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**LARGE SCALE LAND ACQUISITIONS AND LAND GRABBING IN
MOZAMBIQUE: WAYS FORWARD IN ‘PRO-POOR’ AND PARTICIPATORY
LAND GOVERNANCE**

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Abstract

In international debates about land governance, Mozambique is often mentioned as an example of a country with favorable framework for local communities to benefit from land-based investments. However, it is also one of the countries highlighted in land grab debates for being one of the top countries where foreign companies and national elites are acquiring large extensions of land. It is increasingly clear that in spite of the favorable legal framework and pro-poor policies, local communities are under stress. This paper aims to show that land grabbing in Mozambique is, in some way, a manifestation of a State shift away from protecting the rural poor to protecting business interests. It is also a result of global pressures. Based on desk research and field work, the paper shows how land acquisitions are taking shape on the ground, the actors involved, and impacts being caused. Alternatives being tested by different stakeholders to overcome some of the problems hindering participation and equity are also addressed. The paper concludes that a single approach is not enough to address the challenges faced by rural communities and recommends combining different alternatives with actions that realign government positions with proclaimed policy principles on land governance.

KEY WORDS: Governance, State, Land, Communities, Participation, Development, Benefits

1. INTRODUCTION

Mozambique is known in international debates about land policy for its favorable and ‘pro-community’ legal framework for land governance, thanks to the progressive pro-poor provisions intended to balance community and investors land rights. At the same time, however, Mozambique is also mentioned amongst the countries where large scale land ‘grabbing’ is taking place. According to the International Land Coalition land matrix (2011) and the World Bank (2011), foreign investors have taken millions of hectares of land, and national elites are also known for the large areas of land occupied by communities that they are currently taking away (CIP. 2011). Many studies are currently being done to assess the local implications of such processes (JA and UNAC. 2011), but little attention is given to the causes and to the fact that the role of the state is rapidly changing. Whereas the Mozambican government for a long time played a very important role in supporting local communities in gaining access to the land, an approach still maintained in current policies, the practice is being conducted at the detriment of rural communities.

This article, based on desk and field research on investment projects in the sectors of agriculture, biofuels, forestry and extractive industries, aims to show the complexity and some confusion in the Mozambican land governance, in general, and in the land grab debate, in particular. After the description of the historical context, a snapshot of the current situation and gap between theory and practice will be given based on a number of case studies. The (changing) role of the state that is increasingly involved in supporting foreign and national business interests, at the expenses of the rights of rural populations, will be discussed. A brief reference will be made to initiatives being tested on the ground to overcome some of the problems described, promoted by different stakeholders including donors, NGOs, and the government. We try to show that there is space for promoting good land governance but caution that while these and other initiatives have an intrinsic value and potential to minimize the problems that occur in rural areas, a single approach will not be enough to adequately address the main challenges currently faced by rural communities. The recommendation is, therefore, for an approach that combines these initiatives, with efforts to align government policies and actions.

2. HISTORICAL BACKGROUND

In the Independence Proclamation Speech attentively listened by euphoric Mozambicans on June 25th 1975, Samora Machel¹ stated that the main objective of the liberation struggle was to “*Liberate the Men and the Land*”. In the same line, the Constitutions of the Republic of Mozambique (CRM) that were subsequently approved by the government in 1975, 1990 and 2004 all maintained the principle that “*as a means of wealth creation, the right to access and use land belongs to all Mozambicans*” (CRM of 1975, Article 9; CRM of 1990, Article 46,3; CRM of 2004, Article 109,3). The principle of participatory management of natural resources, as well as the principle of inclusion and equity in the access to, and use of land and in the distribution of benefits deriving from natural resources were also included in the different constitutional texts. The Constitution of 2004 actually stretched further the notion of participatory natural resources management by including the concept of “community public domain” over natural resources (CRM of 1990, Article 38, CRM of 2004, Article 98.3) This concept was also held up in the policy and strategy documents, and in the legislation adopted for natural resources management since the independence.

In fact, with the general aim to ensure equitable and sustainable rural development where the rights of the rural poor are recognized and where rural communities are given voice and powers in decisions related to management of land and attribution of land rights to investors, the 1995 National Land Policy includes objectives and principles for the land administration and management sector, with the priority of eliminating poverty and promoting self-sustained economic and human development (Paragraph 13).

As main objectives, the NLP indicates the recovery of land production capacity to ensure food security and the creation of conditions for the development and enhancement of the family farming, with adequate access to land. It also envisages promotion of private investment, through sustainable use of land and other natural resources with respect to local interests, as well as the updating and improvement of the taxation system based on land occupation and use, in order to support public budgets at all levels (Paragraph 14).

Among others, the NLP includes as main principles, the maintenance of the State property of land, the need to secure access and use of land to the population as well as to investors, the need to secure women’s right to use land and the promotion of private national and foreign investments without jeopardizing local residents and ensuring benefits to the national budget.

¹ Samora Moisés Machel, first President of the Popular Republic of Mozambique, 1975-1986.

In the same line, and apart from allowing the use of customary norms for land management in rural areas, the Land Law (Law No.19/97, of October 1) included mechanisms specifically designed to ensure community participation, equity and sustainability in land administration and management, namely: (a) the *delimitation of community areas*, a process through which the limits of areas occupied by communities are (re)confirmed using customary norms. This process integrates the customary system into the formal administrative system through the issuance of a Community Land Certificate by government institutions; (b) *community consultations for attribution of land rights to investors*, a process where communities have the space to say whether a certain area within the community space envisaged for investment is unoccupied and/or free to be used by others; (c) *partnership agreements between investors and communities*, promoted to simultaneously stimulate community security of land tenure rights and mutual benefits from investments on community lands, and (d) *environmental and social impact assessments*, regulated by the environmental legislation, through which social and environmental sustainability in management of land and other resources is secured, as well as public consultation prior to project approval (Law No.20/97, of October 1).

Throughout the years, the pro-poor approach continued to be pursued by the government as was reflected in the National Action Plans for Reduction of Absolute Poverty - PARPA I (2000), PARPA II (2004) and PARP (2009), and in the National Strategy and Action Plan for Rural Development also approved by the Cabinet in 2007. The legislation on territorial zoning and planning (Law No.19/2007 of July 18, and Decree No.23/2008, of July 1) reinforced participatory approaches, promoted responsible and accountable management of the territory and natural resources with respect of legitimate rights and interests of citizens, and highlighted the importance and need of due process in land management. Additional guidelines for community consultations and for community resettlements were approved by the government in 2011 and 2012 respectively, with the objective of ensuring due process in land attributions.

It is this set of constitutional principles, policy and strategic guidelines, and legal provisions for participatory and sustainable land management and development process that has turned the Mozambique into a reference in Southern Africa and beyond.

3. LAND GOVERNANCE IN PRACTICE: SOME ISSUES

The process of implementation of the land law in the 15 years that have already passed since the approval of the Land Law, especially in what relates to interaction between communities and investors, shows that while the statutory provisions for equity and sustainability in land attributions for investments are in place, this process is greatly jeopardized by many factors.

Specifically related to the legal tools approved to ensure participation and inclusion in land decisions the following factors stand out in many assessments done to the land sector:

1. **Community land delimitations:** So far the number of communities delimited is small with only 409 applications submitted, 252 certificates issued, from a universe of about 4,000 communities in 1042 localities (DNTEF. 2011). Challenges to this also come from regulatory amendments that turned the delimitation processes more complex by imposing that applications from communities with areas over 10,000ha had to be sent for approval by the Cabinet. While this is a norm imposed by the Land Law regulation, community land delimitations were, for many years, approved by provincial governors as a recognition of the cumbersome and costly process of filing applications to the Cabinet. The insistence that community land delimitation applications should be sent to the Cabinet increased the length of the process but, more importantly, it resulted in the refusal from provincial officers to recognize and accept applications for delimitating areas larger than 10,000ha, irrespective of traditional proof of land occupation, impeding these applications to even reach the Cabinet (iTC. 2012; Boyd and Calengo, 2008).
2. **Community consultations:** Most community consultations are nothing more than rubber stamping exercises by public officers, involving a very small number of representatives and thus jeopardizing the objectives of the consultation processes. Conflicts of interests (of both government officers and local leaders) and political pressures hinder participation of usually ill-prepared communities. Lack of provision of timely and relevant information, manipulation of local leaders, disregard to gender imbalances, among other issues, characterize the meetings that government officers and private investors insist in calling “consultations”, while recognizing (in private) that communities are not really being consulted. (Nhantumbo, I. and Salomão, A. 2010; Baleira, S. and Samo, S. 2010; Tanner, C. 2011). It is common to hear district administration officers commenting that when an investor comes to the local level the decision to secure him the land he has chosen or requires has already been taken at the central level, so the consultation meeting is just a formality with no value simply aimed at informing communities about a decision already taken.
3. **Community-private partnerships:** In theory, the consultation process is supposed to have two objectives. Firstly, it aims to ensure respect to pre-existing land rights, and, secondly, to offer the opportunity for communities and investors

to enter into a mutually beneficial relationship, even when the community has taken the decision to transfer the land use rights (Salomão, A. 2011). However, consultations undertaken so far reveal an unequal negotiation leverage between communities and investors, with distorted assessment and distribution of benefits, dominated by informality and lack of investors accountability for failure to fulfill promises. Promises made by both the government and investors during consultation meetings are not formalized or even properly registered in the consultation minutes. Due to the secrecy surrounding investments, the link between the results of the consultation and the content of the contracts is hard to establish, but judging from community protests when projects are implemented (as is, for example, the case of mining and forestry projects described below) the gap between promises and practice is noticeable.

4. **Due process, public accountability and corporate legal, social and environmental responsibility:** The processes of land use licensing for investors is generally characterized by constant challenges to the rule of law, with government officers constantly overriding the rule of precedence of the environmental licensing process, and investors taking chance of weaknesses within communities (especially lack of legal knowledge) and within public institutions (especially corruption) to achieve quick and easy gains and benefits. With the argument that there is an “urgency” in combating poverty, and in securing the interest and motivation of those who want to “help” the country in achieving economic development, both the government and investors are in such a hurry to see investments initiating and flourishing that shortcuts to legal procedures and lack of transparency dominate institutions involved in natural resources management (Classen, 2013).
5. **Conceptual confusion:** Lack of a clear understanding of the meaning and importance of community land delimitations by both communities and the government has led to the general idea that delimitations are processes for attribution of land rights when, in fact, they are a process for formalization of existing rights. This confusion has led to disrespect of the rights of communities that have not been subject to delimitations (de Witt and Norfork. 2012; Salomão, A. 2012; UNAC. 2011). According to Carrilho (2012) delimited areas should include not just areas occupied and used by communities. They should also be areas where communities have management powers over land and natural

resources. To Åkesson, Calengo, & Tanner (2008), there is also some confusion on the interpretation of what land “occupied” by the local community means.

6. **Institutional weaknesses:** government lack of adequate capacity and resources to enforce the law and ensure provision of land administration and management services such as land delimitations and demarcations, land zoning and planning and land use registration, is a major problem. Additionally, and despite the existence of two major coordination ministries, namely the Ministry for Coordination of Environmental Affairs, and the Ministry for Planning and Development, lack of sectoral coordination characterizes the natural resources management sector. Land use rights and mining rights are being given for areas occupied with human settlements or with environmental conservation programs. In this regard, it is also worth noting that government has apparently halted attribution of land rights for investments in 2010, awaiting conduction of a land use zoning throughout the country. This process hasn’t been concluded, and it is not clear if land attributions have actually stopped and since when. In late 2012 and early 2013 this situation has also determined the suspension of attribution of land rights in the northern District of Palm, in de Province of Cabo Delgado, as the rush to land by nationals and foreigners got out of the control of local authorities due to the prospect of gas and oil exploitation in the area, as indicates a communiqué issued and published by the Government of the District of Palma, on February 6, 2013.

It is clear that both the State and the citizens (in their differentiated categories) are facing serious challenges to live up to the Constitutional principles and the progressive provisions of the 1997 Land and Environmental Laws. As contradictions between theory and practice become more acute, it is important to understand the extent to which the vision, principles and norms designed in 1975 (independence year), especially those directed at promoting participatory land management, can still be held up today considering the different pressures that Mozambique is facing. As these pressures are both internal and global and are taking place in many other developing countries, the following sections present not only some of the issues covered in the national land debates (actors involved in land grabbing and social and economic impact), but also tackle the links between national and global realities.

4. THE CURRENT LAND DEBATE IN MOZAMBIQUE

Most assessments done to the land sector conclude the same: that Mozambique has, in general, a good policy and legal framework for land administration and management, with the basic principles and norms for good land governance.

However, Mozambique is often included in the list of countries where land grabbing or large-scale land acquisitions are taking place involving massive extensions of land has fuelled discussions at the national level, including debates over the adequacy of the legal framework itself (UNAC. 2012; FCT. 2012; JA. 2012). There are concerns because these acquisitions are happening at the expenses of the rights and interests not only of the State (IESE. 2011) but also, and especially, at the expenses of the majority of the national population, the rural communities, whose lands are being transferred to investors following processes conducted at the margins of the law and by-passing community participation in decisions on land allocations (CTV. 2012; JA and UNAC. 2011). Many analysts defend that the country is gaining very little from these investments as the government is failing to exercise its power to collect taxes and adequate revenues (IESE. 2011; CIP 2012; Hanlon 2013). A recent report published by the Environmental Investigation Agency (2013) on the forestry sector in Mozambique, demonstrates how much money the country is losing just for failing to collect taxes from illegal logging, and indicates that corruption is behind this situation.

Another thing that these large scale land acquisitions also show is that the role of the State in land management has evolved throughout the years, having moved from a notorious pro-poor protector, apparently with the concern of protecting the rights and interests of national citizens (especially reducing the poverty of rural communities) at the centre of government's attention and programs (as the PARPAs show), to investments promoter, especially targeting foreign investments and rural lands occupied by the poor. In many cases, the rights given to investors overlap with pre-existing rights of communities. However, as the former are backed up and protected by titles and, more importantly, by investment proposals involving large sums of money, these are the rights that the government tends to protect. At the forefront of this shift are high level government officers who publicly state that investments should be given priority, even over the interests of the local people and the imperatives of the law, as the struggle to overcome poverty so requires and communities will ultimately benefit from jobs and other opportunities².

² In a so called public consultation meeting held on December 27, 2012, and attended just by government officers and three representatives of NGOs, the District Administrator of Xai-Xai affirmed that communities should not complain about the Wambao Agriculture Development project absence of an environmental license and for not being consulted, because the project was aimed to assist communities in reducing poverty through transfer of technology for cereals production

To strike a balance between protection of local rights and protection of investor's interests in this process doesn't seem easy, and internal ideological conflicts are exhibited through statements that challenge concepts once assumed as clear and commonly understood. In fact, the very concepts of "*local community*", "*community land rights*" and "*community area*" are now being challenged. Because of this, community land delimitations were halted in 2008 and from that time onwards only communities with areas below or up to 10,000ha are easily certified. Above this size, questions are raised (Carrilho, 2013) about the "effective" and "legitimate" occupation of the areas claimed by communities. Similarly, the concepts of "State", "State Property", "Public Domain" and "Community Domain", etc, are now being revisited in the context of debates organized under programs such as the Community Land Initiative (iTC) and the National Consultation Forum on Land (FCT. 2012. Síntese da III Sessão). This conceptual confusion is not new (Akersson et al. 2008) but is now exacerbated by the struggle to accommodate the rush to large extensions of land by both foreign companies and national citizens, into areas formerly taken as community lands, without changing the constitutional principles and legal norms.

In summary, the issues that are being brought up in the debate are essentially related to two general themes and related sub-topics. The first theme is on the role and responsibility of the State in land and natural resources management, with issues raised with regard to the concept of State and the general perception that prevailed in the first years after independence as the guardian of citizens rights and interests now substituted by the figure of a State-entrepreneur; the notion, objectives and limits of state property rights over land and natural resources; the concept, objectives and limits of community land use rights; critical issues in the interface between formal and traditional norms for land governance, especially the issue of participation in traditional contexts (illiteracy, representation and accountability, gender issues, etc).

The second theme is on the national strategy for investment promotion and impacts on national development and rural poverty reduction. On this regard, crucial issues that must be raised in land governance debates are related to the ideological and moral pillars that currently support a national strategy for rural development, the mechanisms for equitable access and use of natural resources by both national and foreign citizens and companies, and the model of development envisaged for the country in a globalized world.

So, what do we know about land grabbing in Mozambique and what solutions are being tested?

a) Scale and Type of Land: Data on the total amount of land areas attributed to investments (foreign and national) is not publicly available. Is it also very difficult to confirm whether the figures that are indicated in some reports, including media reports, are accurate or not. For example, media reports published in 2011 in Mozambique and Brazil indicated that a project for soya production in the northern part of Mozambique (ProSavana) would occupy 6 million hectares of land. Annex 1 contains a table with data from the Ministry of Planning and Development, showing the areas requested or attributed to some of the biggest investments.

b) About the Actors: Foreign investors/companies, are at the forefront of large scale land acquisitions in the country. According to a recently published report on the ProSAVANA project (Classen, S. F. 2013), Brazilian farmers and enterprises are not the only ones who found Mozambique attractive for farmland acquisition, as the agricultural investment conditions (especially the cost of land) and lax environmental regulations provides room for an easy and advantageous endeavor. This report adds that Chinese and American corporations are also moving towards strengthening relationships with Mozambique.

It has been reported that in some cases, investments result from joint ventures between national citizens (elites) and foreign companies. National citizens, especially high level public officers have been active in acquiring extensive amounts of land for no clear purpose. A registry published by the Center for Public Integrity shows national citizen's interests in land and mineral resources (CIP.2012; CIP. 2013).

c) About the Impact: The race of foreign investors to large tracks of land for agriculture, agro-fuels, minerals, tourism, forestry, etc, is not necessarily the major problem. The problem lies in the models being used for giving access to land to investors, and in relationship with local and pre-existing land rights holders, as the following examples show.

1. The Procana Project, received a license in 2007 to use 30,000ha of land in the District of Massingir, Province of Gaza, for sugarcane-based biofuel production, in a process that confirmed the problems indicated above, and exposed conflicts between investors and local communities, between the government and local communities and within the government itself (Nhantumbo, I. and Salomao, A. 2009). This project received and occupied land that had already been reserved for the resettlement program of the Limpopo National Transfrontier Park, as well as community grazing land. To make the situation worse, the project also failed to comply with the commitments assumed in terms of provision of social

and economic benefits in the community consultations and occupied areas beyond the limits agreed with communities. This project was cancelled in early 2010 allegedly for lack of compliance with contractual provisions, but despite its cancellation, the land that was taken away from communities and the Limpopo National Park was never returned. Information yet to be officially confirmed indicates that this land has already been attributed to another company (CPI. 2013).

2. Also in 2007, the GovMoz approved the Vale Mozambique coal mining project in the District of Moatize, Province of Tete. Apart from concerns related to the known environmental impacts typical to this type of operations, the projects have also caused social revolt as a result of the resettlement of more than 2000 families, some of which relocated more than 50km away from their original areas, in areas unsuitable for agriculture, distant from markets and other social infrastructures. Deficiencies in the consultation processes and problems related to the procedures for the resettlement program have turned the Vale Mozambique project the source of violent confrontations involving communities and the police, and its classification as “the worst company in the world” (2012 Public Eye Award).

3. The forestry sector, involves some of the largest projects in what concerns the size of the land areas and communities involved (Annex 1). In the Province of Niassa, where the forest plantations of “Chikweti, “Malonda” and “Florestas do Niassa” are located, occupying hundreds of thousands of hectares of land, communities have threatened to set the province in flames, by burning the trees planted by the companies, in protest to disrespect of the boundaries of the areas allocated to them and disrespect to the partnership agreements (outgrowing schemes) reached during the consultation processes.

4. In the agriculture sector, the now famous ProSavana project, described as “an opportunity for the development of agro-businesses in the Nacala Corridor”, is a three party initiative involving Mozambique, Brasil and Japan, for the transfer of technology for promotion of massive soy production in Mozambique. The program is expected to cover four provinces in the central-northern part of the country (Zambézia, Nampula, Cabo-Delgado and Niassa), and to involve private companies from Brasil, as well as national commercial and family farmers, for the use of vacant lands. Due to the staggering land area covered, this project has raised public attention and protests in Mozambique especially regarding the lack of government transparency in the decision to attribute (such decision was never made) such massive amounts of lands. The details of the Prosavana program, particularly the issues over land and over environmental and social implications, are still not known by the public but government officers leading the process (Mozambican Institute for Agrarian Research) promised in 2011

that decisions over such issues would be taken following an inclusive and participatory process. This is yet to happen.

5. The Anadarko gas exploitation project, in the District of Palma, Province of Cabo Delgado, has apparently acquired land use rights over 7,000ha of community lands. Associated with this project, a plan is being finalized to establish an industrial town in an area of 37,000ha (including Anadarko's area), also of community lands. Unofficial statements from government representatives, including the National Hydrocarbon Company (ENH), indicate that land use rights to this large extension of land will be withdrawn from communities to be given to a public-private company involving ENH and Anadarko. In total, 11 communities are going to be affected. Although no one is willing or allowed to speak about resettlement, there is growing fear that these communities are going to be removed from these lands. It is also clear in this case that procedural norms for land attribution and for resettlement programs are already being violated, showing a worrying incapacity to learn from the past but still vivid mistakes committed in Tete by the government and Vale.

d) About the Reasons: Has the State changed its mind about communities or are global pressures keeping States on a thigh skirt?

In most land governance debates in Mozambique, discussions revolve around lack of political will, corruption, lack of capacity of local communities, weakness of public institutions, etc. But isn't this an oversimplification of a phenomenon that is happening all over the world? Has the Mozambican State simply changed its mind about putting community rights and interests in the top on the development agenda? Has it also changed its mind about being a State that promotes the rule of law and due process in public decisions? Is everybody in government so corrupt, and everybody in communities so ignorant of the laws and procedures that land grabbing cannot be stopped? How much margin of maneuver has a State like Mozambique and its citizens to confront and oppose foreign economic powers.

This paper does not provide answers to those questions. Instead, and because Mozambique is not isolated, it tries to place the issues addressed in the national land debate in the context of global phenomena related to, and with impact on, land governance. The hope is that this will contribute to a better understanding of the situation occurring in Mozambique, its links with the rest of the world, and the space that the State has to act differently.

5. NATIONAL AND GLOBAL LINKS ON LAND GOVERNANCE

International researchers on land governance have been focusing a lot on the issue of global land grabbing. In its review of the kind of information we have about the extent of ‘land grabbing’, the World Bank (2010) counted 389 deals concerning 47 million hectares in 2009. At the same time, other sources mention larger amounts. The Global Land Project (Friis and Reenberg (2010) cites a minimum of around 10 million hectares in each of Mozambique, DR Congo and Congo, and in 27 African countries screened it noted 177 deals covering between 51 and 63 million hectares. Oxfam Novib and the International Land Coalition have identified more than 1200 land deals (real investments and intentions) since 2000, with a total coverage of 80 million hectares), mostly used for the production of food (37%) or biofuels (35%)(Oxfam International 2011).

However, due to the lack of reliable statistics and the fact that land transfers are often invisible, the truth is that no one knows how much land is involved or how many people are being affected in these and other countries. However, even though it is difficult to obtain detailed information on the number of hectares involved, it is clear that the development is contributing to land use change. Large-scale land acquisition has gone hand in hand with the rapid expansion of large-scale monocropping, often on the better agricultural land. Moreover, it generally concerns the more fertile soils in areas with sufficient rainfall or good irrigation potential, where there is better access to markets (Cotula and Vermeulen 2009). Losing this land for local food production has obviously disproportionate impacts on food security and livelihoods. It is increasingly recognized that, while some land may be underused, very little land is vacant or unused. Many of the affected areas are not empty, but occupied or used by various groups (see Alden Wily’s ‘Whose Land are you giving away, Mr President?’) that utilize the land for various purposes such as grazing animals and gathering fuel wood and contributing to local livelihood and the food security of the poor.

According to the World Bank (2010) investors are deliberately targeting areas where government is weak. Much of the land involved is therefore located in post-conflict areas where some of the populations are displaced and where ownership and/or governance relations are often fairly unclear (Mabikke 2011).

In-depth research about what is happening on the ground shows that the range of actors tends to be very diverse. In addition to governments of countries such as South Korea or Qatar (which were amongst the first to be blamed for grabbing land in Madagascar and Kenya respectively), there is a wide variety of other countries and investors (www.grain.org; www.landcoalition.org). Many firms, from the US and the EU as well, are currently looking for land, not only in Africa, but also in the rest of the world. In addition to investments by the

Gulf States, China, EU and/or US it is interesting to see that Argentina and Brazil³, South Africa, India (but also Mauritius etc.) are also actively involved in this search for arable land for food and/or biofuel/energy production. In addition to foreign and corporate capital, land is often acquired by local domestic elites (see, for West Africa Hilhorst et al 2008) that buy land and establish joint ventures with international investors that often have close ties with national and local governments.

Land acquisition is therefore not necessarily about enormous tracts of land, or mega projects in the hands of foreign actors, but is often a conglomerate of smaller acquisitions involving various actors. In practice, land acquisitions are often carried out by joint ventures and this makes the distinction between foreign and domestic capital rather artificial.

Research shows that in many countries (in Africa, Asia and Latin America) it is not right to speak about land *grabbing* due to the fact that much of what happens today is *not illegal* at all. Host governments often support or enable these deals (i.e., land often being state owned). National governments regard these investments as a panacea (FIAN 2010), seen as a sound way to obtain foreign exchange and have potentially positive effects on infrastructure, rural job generation, technology transfer, growing of export crops, and improve food security (International Land Coalition 2010; FOE, 2010). Often, therefore, an element of official state policies is to attract (foreign) investors that are then offered state lands under favorable conditions with low cost leasing contracts of between 50-99 years. The prices that investors pay for the land is often extremely low, between 1-5 dollars per hectare (Hanlon. 2013), and the ‘modernization’ effects (agricultural development, technology, employment etc.) are usually considered the main benefit (i.e., and not so much the direct land income).

In Africa, Asia and Latin America the capacity of local governments (if they exist) is often very limited. Whenever local governments play an active role (e.g., in West-Africa) the lack of funds necessitates joint ventures with investors, including local elites. They often rely on co-financing for policy implementation, which easily goes hand in hand with corruption (and lack of transparency). Local populations are often bypassed in negotiations and, due to the lack of democratization, the degree of government accountability is very low. At the same time (in spite of being bypassed in negotiations), the local population itself often welcomes investors since they frequently have high expectations of the ensuing benefits, and hope to benefit from new employment opportunities). This explains the speed of the process and why is difficult to stop.

So far, large-scale land acquisitions have not (yet) generated positive results but go hand in hand with growing tensions.

³ Brazil recently signed agreement with, among others, Mozambique and other ‘Latin’ African countries, often though, or in collaboration with, South Africa, etc. following expansion into countries such as Bolivia, Paraguay where it has already had a presence for several decades). See also Goldfarb (2011) for investments from Argentina.

Practice shows that the number of jobs generated by land investment is usually very small. Chinese investors are often blamed for even bringing in their own Chinese laborers, as can be heard from communities affected by the Wambao Agriculture project in Xai-Xai. In so far as large-scale land investment is based on outgrower schemes, payment and/or labor conditions are not necessary favorable (Cotula et al. 2009).

It is therefore increasingly acknowledged that a great deal is going wrong and that there are all kinds of problems. In the first place, problems are caused by the ‘myth of empty areas’: lands presented as ‘empty areas’ are in practice often inhabited by local groups that are forced to move or are excluded from collective land or open ‘commons’ (pasture land, forests, etc.). It is now commonly acknowledged, even by the World Bank, that local populations are not being included in the negotiation process. Local groups are *not informed* and do *not participate* in decision making. In so far as agreements are made between governments and investors, arrangements are mostly confidential and nobody is in a position to control (not even parliament). In addition, local groups often do not receive *compensation* and if they do the amount of money is not enough to buy new land, due to the increasing pressure on the land.

The picture described above (Section 4) about land-based investments projects in Mozambique fits perfectly in this global scenario.

6. EXPLORING WAYS FORWARD

In the midst of the debates, mechanisms for participatory and equitable land and natural resources management are being promoted and tested by different actors, including government, donors and civil society organizations, to overcome the problems above mentioned, to contribute to better law implementation and enforcement, particularly to ensure effective and efficient community consultations, mutually beneficial partnerships between investors and communities and equitable revenue sharing. Due to their relevance to the topic of the paper, the following initiatives and worth mentioning:

1. Community Land Delimitations and Social Preparation:

Established by a consortium of donors and implemented through the Community Land Fund/Iniciativa para Terras Comunitárias (ITC) since 2006, this initiative aims at supporting community land delimitations and community social preparation for interaction with private investors and participation in local development processes.

2. Land Rights Campaign II:

Implemented by CTV, since 2012, with the objective to expand information for the public (especially rural communities) on land and environmental management, especially legal information.

3. Community Legal Assistance

Implemented since 2002 by the Center for Legal and Judiciary Training (CFJJ), involving training of paralegals and local government officers (District Administrators, magistrates and public attorneys), with the objective of supporting provision of legal assistance to local communities and authorities on land and natural resources governance at the district and community levels.

4. Pro-Partnerships Program

Implemented by the Department for Rural Development (DNPDR) since 2010, with the objective of developing and testing contractual models of engagement between investors and communities.

5. Community Consultations Monitoring Program

Implemented by Centro Terra Viva (CTV) since 2012, with the objective of monitoring compliance of legal procedures in the conduction of community consultation processes and ensuring participation of civil society organizations in land decisions.

6. National Consultation Forum on Land

Established by the Government of Mozambique in 2011, and chaired by the Ministry of Agriculture, the Forum is a multi-sectoral platform aimed at advising government decision-makers on land management and administration issues.

As it can be seen, a lot of attention is currently paid to initiatives directed at improving land governance, protecting local people's rights, and stimulating responsible investment. However, the question is whether the current policy debates and initiatives for local rights protection are enough to turn the tide and guarantee inclusive and sustainable development. It is clear that there are many reasons for concern in Mozambique and elsewhere about how land governance is being conducted, and that in order to stop land 'grabbing', while also taking care of food security, energy needs and poverty alleviation, the current debate needs to be deepened and broadened and initiatives need to be more integrated and mutually supportive.

7. CONCLUSION AND RECOMENDATIONS

The huge challenge facing land governance today in Mozambique is how to deal with the multiple pressures on land while taking into account the full range of competing claims. Land governance needs to strike a balance between protecting rights and promoting the most productive use of the land; between economic progress, sustainable land use and social justice.

Guidelines, principles, codes of conduct, etc. might help, but land governance will always remain a ‘balancing act’ which takes place subject to variable conditions and with ‘balls’ of different size, weight and colors.

Given the scale and the speed of the process of large scale land acquisitions we need to ask ourselves, among other issues, whether we should continue or stop the further commoditization of natural resources and whether we want to proceed with ‘horizontal’ strategies. Having said that, we also need to look forward and ask how we can make parallel policies (food security, poverty alleviation, rural development, climate change, etc.) more compatible, how we should deal with increasing pressures on land as a consequence of globalization (tourism, migration) and/or autonomous processes of urbanization, and how we can ensure that people currently living in dangerous and vulnerable locations will have sufficient room to maneuver and adapt to climate change.

It is also clear that a lot of what happens at local level today is determined from ‘above’ and from the ‘outside’. Keeping this fact in mind, community preparedness (education, information and capacity building), legal assistance, as well as close monitoring of investments negotiation and implementation public institutions transparency and accountability may provide a good starting point in the achievement of good governance in land management. Multi-stakeholders land forums, as well as national and international voluntary guidelines and codes of conduct, such as those promoted by FAO (2012), might also help to prevent excessive processes of land alienation.

However, these initiatives alone will not help to stop ‘commoditization of nature’ or reverse processes of globalization. We conclude that there is still space for innovation and success in the pursuit of good land governance, but caution that while the different initiatives have an intrinsic value and potential to minimize the problems that occur in rural areas, including large scale land acquisitions, a single approach will not be enough to adequately address the main challenges currently faced by rural communities in Mozambique or elsewhere. Therefore, the recommendation is for an approach that combines social preparation, community legal assistance and independent monitoring of community consultations, together with initiatives to ensure that government policies and actions are constant and firmly aligned with the proclaimed State vision of an inclusive, equitable and sustainable development process.

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Annex 1.

Table 1. Land allocated/requested for Investment Projects

	Company	Location: Province & Districts	Size (ha)	Activity & Products
1	Fundação Malonda	Niassa	320,000ha	Agriculture, Tourism, Forestry
2	Florestas de Niassa	Niassa	210,000ha	Forestry
3	Procana	Gaza	30,000ha	Biofuels
4	Mozambique Principle Energy	Manica (Sussundenga)	18,000ha	Biofuels
5	Lurio Green Resources	Nampula (Mecuburi, Ribaué, Nampula)	126,000ha	Forestry
6	Sociedade Desenvolvimento Florestal Industrial Lda - Portucel	Zambezia (Ile, Namarroi)	173,324ha	Forestry
7	Panorama Investimento, Lda	Maputo (Matutuine)	10,000ha	Tourism
8	Vale Moçambique, Lda	Tete (Moatize)	23.780ha	Mining (Mineral Coal)

Source: Ministry of Planning and Development (May 2010)