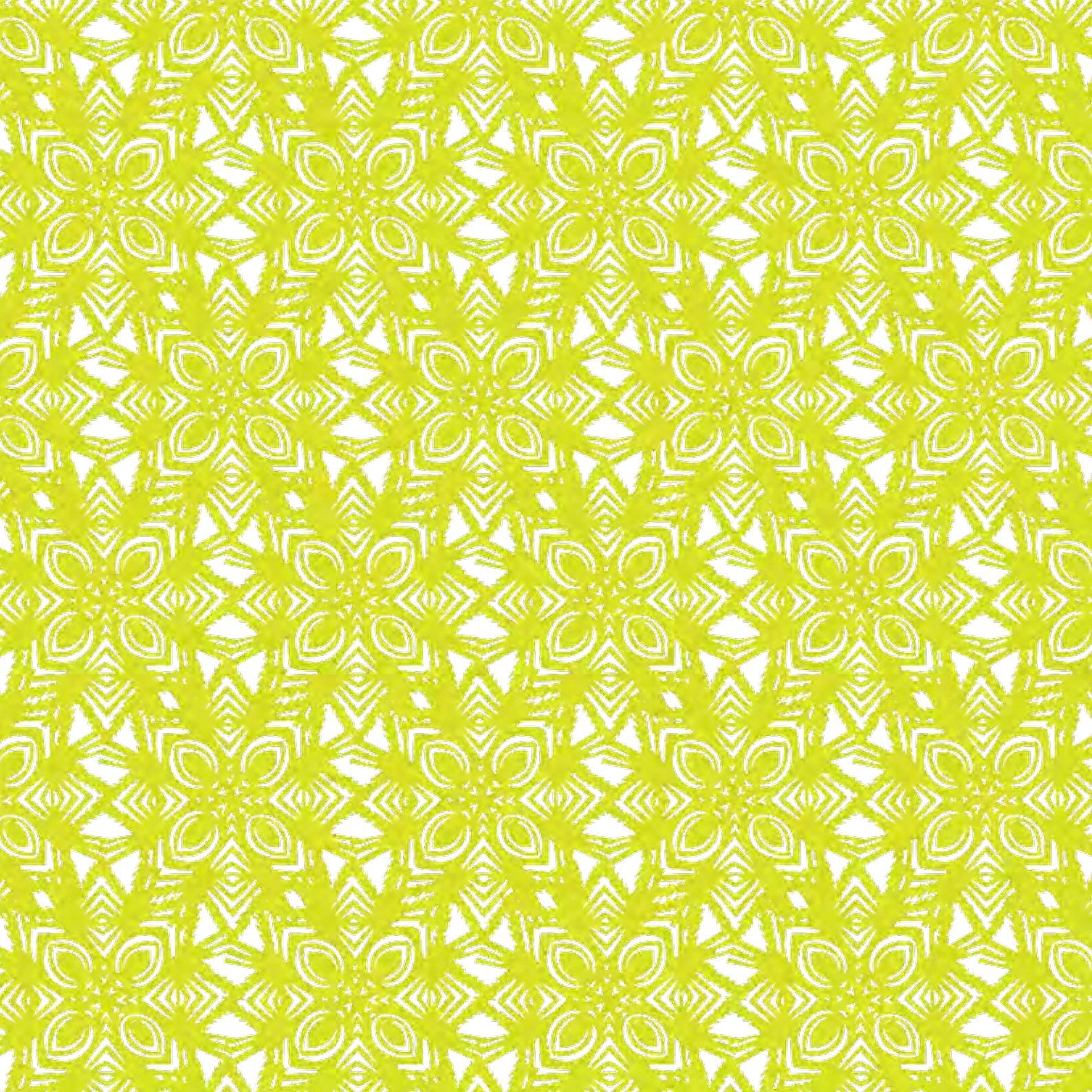
Land deals in Africa: What is in the contracts? by Lorenzo Cotula, International Institute for Environment and Development (2011) <http://pubs.iied.org/pdfs/12568IIED.pdf>

Land tenure and international investments in agriculture by the FAO High Level Panel of Experts on Food Security and Nutrition (2011)  
[http://www.fao.org/fileadmin/user\\_upload/hlpe/hlpe\\_documents/HLPE-Land-tenure-and-international-investments-in-agriculture-2011.pdf](http://www.fao.org/fileadmin/user_upload/hlpe/hlpe_documents/HLPE-Land-tenure-and-international-investments-in-agriculture-2011.pdf)

Reclaiming free, prior and informed consent (FPIC) in the context of global land grabs by Jennifer Franco, Transnational Institute (2014) [http://www.tni.org/sites/www.tni.org/files/download/reclaiming\\_fpic\\_0.pdf](http://www.tni.org/sites/www.tni.org/files/download/reclaiming_fpic_0.pdf)

International and regional guidelines on land governance and land-based investments: An agenda for African states by Ruth Hall and Emmanuel Sulle, Future Agricultures Consortium (2014)  
<http://www.future-agricultures.org/publications/research-and-analysis/policy-briefs/1932-international-and-regional-guidelines-on-land-governance-and-land-based-investments-an-agenda-for-african-states/file>









Dramatic changes are underway in Southern Africa, with growing interest by foreign and domestic investors to access land for farming, mining and other commercial operations. For some, this heralds much-needed development while for others it threatens dispossession and growing inequality.

This book of case studies documents situations in which commercial projects are planned or are being implemented on land held by rural communities in Malawi, Mozambique, Namibia, Zambia and Zimbabwe. It aims to provide an accessible and vivid window into the lived realities, views and responses of rural people who are affected by such deals.

The case studies provide insight into core questions and debates.

- Who supports and who opposes commercial land deals on community land?
- What kind of consultation takes place, and is there free, prior and informed consent from those likely to be affected?
- Who are the leases with and who gets paid?
- What impacts do these deals have?
- Are jobs created and who benefits?
- What happens to those dispossessed?
- And what are the gaps in land governance that need to be addressed?

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