



LORDS OF THE LAND

**PRELIMINARY ANALYSIS OF
THE PHENOMENON OF LAND
GRABBING IN MOZAMBIQUE**

CASE STUDIES

**JUSTIÇA AMBIENTAL &
UNIÃO NACIONAL DE CAMPONESES**

MAPUTO, MOZAMBIQUE

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ABSTRACT

The term ‘usurpation’ refers to the action of crafty or violent appropriation of something which is legitimately owned by someone else and is therefore; taken without right, acquired by fraud, or illegally possessed. The term is used to describe the global phenomenon of “land grabbing”, such as the rent or purchase of vast extensions of land in poorer developing countries (as is the case of Mozambique) by richer countries with food insecurity and by private investors of those same countries so as to produce or explore diverse goods for export.

The present study reiterates the fact that agriculture constitutes half of the predominant subsistence of the rural communities following mixed farming (agriculture and cattle), both of which are extremely dependent on the availability of fertile land and water. Additionally these communities depend on the rivers as a primary source of water and a large number of the analysed projects are located close to this resource. The increase of areas occupied by big projects will certainly have a big impact in terms of availability and access to land and water, exacerbating their already precarious state of poverty.

The majority of the big projects analysed are recent, belong to foreign investors, and fall within the agri-business, tourism and mining sectors. The analysed investments have created more conflicts and aggravated the poverty, deficits and vulnerability of the rural communities. Investors of Nordic countries, despite upholding elevated standards of respect for human rights and the processes of public participation in the event of initiatives which present potential social and environmental impacts in their own countries, do not behave similarly or uphold the same standards in Mozambique. Their practices feed a corrupt local system and they benefit from existing failures in the implementation of current laws and in this way aggravate the already precarious living conditions of rural communities.

One of the requirements of the attribution of rights to usage and profit of land is the realisation of a session of public consult, which has been verified as having often failed and/or occurred in an improper way which seriously damages rights to information and public participation through the manipulation of communities by investors with false promises very often executed through the local power structures. Many of the current conflicts between the communities and businesses, invasion of community land and resettlement in improper conditions and locations, are the result of unfulfilled promises made during the process of public consult.

The phenomenon of land grabbing in Mozambique is facilitated by numerous failures throughout the process of the attribution of the Right of Land Usage, benefiting the investors and detrimental to the rural communities. Some of the factors which contribute to the phenomenon of land grabbing include; the institutional weakness of local government, the corrupt nature of community authorities and leaders, and the lack of awareness on the benefits of the formal processes of land tenure. The most aggravating factor of this phenomenon is the vulnerability resulting from the numerous needs characteristic of poverty to which these communities are subject which in turn means they are easily duped with promises of a better set of basic living conditions.

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LIST OF ACRONYMS

| | |
|---------------|---|
| AAJC | – Associação de Assistência Jurídica às Comunidades (Association of Legal Aid to Communities) |
| ABP | – Fundo Holandês de Pensão (Dutch Pension Fund) |
| ASDI | – Agência Sueca para o Desenvolvimento e Cooperação Internacional (SIDA - Swedish International Development Cooperation Agency) |
| CC | – Código Civil (Civil Code) |
| CPI | – Centro de Promoção de Investimentos (Centre for Investment Promotion) |
| CRM | – Constituição da República de Moçambique (Constitution of the Republic of Mozambique) |
| DUAT | – Direito de Uso e Aproveitamento de Terra (Right to Use and Profit from the Land) |
| GSFF | – Global Solidarity Forest Fund (Fundo Global de Solidariedade Florestal) |
| IDH | – Índice de Desenvolvimento Humano (HDI - Human Development Index) |
| INE | – Instituto Nacional de Estatística (NIS - National Institute of Statistics) |
| IPAJ | – Instituto Para Assistência Jurídica (Institute for Legal Aid and Sponsorship) |
| LT | – Lei de Terra (Land Law) |
| MDM | – Metas de Desenvolvimento Do Milénio (MDG - Millennium Development Goals) |
| NPK | – Fertilizante à base de Nitrogénio, Fósforo e Potássio (Nitrogen, Phosphorus, and Potassium based fertiliser) |
| PIB | – Produto Interno Bruto (GDP - Gross Domestic Product) |
| RLT | – Regulamento Lei de Terra (Land Law Regulation) |
| SEDAE | – Serviços Distritais de Actividades Económicas (District Services for Economic Activities) |
| SETSAN | – Secretariado Técnico para a Segurança Alimentar e Nutricional de Moçambique (Technical Secretariat for Food Security in Mozambique) |

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PREFACE

“Whoever takes away land, takes everything away: our life, our future and that of our children. Now we won’t have access to our mangoes, bananas, nor grass to cover our houses. Just to walk we need authorisation from the company and it is for this reason that we are afraid of Chikwetii and don’t want it here. We are afraid and we often ask ourselves how our lives will turn out. They are knocking down trees and everything else that is on our land. When our women and children go to collect firewood they are prohibited, in the end is this land not ours? In this country will Cahora Bassa be the only resource that is ours? But we are prepared to do anything to safeguard our rights. The people are not free; they are suffering because of Chikwetii. We fought for independence and during the 16 year war, we are veterans, we don’t receive any pay and now we are having our land taken away. What did we fight all those years for? We want and demand that the Chikwetii project be cancelled and that they leave our farms and land.”

Micoco Community, Niassa.



Photo by Tina Valjanen, Sofala

I. INTRODUCTION

Interest in and the search for arable land has increased due to the instability of commodity prices, the growing pressures on man and environment, and the growing preoccupation with issues of food security. This interest and search will certainly continue to increase particularly in the developing world (Deininger, et al, 2010).

The increase in food prices, verified in 2007-2008, put at risk the means of subsistence and food security of billions of people worldwide for whom the guarantee of sufficient food already constitutes a daily challenge (Mousseau, 2010).

One consequence of these price increases is the rental or purchase of vast tracts of land in the poorest developing countries by the richest nations and private investors. Currently, it has become a very generalised phenomenon, with foreign interests in search of or already in the process of acquisition of close to 37-49 million hectares of arable land between 2006 and the middle of 2009 (Mousseau, 2010).

Land grabbing refers specifically to the rental or purchase of vast extensions of land in poorer developing countries by richer nations with food security problems and by private investors of the same nations in order to produce foodstuffs for export (Shepard and Mittal, 2009).

Various factors contribute to this growing demand for arable land some of which are connected to food security, particularly in investor countries, which in turn determines the ends to which their support and investment is channelled. The uncertainties and limitations in the food supply chain are created by restrictions on agricultural production due to the limited availability of water and arable land, by the numerous challenges faced in storage and transport of foodstuffs, and by the expansion of agrofuel production which is in direct competition with agricultural production for arable land and water. The increasing urbanisation rate and dietary changes verified have also contributed to an increase in the global food demand. In addition to these aspects, many of these companies represent opportunities for profitable business. Other factors which could contribute to this enormous search for arable land are the ever emerging carbon markets. It is presumed that some land acquisition business could be ongoing with the expectation that over time its value will appreciate. Often concessions like “available land” or “marginal” are used to justify the allocation of land to investors without raising any questions (Cotula et al, 2009).

In Africa, land is generally allocated for determined periods of time which vary around 99 years instead of being sold. The respective governments tend to play a key role in allocating land, as in many African countries, the land is vested in the state (FIAN International, 2010).

From a perspective of human rights, justice, peace, and sustainability, the new tendency of foreign investors to monopolise the land and resources of other countries, where people will have even more difficulty in feeding themselves, will never be considered a desirable solution (FIAN International, 2010).

The World Bank analysed, in a recent study on land grabbing, all the DUAT requests and all the DUATs emitted in Mozambique for land extensions greater than 1000 hectares to be used for agriculture, livestock, plantations, and game farms between 2004 and 2009. It was found that during this period 2.7 million hectares of land were allocated to investors in Mozambique and that close to 50% of the allocated land was not fully used or not used at all. It is important to note that during the same time period in Tanzania, where land rights are acquired with the villages, around 50 000 hectares of land was transferred to investors. According to the study it is important to emphasise the role of land policies, and the related different internal players, as well as the limited benefits obtained to date. The study suggests that the policies influence the extension and nature in the process of land allocation, whether by rental or sale or any other type of transferral, and emphasises serious weaknesses at an institutional capacity level and the management of information on land. In various countries where the search for land has increased recently it has been verified that; there is poor analysis and selection of submitted proposals, projects are approved without the owed diligence, rivalries between institutions with overlapping responsibilities have been identified, and an air of secrecy exists surrounding all of these processes which in turn favours and drives weak governance (Deininger, et al, 2010).

It is important that the phenomenon of land grabbing be properly analysed from a perspective of gender so that it is possible to truly understand the impact of land grabbing in all its dimensions. Men and women with different social roles, rights and opportunities will be affected differently. In the majority of African countries the woman plays a fundamental role in subsistence agriculture, food security and nutrition of the family which is particularly evident in rural areas. Therefore it is fundamental to analyse these impacts of land grabbing paying particular attention to issues of gender (Behrman et al, 2011).

In Latin America women produce 45% of foodstuffs, in Asia 65%, and 80% in Southern Africa however they hold a total of only 1% of the land . In Southern Africa women spend close to 40 billion hours per year collecting water (Women's Earth Alliance, 2011).

CONTEXTUALISATION

Mozambique is considered one of the poorest countries in the world. The Human Development Index (HDI) placed Mozambique in the 172nd position of a total of 182 countries considered in its 2009 edition and was given an HDI of 0,402.39. The average life expectancy of the population is about 52 years old. Despite the reduction of poverty in Mozambique, with the possibility of reaching the Millennium Development Goals (MDGs) of halving the number of people living under the poverty line by 2015, 45% of the Mozambican population continues to live on less than US\$1.00 per day and don't have access to basic services like clean running water, schools or medical facilities (FIAN International, 2010; Suárez and Borrás Jr., 2010).

Poverty is highly conditioned by the history of colonization and civil war in the country. In addition, in 1991-1992, Mozambique was affected by some of the severest droughts of the 20th century making the population even more vulnerable. Despite the economic development and growth that has been recorded, the country continues to be dependent on international funds. Close to 50% of the State Budget constitutes foreign aid (Suárez and Borrás Jr., 2010).

Various social indicators illustrate the vulnerability of the Mozambican population among which it is important to highlight the mortality rate. Close to 56% of deaths in Mozambique are caused by epidemics like Malaria (29%) and HIV AIDS (27%) and it is estimated that the percentage of the population with HIV (among youths and adults) has increased from 8.3% in 1998 to 16% in 2007. These values are even more striking when referring to gender since the incidence of infection in women is 3 times greater than men (NIS, 2010).

The development of Mozambique is closely connected to the agricultural sector with close to 64% of the population living in rural areas and 55% of these people are living beneath the poverty line. In the rural areas, agriculture is the principal source of income but, with the prevailing low productivity, families can barely meet their nutritional needs in addition to being vulnerable to the elements. In the face of floods and droughts, farmers are among the most exposed to food insecurity since they have few alternatives for income generation besides agriculture (Coughlin, 2006, FIAN International, 2010; Suárez and Borrás Jr., 2010).

According to the Technical Secretariat for Food Security in Mozambique (SETSAN), close to 35% of Mozambican families find themselves in a situation of chronic food insecurity and the provinces with the highest incidence of food insecurity are Zambézia (35.6%), Tete (34.6%), Maputo (34.4%), and Inhambane (29.5%) (FIAN International, 2010; Suárez and Borrás Jr., 2010).

The food security and nutrition of the country was primarily affected by natural disasters in 2005 and 2008, and there is a tendency for additional deterioration with the increase of the prices of raw materials. Arable land in Mozambique corresponds to 5.6% of the territory of which 2.6% is irrigated. The structure of land ownership in Mozambique is dominated by smaller properties: peasant families constitute 99.6% of all agricultural establishments and they control 95.19% of the total cultivated land. According to the latest data, in 2008, nearly 5 million hectares were used for production. Agriculture employs 80% of the population, but contributes less to the GDP with about 25%, while contributing 16% of all exports (FIAN International, 2010; Suárez and Borrás Jr., 2010).

Women face an additional challenge due to their lower access to education and which results in a lower level of knowledge concerning how to work the land. The difficulty in accessing sanitation facilities also contributes to the elevated percentage of infant mortality. Even though the Constitution and Land Laws recognise equal rights for men and women and equal access to land, women are often not aware of these rights and so remain deprived of their rights to land. In general, the rural population is isolated due to a lack of infrastructure in the country which makes it difficult to access markets, goods and services. It was found that groups closer to administrative offices tended to have more access to services like education, healthcare, and markets while those living in isolated areas “have been completely abandoned.” (FIAN International, 2010; Suárez e Borrás Jr., 2010).

The present study takes the perspective of human rights to analyse the land grabbing and has as its base the right to food and an adequate standard of living including access to resources, the right to work, information and public participation. It is important to understand that businesses, contrary to States, don't have direct obligations under international human rights law. In the majority of constitutions, obligations related to human rights for citizens are the responsibility of the State. From this perspective, Article 45 of the Mozambican Constitution is of interest as this

Article presents the obligations or duties of citizens (including those of businesses) toward other citizens, in the promotion of public health, environmental preservation, and the protection of the well-being of both the public and community. Unfortunately, these rights are not very specific and are therefore difficult to invoke. In the context of the general lack of jurisprudence in Mozambique, the value of this constitutional obligation has still not been tested in court. However, an international perspective of human and constitutional rights is compulsory for the State. It has been widely recognised that States violate international human rights obligations when they cannot take adequate measures or exercise the owed diligence to prevent, punish, investigate or compensate damage caused by non-state players which constitutes a violation of the “duty to protect”. Although the Mozambican Constitution itself does not guarantee any potential human rights that may be violated, the State is still obliged to incorporate international human rights law in the legal system in Mozambique. Article 18 of the Mozambican Constitution follows the civil law system, which indicates how to include the internationally recognized duty to protect and respect human rights. Once international treaties or other international instruments were ratified and published, they automatically apply within the national legal system, as established in the Constitution. There has been some debate as to the interpretation of Article 17 (2) of the Constitution: “The Republic of Mozambique shall accept, observe and apply the principles of the Charter of the United Nations and the African Union Charter”. In a general sense, the Mozambican courts have not yet been seriously tested in the application and interpretation of any international instruments and many of the principles of international law still need to be substantially developed within a Mozambican context. At an international level compliance with international human rights obligations tends to be weak or limited to non-judicial mechanisms. New obstacles to compliance are brought about due to the fact that Mozambique has not ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), and is not a signatory to the First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR). The final protocol has a claim mechanism for persons not protected against abuse by third parties, which would be highly beneficial for the victims of illegal land seizure. Many large scale investments in Mozambique come from foreign companies. Moreover, the responsibility of the origin state of those companies that are involved in land grabbing is not simple. No international consensus exists on extra-territorial obligations regarding the duty of States to protect against violations by non-state players. Jurisprudence, more progressively developed in the European Court of Human Rights, seems to differ in the accountability of the state concerning acts committed by foreign third parties.

In addition to these issues, another problem could arise before the case has even been submitted and it has to do with access to justice in Mozambique. Civil society’s lack of experience with judicial processes and local community’s general ignorance of its rights contributes to this. Besides these obstacles, they could encounter legal hassles by taking these cases to court. Article 81 of the Constitution establishes the right to “class action” and gives individuals and groups of citizens the right to claim damages and to act in defence of public health, consumer rights, environmental conservation, cultural heritage and public goods. However, since 2004 the implementation of the legislation of this provision has still not been approved and so the situation surrounding this right remains unclear. Since the implementation of Article 81, class action could become a useful tool to raise cases against companies. For this reason it is imperative that this legislation is approved shortly so as to take full advantage of this constitutional right. Another possibility to address questions concerning the seizure of their lands is the establishment of liability in the country of origin of the company. Besides the obvious financial barriers and inequality of arms between the parties in the process, there are also many legal barriers. The institutionalisation of jurisdiction and the

admissibility and success of a case depends largely on the domestic legislation of the origin country. Regulation of the European Union has simplified access to the courts of member states and in particular the British legal system has proved a success. Despite the obstructions victims often encounter when making a complaint abroad, the advantages of making a claim are obvious. There are stronger mechanisms of application in the origin countries and the case is not so politically sensitive that it could undermine judicial independence. This system also eliminates the existence of double standards between the operations of foreign and domestic firms, particularly if their corporate social responsibility policies claim to be applicable to all its operations. Developed countries should play a more sensible role in these situations. They have a higher level of responsibility to act in accordance with the numerous human rights agreements to which they have pledged themselves. If not, their credibility is undermined each time they invoke the argument of the universality of human dignity and criticize the human rights record tarnished in the Third World, which is often. The approach to rights raises awareness of the current situation and the difficulties that victims face in accessing and obtaining justice, and identifies the tension between doing business and respect for human rights. Finally, it also leads us to acknowledge that failures in governance are likely to remain a reality in most cases. The motivation for the study came from the interest of the National Union of Peasants (UNAC) in defending the rights and interests of its members, promoting sustainable agriculture and integrated development with the aim of achieving social justice and better living conditions for peasants. In order to better respond to the current global phenomenon of land grabbing, UNAC contacted Justiça Ambiental (JA!) so that together they could develop a study on the situation of land encroachment in Mozambique to gather basic information, and the testimonies and feelings of Mozambican peasants.

II. OBJECTIVES OF THE STUDY

This study takes as its primary objective the mapping and obtainment of an overview of the real situation of the phenomenon of land grabbing at a national level and the legal framework of its access. With this study, UNAC in partnership with JA, seeks basic information in order to better defend the rights of peasants to be affected by illegal or unlawful transactions of land through the implementation of designed legal instruments with a view to food sovereignty.

The specific objectives of this study are:

- 1.** Do surveying and mapping of all the involved players and locations, the type of investment, the nature of agreements with Mozambican authorities, the completed work, the location of the occurrence of either buying or leasing land, for reforestation and the sequestration of carbon, food production, agrofuels or mining (mega projects).
- 2.** Do a survey of the areas where conflicts have existed which resulted in the usurpation of land and/or where future conflicts are predicted.
- 3.** Analyse the current situation of the phenomenon of land grabbing in Mozambique in a context of national legislation and international agreements related to foreign investment in the area of forests.
- 4.** Evaluate the participation of women in the processes of decision-making at a communal level as well as at an official level (local and national).
- 5.** Analyse the impact of the resettlement process on the lives of the communities taking into consideration the inherent differences between gender and food security.
- 6.** Propose strategic actions aimed at ensuring the rights of peasants and the effective and informed participation of all members of communities in decision-making with respect to gender equity in order to minimize the incidence of land grabbing cases.

III. METHODOLOGY

1. LOCATION AND DESCRIPTION OF THE STUDY AREAS

This study was completed in Mozambique which is located on the East coast of Southern Africa. It is bordered in the North by Zambia, Malawi, and Tanzania, in the East by the Mozambique Channel and Indian Ocean, in the South and West by South Africa and in the West by Swaziland and Zimbabwe. With an area of 799 380 km² and a population of close to 22 416 881 inhabitants, the country is divided into 11 provinces (Niassa, Cabo Delgado, Nampula, Zambézia, Tete, Manica, Sofala, Inhambane, Gaza, Maputo Province and Maputo City), 43 municipalities and 128 districts (NIS, 2007). Of the 128 districts, 20 are highly predisposed to droughts, 30 are highly predisposed to floods, and 7 are predisposed to both risks, leaving close to 48.2% of the Mozambican population susceptible to one or both of these risks (FAO, 2010).

During this study 9 of the 11 provinces of Mozambique were visited and analysed due to the higher availability of arable land which they present, and also for having the highest percentage of people practising agriculture; in the Northern region: Niassa, Cabo Delgado and Nampula, in the central region: Tete, Zambézia, Sofala and Manica, in the Southern region: Maputo Province and Gaza. (Tables 1&2)

Table 1: Fieldwork Schedule

| FIELDWORK | | | | |
|-----------|-----------------|---|--------------------------------------|----------------|
| Dates | 4-8 November | 10-24 October and 26 October - 4 November | 28 November - 12 December | 20-24 December |
| Locations | Maputo Province | Niassa Province Cabo Delgado Province Nampula Province Tete Province Sofala Province Manica Province | Zambézia Province Sofala Province | Gaza Province |

Table 2: Study Area, List of Companies/Projects and Communities Visited

| Province | Company/Project | District | Communities Interviewed |
|--------------|--|--|-------------------------------|
| Nampula | Lurio Green Resource | Rapale; Ribawe, Mecubure; Murrupula; Lalawa | Muthitha |
| | Matanusca | Monapo | Motoceria Agrícola |
| | Kenmare Resources PLC | Moma | |
| Cabo Delgado | Eco-Energia | Balama | Chipembe |
| | Envirotrade | Bilibiza | Bilibiza |
| | Parque Nacional das Quirimbas | Quissanga | Quissanga |
| | Fundação Malonda | Lichinga; Sanga; Muembe | Vila de Sanga |
| | Chikweti Forest | Lichinga; Lagos; Sanga | Maniamba; Micoco |
| Niassa | New Forest | Muembe | |
| | Malonda Tree Farm | Sanga; Muembe | Sanga |
| | Luambala Jatropa | Majune | Majune |
| | Eagle Enter Prises | Majune | Matucuta |
| Manica | Mozambique Principle Energy | Dombe | Chibue |
| | Infloma | Manica | |
| | Sun biofuels | Gondola | Matsinho-Gondola (1º de Maio) |
| Tete | Vale Moçambique | Moatize | Cateme (reassentada) |
| | Riversdale | Moatize | Malabue (reassentada) |
| Zambézia | Mozambique Biofuels Industry (MBFI Lda) | Managoa, Mocuba, Zambézia | Nipiode; Managoa |
| | Ntacua | Mocuba | Mocuba; Magar |
| | Tectona | Zambézia - Gurué | Magare; Macuacué; Cotchi |
| | | | Macuacua |
| Sofala | Indico (Zam corp) | Dondo | Tova Nova; Mananca |
| | Companhia de Búzi | Búzi | (Guaguara) |
| | Galp Búzi | Búzi | Bandua |
| Gaza | Procana | Massingir | Banga; Marrenguene |
| | Envest | Chokwé | Matube |
| Maputo | Ingwé Game Park | Moamba | Corumana |
| | Lap Ubuntu | Matutuine | Tinonganine; Santaka |
| | Plantação de arroz das Ilhas | Marracuene | Machube |
| | Maurícias | | |

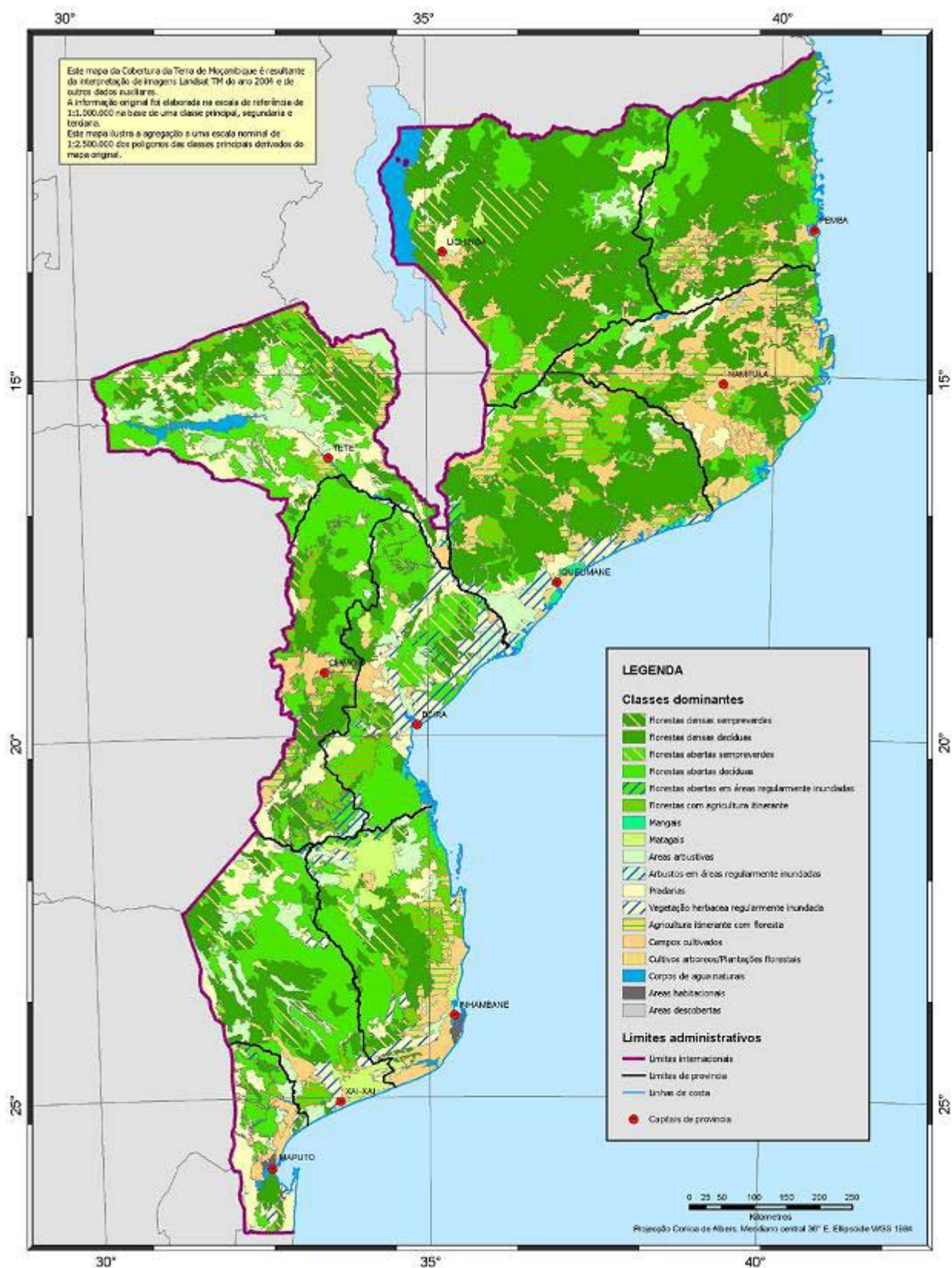


Fig. 1. Map of Mozambique (Adapted from Marzoli, 2007)

2. METHODS

PHASE 1: Literature Review

Phase 1 consisted of a review of all the literature available on the topic of land grabbing through research, analysis and the synthesis of a bibliography of available literature concerning the usurpation of land in general and where available on Mozambique in particular, and also by interviewing experts and representatives of non-governmental organisations working on land issues. The information was collected from various sectors including media, government institutions (Appendix 1), private institutions and research institutions. The literature review allowed for the selection of study areas and places to visit for interviews and further analysis.

PHASE 2: Fieldwork

The fieldwork constituted visits to locations selected with the objective of getting an up-to-date idea of the local context and conducting interviews via questionnaires previously developed for three sectors as well as stakeholders in this process.

The sectors interviewed were:

- Government. To obtain general information of the existing projects in each province.
- Local communities. To evaluate their level of awareness concerning the initiatives in their area and their rights.
- Private sector. To evaluate their interests and strategies for local communities.



Photo by Jeremias Vunjanhe. Group Interviews, Bilibiza, Cabo Delgado

In total 134 questionnaires were completed, of which:

- 79 were conducted with the communities (38 individual and 41 collective or grouped) with a total number of 230 people interviewed at a community level. The interviews were conducted with community leaders, community members and local peasants in mixed groups (men and women) as well as separately.
- 22 were conducted with companies or firms.
- 25 were conducted with local government entities, namely the Heads of Geography and Cadastre Services and Directors of District Services for Economic Activities in the 9 visited provinces.

IV. RESULTS

More than half of the visited and analysed projects are located on fertile land, the majority of which was previously used by local communities for agricultural ends and in some cases for pasturage and close to the community homes. With the insurgence of the referred projects, the communities had to change their way of life since the majority of interviewed community members were forced to abandon their farms and travel great distances in search of alternative land to cultivate foodstuffs which contributed to the low production of foodstuffs. Only a minority of interviewed people did not have to abandon their farms but were forced to accept the conditions of the projects which further exacerbated their already precarious living conditions.

1. INVESTMENTS AND BIG PROJECTS

Mozambique is a country that lives on the basis of agriculture, however, between 1990 and 2005, the bulk of foreign direct investment was directed to the industrial sector (1.7 billion dollars), followed by the mineral resources sector and energy sector with 636 million dollars, the fields of hospitality and tourism (345 million), agriculture and agro-industry (322 million), and banking and insurance (239 million U.S. dollars) (Matos, 2008).

The six major investors in Mozambique since 2000 are; South Africa, Australia, Portugal, Mauritius, UK and Ireland, which together represented 90.69% of foreign investment (Matos, 2008).

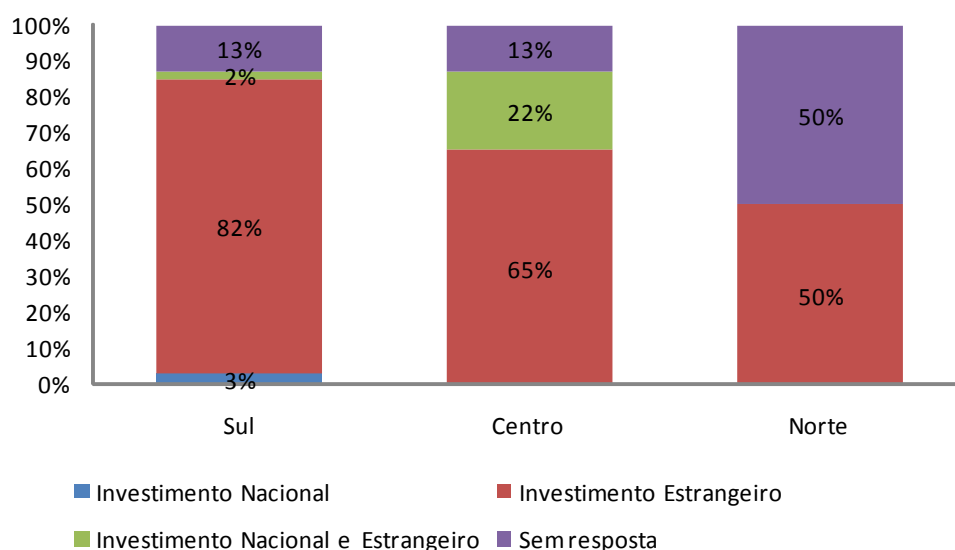


Figure 2. Relative Percentage of Foreign and National Investment in the South (Sul), Central (Centro), and Northern (Norte) Areas. (Key: blue – National Investment, green – National & Foreign Investment, red – Foreign Investment, purple – No Answer)

According to surveys conducted in this study, 82% of respondents in the South, 65% in the central region and 50% in the northern region state that the large majority of existing projects owned by foreign investors, mainly European, some North American and even a small proportion of South Africans (Fig. 2), which are the holders of a majority of investments in the region.

In the case of enterprises or national investments, it was found that these only participate as shareholders of the investment usually as facilitators or DUAT holders, as is the case of the Malonda Foundation, which inherited the assets and liabilities of the former Mozagrios, and is now a shareholder of New Forest, Tree Farm, and Chikwetii Forest but the Malonda Foundation decided to break contractual ties with Chikwetii Forest due to the way in which they provide services at a community level.



Photo by Jeremias Vunjanhe. Advertising board of the company Sun Biofuels, Gondola, Manica

Relative to the existence of big projects, 86% of those interviewed in the Southern zone, 71% of the Northern zone, as well as the majority of the Central zone affirmed the existence of big projects in the areas in which they live. For all the zones, the majority of investment is in the area of agribusiness, tourism and mining, except for the Central zone in which investment is more restricted to the agribusiness and mining sector. These projects are on average about 3-4 years old and are located in areas considered privileged because of its proximity to major access roads of the region, tarred roads or railroad tracks.

“The arrival of the companies Vale and Riversdale has disrupted the social fabric of communities with regard to their ancient organic way of life within political, social and cultural dimensions. The largest impacts are related to drastic changes in eating habits and culture. There are families that are starving. In Cateme, where families were resettled by Vale, the land is semi-arid and unsuitable for agriculture. By placing the communities in these lands they are legitimising the suffering of the community. The same applies to Riversdale which resettled the communities of Benga in an area located 40 km away from the Zambezi River. Often the public consultation meetings of Vale and Riversdale are regarded as simple and informative events for the consecration of land dispossession of communities.”

AAJC member (Association of Legal Aid to Communities)

2.. LEGAL FRAMEWORK OF LAND OWNERSHIP / ACQUISITION OF DUAT-

According to paragraphs 1 and 2 of Article 109 of the Constitution of the Republic of Mozambique in conjunction with Article 3 of Law No. 19/97 of 1 October (Land Law), the Land is owned by the State and cannot be sold or otherwise alienated, mortgaged or seized. What should occur is only the allocation of the DUAT (the right to use and profit from the land), under Article 110 of the Constitution of the Republic of Mozambique in conjunction with Article 12 of the Land Law and Articles 9, 10 and 11 of the respective Regulation.

Regarding eligibility for DUAT acquisition, paragraph 2 of Article 111 of the Constitution of the Republic of Mozambique states that “The right of use and profit from the land (DUAT) is conferred on individuals or groups...” Coupled with this constitutional provision, Article 10, 11 and 12 of the Land Law and Articles 9, 10 and 11 of its Regulations, refer to the subjects eligible for DUAT in Mozambique.

After careful analysis of the legal provisions concerning the way in which subjects are eligible to acquire DUAT, reference is made firstly of Article 11 of Land Law, which states: *“Foreign individuals or groups may be subject to DUAT, provided that the investment project is duly approved and meets the following conditions: a) being individuals, they must have resided for at least five years in Mozambique, b) groups, provided they are incorporated or registered in the Republic of Mozambique.”* In the same sense one could combine the above mentioned article of the Land Law with Article 11 of its Regulations, which, in essence, regulates that which it provides for.

Article 12 of the Land Law states that, *“DUAT is acquired by: a) occupation by individuals and by local communities, according to the customary norms and practices which do not contradict the Constitution, b) occupation by national individuals that have used the land for at least 10 years on good faith, c) authorisation of request presented by individuals or groups as established in the current Law”*. In the same sense, one could combine the above mentioned Article of the Land Law with Articles 9 and 10, for the cases of acquisition of DUAT by occupation of communities and by occupation on good faith by national individuals, and with Article 11, for the case of acquisition of DUAT by authorisation of a request, all of the Land Law Regulations.

With regard to the allocation of areas, the Resolution 70/2008 states that:

- Applications for DUAT of areas up to 1000 hectares should be submitted to the Provincial Governors
- Applications for DUAT of areas between 1000 and 10 000 hectares should be submitted to the Ministry of Agriculture and Fisheries.
- Applications for DUAT that go beyond the jurisdiction of the Ministry of Agriculture and Fisheries should be authorized by the Council of Ministers.

As for the jurisdiction for the allocation of DUAT in areas not covered by urban development plans, Article 22 of the Land Law states that *“In areas not covered by land development plans it is the job of: 1.) Provincial Governors: a) to authorise applications for DUAT of areas up to a maximum of 1000 hectares ;(...); c) to give advice on applications for DUAT for the areas falling within the jurisdiction of the Ministry of*

Agriculture and Fisheries. 2.) The Ministry of Agriculture and Fisheries: a) to authorise DUAT applications of land areas between 1000 and 10 000 hectares; (...); c) to give advice on DUAT applications of land with areas that surpass its jurisdiction. 3.) The Council of Ministers: to authorise DUAT requests for land areas that exceed the jurisdiction of the Ministry of Agriculture and Fisheries, provided that it is inserted in a land use plan or which can be inserted into a land use map.”¹; Likewise, concerning jurisdiction, Article 23 of the same legal provision states that, “It is the responsibility of the Presidents of the Municipal Councils and Towns and the District Administrators, in places where there are no municipal organs, to authorise applications for DUAT in areas covered by urban development plans and provided that they have public cadastre services.” In this way, they cannot appropriate the power to grant DUAT to any other bodies other than those prescribed by law.



Photo by Tina Valjanen. Preparation of the Land for Cultivation, Zambézia

According to the questionnaires, 98%, 90% and 93% of the respondents from the South, Central, and Northern zones have lived in their respective communities for more than 10 years and the majority of these people occupy land that has heretofore belonged to their families.

However, only 28%, 11% and 10% of the respondents of the Southern, Central, and Northern zones respectively possess registration of land tenure (figure 3), of which in the Southern zone 7% are in the names of men, 63% in the names of associations, and 30% in the names of both men and women. There is no registration held in the names of women (Figure 4). In the Central zone 13% of the respondents confirmed that the registration is in the names of men, 38% in the names of associations, and 49% in the names of both men and women, no registration of land tenure existed in the names of women in the visited areas. In the Northern zone only 10% of respondents possess registration of land tenure, and yet they do not know in whose name the registration is held.

¹ Where it says “Ministry of Agriculture and Fisheries” read “Ministry of Agriculture” due to the current interpretation that the text should be made legal.

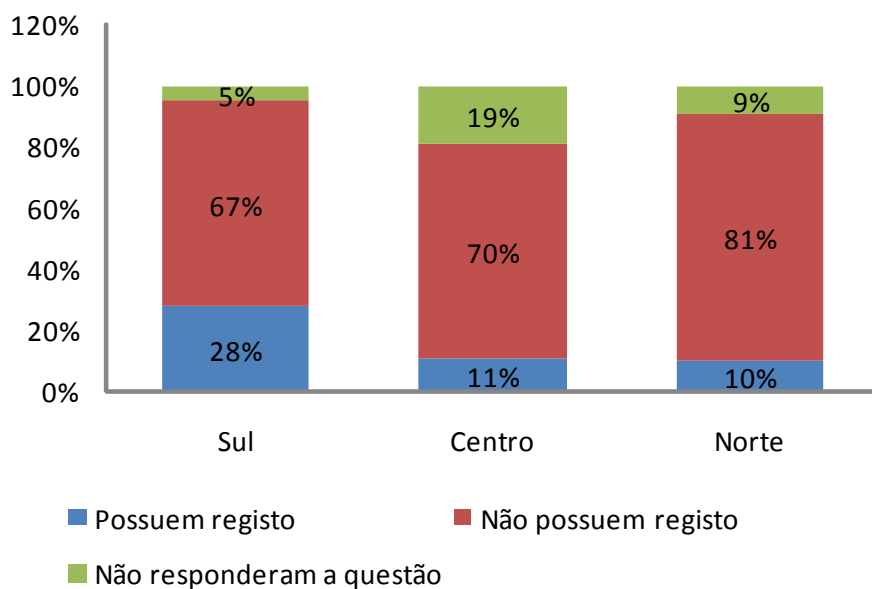


Figure 3. Relative Percentage of the Registration of Land Tenure in the South, Central and Northern Zones. (Key: blue – have registration, red – don't have registration, green – didn't respond.)

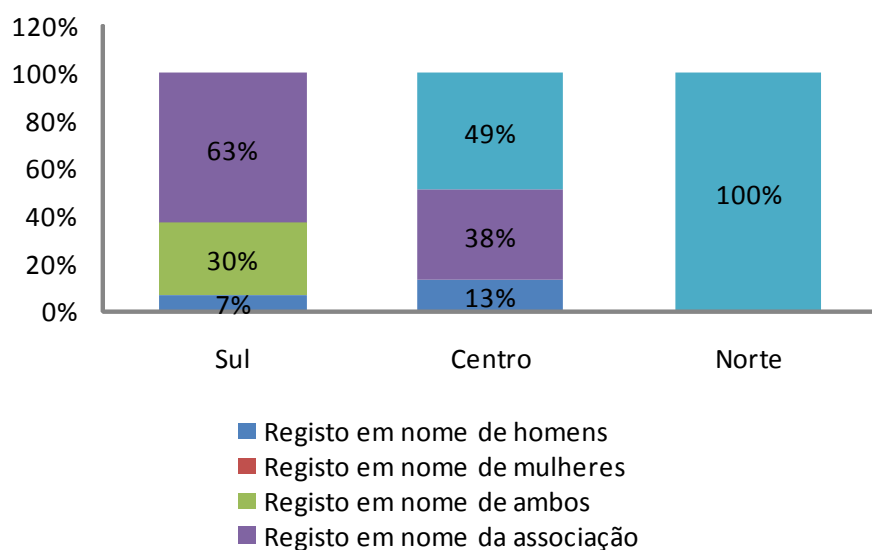


Figure 4. Relative Percentage of the Registered Proprietors of Land Tenure in the Southern, Central, and Northern zones. (Key: blue – registration in the names of men, red - registration in the names of women, green - registration in the names of both, purple - registration in the names of associations.)

More than 60% of the Mozambican population lives in the rural areas, dedicating themselves to agriculture, forestry and fishing. Close to 52% of the rural population is made up of women of the age group 6-24 years. (NIS, 2008; Mario, M. and Nandja, D., 2005)

“They do not meet with us; they just come, take our farms and put their employees to work. When we asked, they say that the land belongs to the Government and that it was the Government that gave them the concession. They took half my production area where I grew corn, rice, potatoes, and vegetables. The engineer, Abdala Mussa, from Eco Energy treats us like dirt and refuses to speak to us. We are not treated as people - they treat us as if we are bush animals.”

Local farmer, lamenting the invasion of Eco Energy on his farm, Cabo Delgado.

In the rural areas, the woman primarily practices agriculture, playing a fundamental role in the production of food and income generation for the family (looking after the family, collecting water and firewood, and cooking, etc). Women are particularly disadvantaged compared to men because they have limited access to education, reduced or limited control over natural resources on which they depend, and little or no participation in decision-making processes. The Land Law of 1997 states that women should enjoy equal access to land, in practise few women are aware of their legal rights and these rights are therefore not exercised. The proof of this lies in that of all the communities visited throughout the discourse of the study not one case was found of registration of land tenure being held by a woman.

In the Nipiode area of Zambézia, for example, women were shown to be clearly against the Ntacula eucalyptus plantations on community land. However, they confirmed that they had no voice in the process of public consultation, because there was nobody to represent women within the community leaders. According to them, the eucalyptus plantations have already shown that they do not offer any short term benefit for the community, and yet the local leaders agreed to transfer the rights to use of new areas for Ntacula.



Photo by Tina Valjanen. Farm and Eucalyptus Plantation, Zambézia

Regarding the perception of the respondents on the impact of land loss on women, in the Southern zone 77% of respondents are of the opinion the women and men are affected equally, 8% are of the opinion that the impact on women is greater, in the Central zone 68% of respondents are of the opinion that men and women are affected equally, 24% consider the impact on women to be greater, and in the Northern zone 43% of respondents are of the opinion that men and women are affected equally, and 18% are of the opinion that women suffer a greater impact.

“According to the boer from Ingwé Game Park, he arrived in Sabie 4 years ago with authorisation granted by the Ministry of Agriculture to explore the area where we live, where we do our farming and where we put our cattle out to pasture, but we found out that the authorisation was granted in the name of someone else (who is no longer alive). We were surprised recently when he set up his tent and said he would start the operation, there have been no further community consultations. There are conflicts, the population is outraged and as long as the project does not meet the legal procedures we will not allow them to continue their activities. Now collecting firewood has become difficult because he has implanted terror in the community, the children are afraid of going to school and still he threatens to take our land, where we produce food to sustain our families and send our cattle out to pasture.”

Member of Local Forum, Sabie – Moamba.

The feasibility of this reservation in place is not only challenged by the community, but also by the ARA-South, according to Adriano Able, Chief of Services of Corrumana Dam, part of the exploration area of Ingwe Game Park will be inundated in times of flooding.

3. MEANS OF SUBSISTENCE

Agriculture employs close to 80% of the country's population, peasant families constitute 99.6% of all the agricultural establishments and control 95.19% of the total cultivated area (Suárez and Borrás Jr., 2010).

Paragraph 1 of Article 103 of the Constitution of the Republic of Mozambique (CRM) states that, “In the Republic of Mozambique agriculture is the basis of national development.” Similarly, Paragraph 2 of the aforementioned legal provision states that “The state guarantees and promotes rural development to meet the growing and diverse needs of the people and promote economic and social development in the country.” Linked to these legal provisions, Paragraph 2 of Article 105 of the CRM states that, “The state encourages and supports production by the family sector and encourages farmers and individual workers to organize into more advanced forms of production.” Accordingly, there is the phenomenon of land grabbing in Mozambique, which will verify that the promotion of rural development, encouraging and supporting the production of the family, will not have the desired effects as intended by fundamental Law since the people will be devoid of its main means of production and thus unlikely to organise themselves into more advanced forms of production.

In the Southern zone, 51% of the respondents confirm that agriculture and pastoralism make up the subsistence activities in the region, where the predominant cultures are cereals and vegetables; 100% confirm that before the arrival of the projects the land was used by the communities for the cultivation of food (farms) and cattle raising. The majority of the projects occupy areas greater than 1000ha (figure 5).

In the Central zone, for 88% of respondents, agriculture is the subsistence activity of the region, and the most produced cultures are cereals and vegetables; for 69% before the arrival of the big projects the majority of the land was used by communities to plant foodstuffs (farms). The majority of the projects occupy areas greater than 1000ha.

In the Northern zone, 48% of respondents refer to agriculture and pastoralism as the subsistence activities of the region, and the cultivation of cereals and vegetables as the most produced; for 50% the majority of the land was used by the communities to cultivate foodstuffs before the arrival of the projects. The majority of projects occupy areas greater than 1000ha.

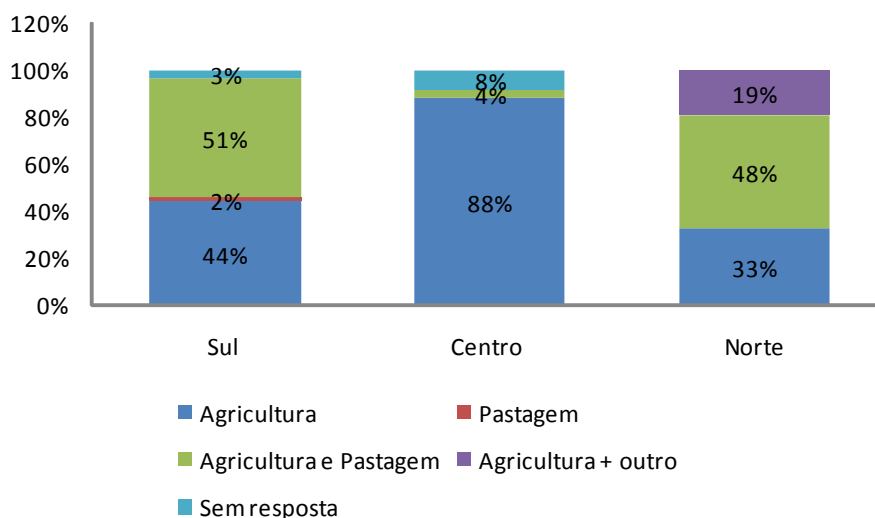


Figure 5. Different Means of Subsistence for the Communities in the Southern, Central, and Northern zones. (Key: blue – agriculture, red – pastoralism, green – agriculture & pastoralism, purple – agriculture & other, light blue – no answer.)

4. ACCESS TO WATER

One of the limiting factors for communities is access to water. With the arrival of projects, some communities now have to travel great distances in search of water for consumption, since in some cases, especially that of Chikwetii in Niassa Province where they closed off areas once used by communities as a route to access water.

No constitutional right to water exists in Mozambique and at an international level this right has also not well recognised. Meanwhile, there is a growing appeal for the right to water to be included as a human right as well as the recognition of a specific right to land. In light of the growing pressure on agricultural land due to land grabbing, this could represent a very important step forward, however, issues related to law enforcement will not be solved with only recognition.

The UN General Assembly (GA/10967 of 28 July 2010) approved a resolution recognizing access to safe water and sanitation as a human right. Mozambique has not signed or ratified this resolution.

Regarding the primary sources of water for the interviewed communities, 73%, 67%, and 76% in the Southern, Central, and Northern zones respectively confirm that the closest rivers to their communities are their primary source of water (figure 6). In the Southern zone 1% of respondents collect water from boreholes, 7% have water plumbing, and 7% get water from fountains. In the Central zone 14% of respondents get water from wells, 10% get water from fountains, and

9% look for water in water deposits in their areas. In the Northern zone 4% of the respondents collect water in the marshes, and 10% get water from fountains.

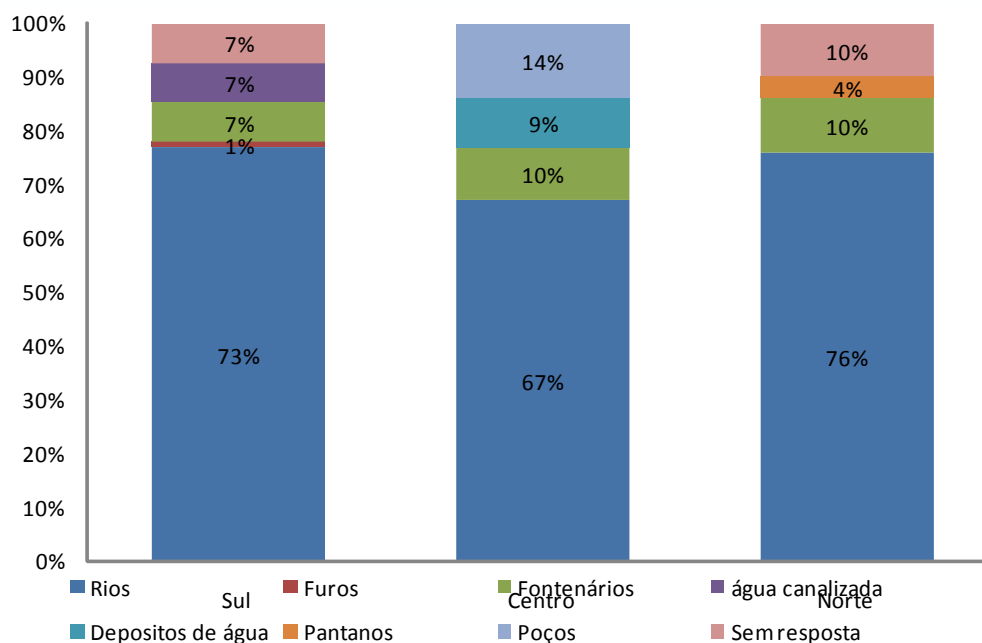


Figure 6. Primary Sources of Water in the Southern, Central, and Northern Zones

(Key: dark blue – rivers, red – boreholes, green – fountains, purple – water plumbing, medium blue – water deposits, orange – marshes, light blue – wells, pink – no answer)

In terms of access to water and time travelled to get to the closest water source, it was verified that in the Central zone a larger percentage of respondents (63%) spend a maximum of 30 minutes travelling to their closest water source, followed by the Northern zone with 58%, and finally the Southern zone with 30%. However, 29% in the Central, 33% in the Northern, and 24% in the Southern zones spend longer than an hour getting to their closest water source (Figure 7).

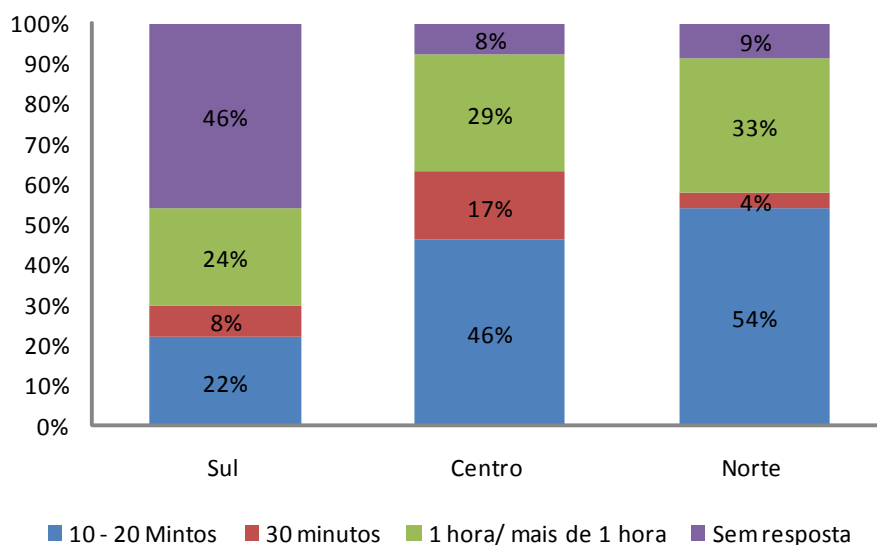


Figure 7. Time Spent getting to the closest Water Source in the Southern, Central, and Northern zones.

Analysis of the last two figures (6 & 7) reveals that in all zones the majority of communities make use of the closest rivers as their primary water source for human consumption and all their other activities that depend on this resource, subjecting them to the risks of consuming untreated water. The time spent collecting water and the potential impact of the consumed water on health exacerbates the vulnerability of the local communities.

Regarding the location of projects close to water sources, 90%, 58%, and 65% of the respondents in the Southern, Central, and Northern zones confirm that the projects are located close to these sources and that in the Southern and Northern zone they also make use of these sources, whereas in the Central zone only 30% of the respondents said that the projects use these resources for their activities. It is important to highlight that according to 50% and 16% of the respondents in the Southern and Northern zone, the existing projects have blocked passage of the communities to the water source, putting up gates with a guard to impede passage of the communities. However, in the Central zone, 92% of respondents confirm that the projects never obstructed their communities' access to water.



Photo by: João Nogueira. Women and children collecting water

According to Paragraph 1 of Article 98 of the CRM, *“The natural resources in the soil and subsoil, in interior waters, in territorial sea, the continental shelf and the exclusive economic zone are the property of the state.”*

Continuing into Paragraph 2 of that Article, it states that *“The public domain of the State: (...) e) hydraulic potential (...)”*. Paragraph 1 of Article 1 of Law No. 16/91, of August 3, Water Law, states that, *“inland waters, the surface and ground water, either naturally sprung or not, are owned by the state, constituting public water”*. Paragraph 2 of that Article provides that, *“These constitute public water, the public works, hydraulics equipment and its dependencies completed by the state or on its behalf for the purpose of public utility”*.

In principle, everything that is public domain should be used by any people, individuals or groups, public or private, domestic or foreign, without restriction of parts, but there are cases of private use and enjoyment of water that may result from the law, license or concession, in accordance with the interpretation of Paragraph 1 of Article 21 of the Water Act. *“They are common uses, without the use of a siphon or mechanized means, to meet the household, personal, and familial needs of users, including livestock watering and irrigation on a small scale”*, stated in Paragraph 3 of Article 21.



Photo by Tina Valjanen. Mud bath, Búzi, Sofala

According to Paragraph 4 of Article 21, *“Under this law any person has access to private use and exploitation resulting from licensing or concession whether they be individuals or groups, public or private, domestic or foreign duly authorized to act on national territory, and as long as they do not jeopardize the ecological balance and the environment”*.

5. DUAT TITLING PROCESS

COMMUNITY CONSULT

The Land Law number 19/97 in Article 13 states that “*The process of DUAT titling includes the feed-back of local administrative authorities, preceded by consultations with the respective communities for the purpose of confirming that the area is free and has no occupants*”.

The realisation of a process of consult provides the companies with an opportunity to show their involvement with the community without a great deal of evidence of the way in which it was carried out. Consult, in reality, does not seem to be an adequate term to describe what has actually occurred, given that the term implies dialogue. One of the questions put to the community was if critical issues were raised during the consult, the answer would always be negative, which is not surprising as the rural communities do not find themselves in a position to question the long term potential impacts or disadvantages of the projects, leaving them only with the presented short term perspective of job creation. In many cases, only the local elite are involved in the process of consult. Some community leaders were found to have personally approved projects in their communities, despite the generalised opposition within the community. It is evident that these local leaders enjoy enormous authority and, when criticised or questioned by the community regarding their decisions on community land use, members are threatened and even physically beaten. Against this backdrop, it is very convenient for companies to select only a few community representatives, an act which has created conflicts within communities.

With regard to the execution of public consult with the communities in the process of DUAT titling, 48%, 77%, and 55% of the respondents of the Southern, Central, and Northern zones confirmed having knowledge of the occurrence of these public consults, however, that the past information only had to do with the objectives and supposed benefits of the project (Figure 8). These same respondents confirmed that the chiefs were involved in the entire process, referring

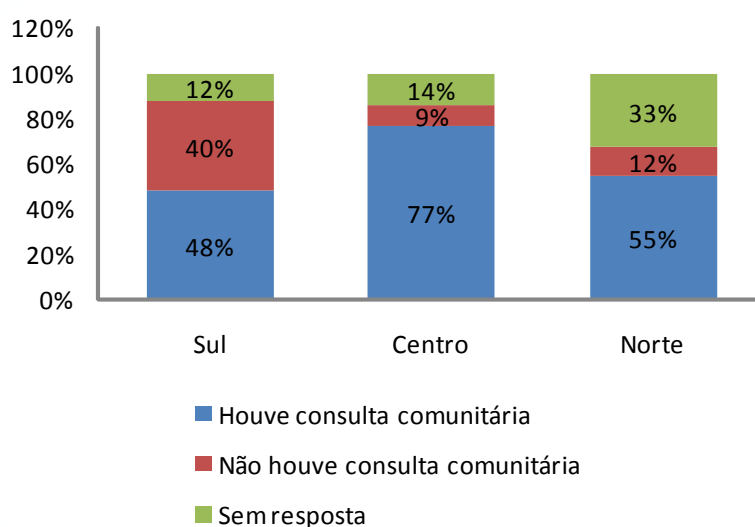


Figure 8: Percentage of the Occurrence of Public Consult in the process of DUAT Titling in the Southern, Central, and Northern zones. (Key: blue – There was community consult, red – There was no community consult, green – no answer)

however to the Southern zone in which the chiefs are said to always defend the interests of the community, in the Central zone in which 81% of respondents confirmed that the chiefs defend the interests of the project and not the community, and in the Northern zone 43% of the respondents said that the chief defends the interests of the community in this process.

The above mentioned law is respected by most investors, since the majority of respondents stated that these public consultations took place. It should be noted that even when community consultations were conducted, in most cases they occur improperly or with failures, seriously damaging the right to information and public participation, manipulation of communities occurring by investors, luring them through promises. For example, queries made by the company Ntacula in the region of Nipiode were clearly focused on convincing the leaders and the wider community about the benefits of the project emphasizing job creation and the building of schools and health centres, instead of focusing on the investment itself and the potential impacts of it. Another aspect used as a means to convince the leaders was a voluntary scheme to offer \$5 per hectare per year to the community to contribute to poverty alleviation. Although this goes beyond legal obligations, it is a mere symbolic gesture, because the value is too small to fulfil the illusory promise to build a school or a clinic and it is questionable whether this value really compensates the losses due to the increased risk to food security.

In accordance with the Land Law, the community consults for DUAT attainment must be supervised by a local government official. Of the meetings held with various junior officials from government institutions it has become clear that these junior officials do not know the negative effects caused by agricultural or forest plantation projects on a large scale.

With regards to the formalities of community consultation it is important to note that, first, *“The Cadastre Services must submit a copy of the request to the Administrator of the respective district to be posted on the respective notice board so as to obtain opinions and provide the necessary technical assistance to collect*



Foto por Jeremias Vunjanhe. Entrevista ao régulo, Lichinga, Niassa

information about the intended terrain and the adjacent land.” (Paragraph 1 of Article 27 of Land Law Regulation) ‘Thereafter, *“there will be a joint effort involving the Cadastre Services, the District Administrator or his representative, and the local communities. The result of this work will be reduced to writing and signed by a minimum of three and a maximum of nine local community representatives, as well as by the owners or occupants of adjoining land.”* (Paragraph 2 of Article 27 of the Land Law Regulation) Paragraph 3 of Article 27 of the Land Law Regulation ends by stating that, *“the opinion of the District Administrator will focus on the existence or not, within the required area, of the DUAT acquired by occupation. If the required area falls on other rights, the opinion shall include the terms by which to govern the partnership between the persons entitled to DUAT acquired by occupation and the applicant.”* These are some of the procedures for acquiring DUAT, consultation with communities. Community consultation, when carried out by following the procedures indicated above, allows for greater transparency in the acquisition of DUAT by the applicant and flaws will not be found in the process, and therefore will reduce the constant land conflicts that have been observed in the country.

With regard to the existence of evidentiary documentation of public meetings in the process of DUAT titling, 59%, 34%, 3% of respondents in the Southern, Central, and Northern zones respectively are not aware of the existence of this documentation; 27%, 17% and 48% of respondents in the Southern, Central, and Northern zones respectively confirm that these documents exist but that they do not have them in their possession (Figure 9).

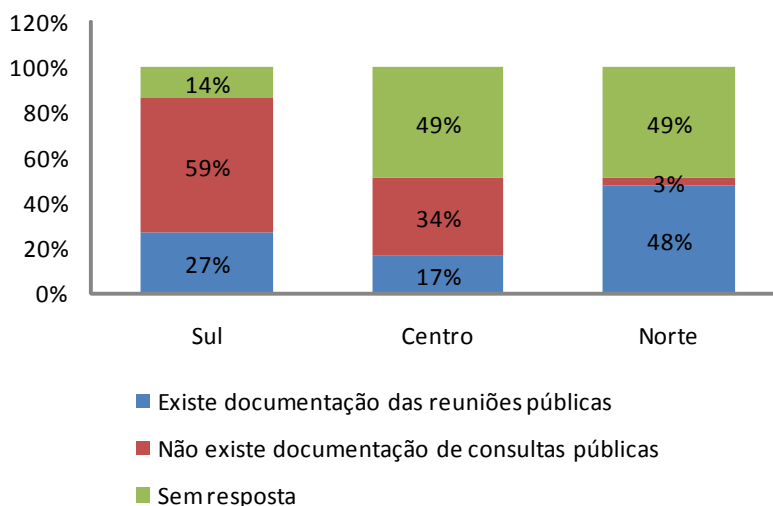


Figure 9: Evidentiary Documentation of the Public Meetings in the process of DUAT titling in the Southern, Central, and Northern zones. (Key: blue – documentation exists, red – no documentation exists, green – no answer.)

In this case the question of the authenticity of the community consultations is complicated because none of the interviewed communities had any documentation of the consultation process or written proof of transfer of rights of land use. The fact that rural communities are not made adequately aware of the importance of keeping this type of documentation places them at the mercy of third party interests. This lack of protection requires adequate safeguarding by the local government authorities, who have an important role to play, considering the state’s obligation to protect the human rights of its citizens.

Regarding knowledge of the process of public consultation 84%, 68% and 41% of respondents in the Southern, Central, and Northern zones respectively are aware that to pass land over to companies, it is necessary to hold public consultations and that each member of the community has the right to an opinion about the process, while the rest confirm that they had no knowledge or did not answer the question (Figure 10). Despite the majority of respondents demonstrating that they have some knowledge of the process of public consult, it is evident that they do not have knowledge about the type of information that should be discussed in these meetings or their rights in the Land Law, which results in a deficient process of public participation.

It is important to mention that the right to information is constitutionally consecrated as a fundamental right. Paragraph 1 of Article 48 of the CRM states that: “*All citizens have the right to freedom of expression, freedom of press, as well as to information.*”

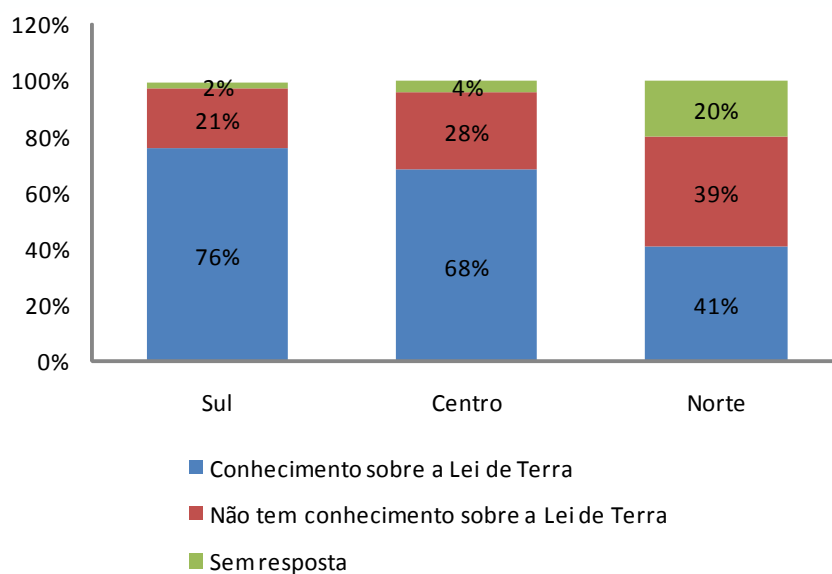
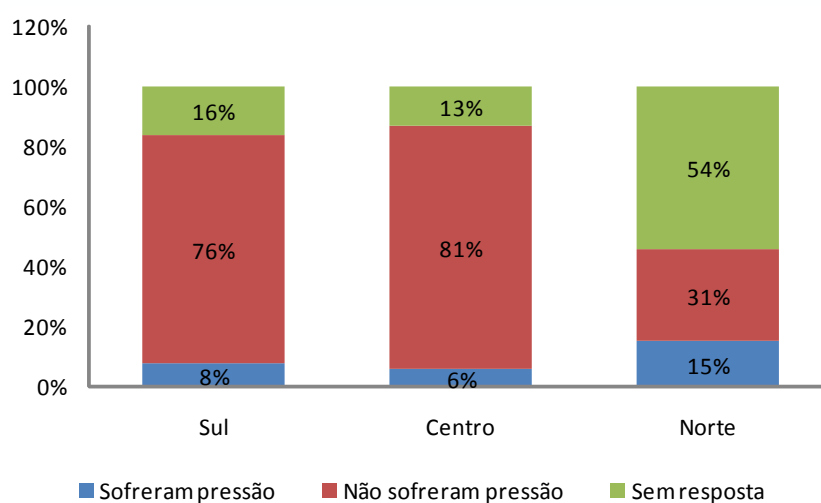


Figure: 10. Knowledge about the Obligation of the Process of Public Consult in the Southern, Central, and Northern zones. (Key: blue – Knowledge about the obligation of community consult execution, red – no knowledge of Land Law, green – no answer)



According to the consultations held, it was found that 76%, 81% and 31% of respondents from the Southern, Central, and Northern zones respectively were not persuaded to abandon their land during the public consultation processes, while 8% , 6% and 15% in above mentioned zones confirmed they were persuaded to abandon their land to make way for large projects (Figure 11).

“When the company arrived, I was afraid to give up the land of my community because I was afraid that it would invade the lands of local farmers forcing them to farm in the bush, far away where they could run the risk of being devoured by animals. In the end I accepted because of the pressure that the young population exerted, who saw the company as an opportunity for employment and a means to improve their living conditions. I had the support of the adult and older population, but even so, the company used other strategies to obtain land”.

Maniamba Community, Niassa.

6. DIRECT AND INDIRECT BENEFITS

The national legislation provides that the investors have a certain responsibility toward communities affected by projects. However, a large number of the companies interviewed in the provinces still have not fulfilled the promises made during the public consults, an issue which has become the motive for conflict between communities and companies. It has been observed that some companies only pretend to fulfil the promises made during the consults, after beginning to profit, despite them having projects ongoing for many years in the communities.



Photo by Jeremias Vunjanhe. Interview with Workers of Riversdale, Tete

In the Southern zone 94% of respondents confirmed that they had not been called to work for the project, and that the project did not bring any direct benefit to their lives. However, 54% of respondents that confirmed having participated in the public consult meetings note that the promises made during the meetings are already starting to be fulfilled, referring in large part to job creation, opening of boreholes, support during the dry season (distribution of seeds), and deforestation of areas for cattle raising.

In the Central zone 69% of respondents confirm that they have been invited to work for the project, however 60% consider the project not to have brought considerable benefit to their lives despite at least 2 people from their families working / having worked for the project.

Of the respondents that participated in the public consult meetings 27% confirm that the promises made by the investors have not been fulfilled. However, the same percentage of respondents note that these were fulfilled by way of values, jobs, opening of boreholes, construction of hospitals, schools, etc.

In the Northern zone 48% of respondents confirm that they had been invited to work for the project and 80% of the respondents consider the project to have brought considerable benefits to their lives. Of the respondents that participated in the meetings of public consult 29% confirm that the promises made by the investors have not been fulfilled, however 22% of respondents confirm that promises have been fulfilled in the form of values, jobs, opening of boreholes, construction of hospitals, schools, and others.

7. CONFLICTS / RESOLUTION OF CONFLICTS

Article 4 of the current Constitution of the Republic of Mozambique provides legal pluralism to establish that the state recognizes the different regulatory systems and to resolve conflicts that exist within Mozambican society, so as not to contradict the fundamental values and principles of the Constitution.

For this article it is understood that land conflicts can be addressed formally, through the courts law, and informally, through other forums of non-judicial conflict resolution.

The majority of conflicts are resolved out-of-court and one of the following out-of-court forums can be used:

■ Local communities, according to line b) of Paragraph 1 of Article 24 of the Land Law, in rural areas, communities participate in the resolution of conflicts, using, among others, the customary norms and practices.

■ Community courts, created by Law number 4/92, of 6 May, are an integrated part of the law and justice officials, but on the other hand, the law states that they operate outside the judicial organization. These are located in communities, the community judges are part of the community and judge based on the habits and customs, taking into account the ethnic and cultural diversity of society.

■ Nongovernmental associations (Human Rights League, Centre for Legal Practice, Association of Mozambican Women in Legal Careers, Association of Traditional Healers, and others), religious entities, traditional authorities (chiefs, traditional healers, religious leaders, and others), the police, local administrative organs, act as forums for dispute resolution.

These out-of-court forums provide means to conciliation and mediation with a view to finding a solution to any dispute by mutual agreement, these methods were the subject of Law No. 11/99, from July 8 (Law of Arbitration, Conciliation and Mediation).

On the legal front, in case of conflict citizens can use one of the following:

■ Administrative court, when the conflict occurs between the state and private, or another, if it has been based on a decision of authorities competent in the authorization of requests, revocation of temporary authorization or termination of the right, the able court is the Administrative Court, which has already ruled on several land-related conflicts.²

■ Ordinary courts, which have equally assessed and judged a large number of cases involving conflicts between particulars on rights to land. The following provides some cases, with the aim of examining the different approaches adopted, the legal arguments and the solutions chosen.

In the majority of interviewed cases regarding land conflicts, the communities were neither heard nor respected in the field of conflict resolution. In some cases the investors did not even have direct contact with communities and used the chief as an intermediary link between investors and communities.

Table 3. Projects visited where conflicts have been identified and the nature of the conflicts between local communities and companies.

| Provinces | Company | Community | Nature of Conflict |
|----------------------|-----------------|----------------------|--|
| SOUTHERN ZONE | | SOUTHERN ZONE | SOUTHERN ZONE |
| Maputo | Ingwé Game Park | Corumana | Absence of public consult and occupation of communal areas. |
| | Lap Ubuntu | Tinonganine; Santaka | Invasion of company in some communal areas. |
| Gaza | Emvest | Matube | Failure of company to pay workers' salaries (people from community). |

² The RLT provides, in Article 40 that the application of penalties in case of infringements described in Article 39, is subject to internal appeal and/or litigation, following the general rule to the defence of administrative acts.

Table 3 (Continuation)

| Provinces | Company | Community | Nature of Conflict |
|----------------------|---|-------------------------------|---|
| CENTRAL ZONE | | CENTRAL ZONE | CENTRAL ZONE |
| Sofala | Indico (Zam corp) | Macuacua | Occupation of communal land; resettlement in improper locations (infertile land, distant water source, great distance between homesteads and farms) |
| | Companhia de Búzi | Tova Nova; Mananca (Guaguara) | Occupation of communal land, resettlement in improper locations. |
| Manica | Mozambique Principle Energy | Chibue | Poorly conducted community consults, but without conflict. |
| | Infloima | | Land dispute between community and company |
| | Sun biofuels | Matsinho-Gondola (1° de Maio) | Failures in the public consult process; failure to fulfil promises made during consult |
| Tete | Vale Moçambique | Cateme (reassentada) | Poorly conducted community resettlement |
| | Riversdale | Malabue (reassentada) | Poorly conducted public consult; inadequate compensation; poorly conducted resettlement leading to disruption of the social fabric. |
| Zambézia | Mozambique Biofuels Industry (MBFI Lda) | Nipiode; Managoa | Invasion of communal land |
| | Ntacua | Mocuba; Magar | Invasion of communal land |
| | Tectona | Magare; Macuacué; Cotchi | Lack of consensus in the demarcation of areas occupied by communities and by political issues |
| NORTHERN ZONE | | NORTHERN ZONE | NORTHERN ZONE |
| Nampula | Matanusca | Motoceria Agrícola | Failure to fulfil promises made during community consult, occupation of communal land and the restriction of the circulation of the population |
| | Kenmare Resources PLC | | Failures in the resettling process of the community and failure to fulfil promises made during community consult |
| Cabo Delgado | Eco-Energia | Chipembe | Occupation of communal land and dispute over the control of the old chipembe dam (in the use of the water dam) |
| | Parque Nacional das Quirimbas | Quissanga | Introduction of dangerous animals on communal land, human-wildlife conflict |
| | Envirotrade | Bilibiza | Restricted access to water |
| Niassa | Chikwetii Forest | Maniamba; Micoco | No community consult; invasion of communal land; restriction on access routes to farms Invasão e ocupação de terras comunitárias |
| | Malonda Tree Farm | Sanga | Invasion and occupation of communal land |
| | Eagle EnterPrises | Matucuta | Land dispute with local leaders; no social benefits for community |

In addition to the issues presented throughout this report (Table 3), according to respondents the following constitute motive for conflict:

INVASION AND OCCUPATION OF COMMUNAL LAND

According to the interviewed communities, some companies do not respect the boundaries of their concessions, invading communal areas and so creating conflicts between the communities and the company. As a result of this, many communities believe that they are losing access to land – their most precious resource. The Constitution of the Republic of Mozambique, Paragraph 3 of Article 109 states that, *“As a universal means of wealth creation and social welfare, the use and profit of land is the right of all Mozambican people.”* As a right of all Mozambican people, nobody is authorised to disrespect it without offending the constitutionally consecrated rights of citizens. Similarly, line a) of Paragraph 1 of Article 13 of the Land Law Regulation states that, *“Whether acquired by occupation or by an authorization request, these are the rights of DUAT holders: a) to defend itself against any intrusion by a second party, under the law; (...)”*.

Given that the CRM institutes the right to appeal in court, in the aforementioned Article 70, the affected communities or individuals could resort to the device of “Claim Action” provided for in Article 1311 of the Civil Code (CC), with reference to Article 1315 of the same legal measure. This device allows the DUAT holder (which is a Property Law *suis generis*) to demand legal action (via a claims process of law) of any owner or detainer of the property to recognize the DUAT and the consequent restitution of the property. This means that the community or individual affected by the disrespect of companies that push the boundaries of their concessions may want to initiate a claim on their DUAT, for the violated plot, and the consequent withdrawal of the company from the area. However, the victim may request the withdrawal of the company in a peaceful and extra-judicial manner, the courts being a last resort.



Photo by Jeremias Vunjanhe. Jatropha Plantation, Manica

“What we know is only that the Chikweti Forest occupied large areas of our land. In the meetings we have had with the company we have requested they give us the maps and the boundaries of their plantations but they never provided them.”

Maniamba Community, Niassa.

Under the Land Law, line d) of Paragraph 1 of Article 24, local communities participate in the identification and definition of the boundaries of the land they occupy, or local communities know their domain in principle.

What is clear, from Paragraph 1 of Article 30 of the Regulations of Land Law (RLL), is that after being issued provisional authorization, in a case concerning the process of DUAT acquired under a permit, the Cadastre Services will notify the applicant for the communication of the order and the need to make the demarcation, and according to what is conferred in Paragraph 2 of the above mentioned Article, that demarcation will be made by the Cadastre Services. However, during the community consultations the company wanted a certain amount of land which has been accepted.

After the legal procedures, there is always a need to demarcate the land so that the portion agreed with the communities is guaranteed and not extended to others not included in the agreement. This work is carried out by the Cadastre Services, therefore, there are no legal grounds for the company going beyond the boundaries granted since there is a register of occupied land parcels. Extending their land parcels would put the company in violation of the rights of communities. It is important to understand, above all, that the scope of demarcation is effectively to avoid the extension of parcels of land into areas not included in the demarcation, in so doing promoting the spirit of peace and healthy coexistence between the companies and populations.

According to Paragraph 5 of Article 30 of the RLL, “*The requirements for demarcation will be defined in the Technical Annex*”, this annex is approved by the Ministerial Diploma number 29-A/200, of 17 March. This means that the Technical Annex establishes all the land demarcation procedures and their respective registration helps avoid the occurrence of situations of illegal occupation of communal lands and, through this process, a sketch is produced of the terrain along with its descriptive record, in order to indicate its boundaries.



Photo by Jeremias Vunjanhe. Children playing, Chipembe Irrigation, Montepuez River, Balama, Cabo Delgado

Line d) of Paragraph 1 of Article 24 of the Land Law states that, “In rural areas, local communities participate in: d) in the identification and demarcation of the boundaries of the land occupied by them”. However, according to respondents, the majority of investors tend to go to communities with preconceived ideas with regard to the area and exact location of the projects, leaving communities with only option; to agree and abandon their land without even participating in identifying and defining the boundaries of the lands they occupied. For this and other reasons, some investors have not respected existing limits and boundaries of areas and have invaded the lands of communities which forms the main cause of conflicts between communities and companies.

In accordance with the provisions of Paragraph 1 of Article 25 of the RLL, *“For the realization of private investment projects involving the acquisition of DUAT, work will be done towards the previous identification of the land, involving the Cadastre Services, the local administrative authorities, and local communities which will be documented in the sketch and description, followed by the provisions of Article 24 of this Regulation.”*

However, since the RLL requires the involvement of local communities to identify the land prior to the implementation of investment projects, here is a powerful tool that communities can use against the investors who come with preconceived ideas of areas that suit them, therefore the community should not confine itself to simply agreeing but participate actively in the process, either accepting the ideas of the investors or identifying other areas for the investment according to what best suits them.

RESETTLEMENTS CARRIED OUT IN IMPROPER CONDITIONS AND AREAS

Another aspect which contributed to the increase in food insecurity is resettlement. In many of the interviewed communities affected by the projects where resettlement has occurred, the resettled population lost the majority of their land used for the cultivation of food. Therefore, the production of these communities has been significantly reduced, another common factor found regarding the cultivation areas in the areas of resettlement. It was possible to observe that the majority of investors did not seek out areas favourable for agriculture during the resettlement process. In some of the interviewed resettled communities it was observed that the areas created by investors for community farms were not productive which resulted in these communities seeking other means of subsistence often not very profitable, in some cases forced to go hungry. The majority of the interviewed resettled communities demonstrated dissatisfaction regarding the resettlement areas which do not present conditions for the generation of an alternative income. Another reason mentioned regards the great distance of the areas chosen for resettlement from commercial centres, making it difficult to develop other profitable activities.

Analysing the cases of the Vale Moçambique and Riversdale companies in the District of Moatize, Tete Province, where resettlement of the communities located on the areas intended for the companies was necessary for the exploitation of mineral coal, it is evident that the resettlement had a notable negative impact with regards to food security of the peasants because the farms attributed to the resettled communities is not representative of the area which they previously occupied. The new areas did not represent the same fertility and consequently reduced productivity greatly, the distance to the closest water courses increased making irrigation of farms difficult as well as the collection of water for other needs. In addition to these, the houses constructed by

Vale Moçambique and attributed to the communities are already showing signs of structural faults like cracks and the entire resettlement process constitutes a shock for the communities that have to cope with this new reality.

In the resettlement cases associated with plantation projects, it has been verified that the situation and the conflicts have not been too serious and were easily resolved after the communities participated in the choice of the new area for resettlement and the negotiations with the peasants were better conducted.



Photo by Jeremias Vunjanhe. Riversdale Resettlement Area, Tete

8. CASE STUDIES

Of the 28 interviewed companies and projects some were chosen for deeper analysis as case studies based on the level of information it was possible to obtain and the type of conflicts verified.

SOUTHERN ZONE

1 - Construction of the Cement Factory, Matutuine

In the administrative post of Salamanga there are significant reserves of limestone, which soon will be operated by CIF Moz for the production of cement. CIF Moz is a company that was created in 2008 by the International Fund of China and by SPI - Management and Investments (holding of Frelimo), with the aim of developing activities in the following sectors; industrial, agricultural, tourism, mining (exploration and exploitation), retail, construction material production,

and import and export of various products. In 2010, CIF Moz started the construction of the cement factory in the district of Matutuine with an area of 410,000 m² to produce 800 000 tons of cement per year.

“Now I don’t know what is better, but I would prefer things to be as they were, at least then I had my farm, I planted what I could and never went hungry. Now I can’t cultivate, when I try to farm in another area they tell me to leave. I don’t know where to farm and because of this project my children and I go hungry.”

Salamanga Community, Matutuine.

In a situation of assignment of parcels of land occupied by the community by a competent authority to private investors, the state has an obligation to resettle the people in question if they are to occupy the land knowing that it does not belong to them. If the population has occupied the land in good faith for more than 10 years, they have the right to refuse the grant of land to investors, defending themselves against the intrusion under Line a) of Paragraph 1 of Article 13.

The woman who provided the above statement has lived in the administrative post of Salamanga since 1950. She is one of the many women affected by the construction of the cement factory. She confirmed that besides having been persuaded to abandon her farm, she was cut off from access to the closest water source in the region where she lived. Those responsible for building the factory have not proposed alternative cultivation areas for the population and are responsible for the high levels of pollution in the region. This woman and other community members from the town of Salamanga are of the opinion that the installation of the cement factory has not brought any benefits, instead has only worsened the living conditions of the local population.

“When they arrived they held meetings to inform us of the project and to tell us they needed the land to build the factory. We had to abandon our farms and in return they gave two thousand Meticaís (\$ 62.5 USD) to each person that had a farm on the site. Today I feel cheated because I had an area of approximately 3 Hectares where I grew food for the sustenance of my family. We tried to look for somewhere else to farm, at least 3 times, and each time they all told us that the space would also be used by the company.”

Salamanga Community, Matutuine.

In this regard, it is important that people and local structures are always vigilant in the preliminary meetings for the implementation of projects and /or mega-projects. It is also important to know that this is not the expropriation of land, since this can only take place for reasons of public interest it is, first and foremost, an application for the population to accept that the state grants DUAT for such endeavours. It must be made clear that the population is not required by law to accept that the developments are implanted, so that, during the community consultations they may choose to refuse to leave the locations if they find that they will not benefit from the implantation of the enterprise. When there is a situation where people must abandon a certain portion of land to make way for projects and /or mega-projects, it is necessary to assess, in detail, what the losses will be for the population if they leave those areas. This is to make sure the assessment is fair and that there will be no future situations of regret on the part of the population, since the public has a right to fair indemnity and compensation. It should be noted that communities are deceived by

promises made by investors and, for lack of knowledge, they accept that the communal lands are will be used for the implementation of mega-projects. There should be greater requirements on the part of the population, before they agree in the community consultations on the implementation of mega-projects, and these requirements should be reduced to writing to avoid misunderstandings in the future as has already happened.

"We often cough and my house is always dirty because of the dust caused by the factory. We sought contact with the company representative to see if they could pay for the frequent medical visits that we have made but the company never wanted to cooperate. Because there are many machines in the factory thieves have sometimes appeared to steal from the company. When they realize they start firing in all directions including toward our homes, we fear that one day one of our children will be hit by one of these shots."

Salamanga Community, Matutuine.

Regarding the first statement, it must be pointed out that Article 90 of the CRM advocates the Right to Environment, and paragraph 1 of that article states that, *"Every citizen has the right to live in a balanced environment and has the right to defend it"*. In the legal provision cited above, coupling the various articles of the Basic Law, such as Articles 40, Paragraph 1, which states in the first line that the right to life, according to which *"Everyone has the right to life and physical and moral integrity and may not be subjected to torture or cruel or inhuman treatment"*. Article 89 enshrines the right to health and states that *"all citizens have the right to medical and health care under the law as well as the duty to promote and defend public health"*. Article 117 defends the environment and quality of life by establishing in its first paragraph that *"The State shall promote initiatives to ensure ecological balance and the conservation and preservation of the environment to improve the quality of life of citizens"*. In addition to defending the environment, basic law has the means with which the victims can help themselves to bring the perpetrator of the damage to the environment to justice, in particular, Article 70 of the CRM states that *"Any citizen has the right to appeal to the courts against acts that violate their rights and interests recognized by the Constitution and the law"*. In turn, Article 23 of the Environment Act states that *"Any person who finds breaches of the provisions of this Act or any other environmental legislation, or could reasonably assume that such offenses are about to occur, they are obliged to inform the authorities or other administrative agents closer to the fact"*. Article 25 of the Environment Act states that, *"All persons engaged in activities with a high risk of environmental degradation and so classified by law in an environmental impact assessment, they should ensure their civil responsibility"*. This means that, because the factory releases dust responsible for the poor quality of life of the closest residents, it contributes negatively to the environment, violating the prevailing legal provisions pertaining to the environment in the Republic of Mozambique, namely the Constitution and the Environment Act.

In Mozambique, any new development likely to influence environmental elements is subject to an Environmental Impact Assessment, as stated in Article 3 of the Environment Act in conjunction with paragraph 2 of the Regulation on the Procedure for Environmental Impact Assessment. Article 27 of the Environment Act states that, *"both criminal offenses and misdemeanours relating to the environment are subject to be regulated by specific legislation"*. However, there are some devices in the Criminal Code that punish environmental crimes, in particular Article 251, which criminally punishes changing gender consumption; Article 254, which penalizes poaching; Article 255, which penalizes prohibited fishing; Article 464, which criminally punishes arson in places not inhabited (criminal burnings); Article 476, which penalizes damage to trees; and Article 478, which

penalizes damage toward people by way of rioting, poisonous or corrosive substances or violence. In particular, Article 476 is closely linked to issues of land since it punishes those who cut or destroy any fruit or non fruit tree or graft belonging to another, or mutilate or damage it in such a way that it perishes.

It must be pointed out that Mozambique has no specific autonomous legislation punishing environmental crimes and misdemeanours, besides the excerpts from the Criminal Code enlisted above. One of the fundamental principles in the sphere of the environment is, *“accountability, based on the principle that those who pollute or otherwise degrade the environment always have the obligation to repair or provide compensation for the resulting damage”*, (Extract from Article 4 of Environment Act). Coupled with this legal principle, the doctrine points out the *“famous PPP”, “Polluter Pays Principle”*, whereby those who pollute have the obligation to pay compensation depending on the level of pollution caused to the environment. This means that companies that damage the environment have an obligation to be civilly or criminally liable for their acts since their activities could cause irreparable damage to the environment.

CENTRAL ZONE

2 - Tectona Forest of Zambézia - Zambézia

Tectona Forest of Zambezia is a company dedicated to the planting of teak for reforestation (uptake of carbon credits) and timber extraction. It has been present for four years in three districts of the Zambezia Province particularly in Gurué, Milonga, and Namorri. It currently holds DUAT on an area of 35,000 ha and intends to reach 66 000 ha (already submitted a formal request to the Centre for Investment Promotion). The final destination of the raw material will be India.

This company is one of four investments of the Global Solidarity Forest Fund (GSFF) in Mozambique. The GSFF is an investment fund based in Sweden and constituted by the Diocese of Västerås Lutheran Church of Sweden, an entity called the Donation of the Norwegian Lutheran Church, and with yet another investor, Holland's ABP, which is one of the largest pension funds in the world. The GSFF works within the forestry sector in African countries and currently has investments in Mozambique since 2006 and has had DUAT for a period of 49 years (in the provinces of Niassa and Zambezia) (GSFF, 2008).

Tectona occupies areas formerly occupied by community farms and abandoned buildings. Until the date of the visit to the company it had about 4,500 ha of teak plantations. Plants are irrigated in the first stage of development (nurseries) in the dry season. The water is taken from rivers closest to the plantations and the amount used is 4m³/ha/week. In terms of agricultural inputs such as fertilizers it makes use of NPK and lime. The main pests are termites in the dry season and to combat them they make use of the pesticide Bendix.

The project covers the area of close to 38 communities of the region and employs 1465 people, of which 660 are temporary and 500 seasonal, the duration of the work contracts varies according to the type of work done, hence there are 3 month, 1 year, and 2 year contracts. The

The workload is up to 9 hours a day (6:00 - 16:30). The salary ranges from Mt1800.00 (56.3 USD) to USD 4000.00. It is noted that currently the national minimum wage is Mt2450.00 per month, equivalent to USD76.50 per month.

According to the directorate of the company, during the titling process of DUAT there were conflicts like the lack of consensus on the demarcation of the area of company operations and policy issues. However, these were all resolved and the communities received the project with open arms.

"I know about the community consultations, yes, but I don't go. The company does not talk to other people except with the chief, but he's not the people. We don't get the opportunity to speak at such meetings. I know that everyone is entitled to their opinion... But we never express them because we fear the chief. Besides, members of the surrounding community said that there was pressure from the chief and the secretary of the region on the communities to accept the project".

Macuacue Community, Zambezia



Foto por Tina Valjanen. Plantação de teca, Zambézia

Community consultation is not restricted to the chief in that the cases of monopolization of intervention in community consultation violate the provisions of Paragraph 3 of Article 13 and line c) of Article 24, both of the Land Law in conjunction with Paragraph 2 of Article 27 of the respective regulation.

According to the same source, information passed on to the communities during public consult meetings had to do with the objectives of the project, work methodology, and the potential benefits of the project (jobs, schools, hospitals, and boreholes).

However, members of the Magar, Macuacua, and Cotchi communities in the District of Gurué were very dissatisfied with the company and are willing to claim their land. The region's population also complains of the poor and corrupt attitude of chiefs and local government representatives who, instead of supporting communities and defending their rights, support the company in exchange for money. Community members say they were persuaded by the chiefs and local government representatives to abandon their farms to make room for the project.

Accusations of corruption of local government officials and the chief is not a surprise because in a conversation with the Secretary of Gurué he stated that “the project improved their lives because: 7 people in your house already benefited from the project...has 3 bikes, a home with zinc sheets, and a motorised pump...in addition to having been invited to work for the project”.

“...The chief of the Macuacua community sold the lands of the community as well as the land of the Magar community to Tectona without first having consulted us. Several community members had to leave their farms without any compensation”.

Macuacue Community, Zambezia

As indicated above, land is state owned and not private, for that reason it cannot be sold, transferred or mortgaged. Article 280 of the Civil Code states that, “the legal transaction whose object is physically or legally impossible, contrary to law or indeterminable is void”. In this order, the sale of land in Mozambique is contrary to constitutional and land law, so the business of buying and selling land is null.

However, combining Article 83 of the CRM with Paragraph 1 of Article 16 of Land Law, land can be transmitted by inheritance. The second Paragraph of Article 16 of LL states that “Holders of DUAT may transfer, between living people, infrastructure, buildings and any improvements existing therein, by deed prior authorization of the governmental entity responsible”. Paragraph 2 of Article 15 of the Regulations of the Land Law stipulates that, *“The purchase and sale of infrastructure, buildings and improvements on parcels of land does not entail the automatic transfer of the DUAT, which is subject to approval of the same body that authorized the request. The request for transfer will first be presented to the administrative register, accompanied by proof of payment of annual fees, as well as the completion of a business plan where applicable.”*

3 - Vale Moçambique - Moatize, Tete

Vale Moçambique is a mining company owned by the Valepar society which owns 53.3% shares, followed by the Federal Republic of Brazil with 6.8% and many investors, each of which has no more than 5% of shares (13.3% Brazilian and 26.6% foreign). The business group is composed of at least 27 affiliated companies, distributed over 30 countries, including Brazil, Angola, Australia, Canada, Chile, Colombia, Ecuador, Indonesia, Mozambique, New Caledonia, and Peru, where developments are made in the following areas; prospecting and mineral exploration, mining, logistics, and manufacturing operations (iron ore, nickel, cobalt, copper, aluminium, precious metals,

and coal). Vale owns nearly all the iron ore in Brazilian soil, and is the 14th company in the world by market value, and continues to exploit natural resources, water, and soil.

Vale has been present in the country since November 2004 when it won the international tender for carrying out research in one of the largest coal reserves in the world, located in Moatize, in Tete province. The Moatize mine could produce a total of 11 million tons of metallurgical coal per year (8.5 ton) and thermal coal (2.5 ton) over the next 35 years. The start-up is planned for 2011. The coal will be transported by the Sena-Beira railway line to a new marine terminal at the port of Beira, in Sofala province. In Moatize, Vale is building one of the largest coal processing centres in the world within an operational area, with a processing capacity of 26 tons of coal per year, which enables the expansion of Moatize.

However, even before the beginning coal extraction, there have been several complaints and allegations made public by Moatize community members which are gaining ground in national and international media, reporting on the company's involvement in various conflicts with the communities as well as the existence of potential environmental impacts in the area.

The public consult processes for the implementation of the project show various irregularities without the effective participation of the affected communities and civil society in general.



Photo by Jeremias Vunjanhe. Resettled Family, Vale Mozambique, Tete

The resettlement process has been critical with regard to housing infrastructure, lack of food supply, and lack of dialogue with communities. 760 families were resettled, but the houses were poorly constructed and do not correspond to the model home submitted and agreed on between

Vale Mozambique and the communities (Selemane, 2011). Several buildings have cracks and when it rains the water enters the houses. In the district of Moatize, members of the Cateme community showed regret for having allowed Vale to occupy their land. Local people said there were unfulfilled promises and agreements which were established early during the public consultation meetings, particularly pertaining to the areas designated for resettlement, fragmentation of families and the community, the restriction on local farming, fishing and of traditional cults, the arrogant attitude of officials of Vale, traffic accidents involving children and students, among other disturbances of various kinds.

“If I was allowed I’d rather go back to Mitete because here I do not see anything better. My kids and family are hungry, I have no job and I am suffering. Since last December I have been eating bran. In Mitete I made and sold coal in Moatize to feed my children and my entire family. Now I cannot do anything. Moatize is very far away and I have no bike that I could use as transport and sale of firewood and charcoal in the village of Moatize. These houses are not well built. It has no foundation and base of support. They already have many cracks. When it rains, water seeps into my house and we have to spend the night without sleep and standing. The season has already begun and we still have no seeds. They promised us that they would distribute seeds today, November 3, but as you can see nobody is here. Vale promised us we would receive food until the next agricultural harvest, but so far we have only received a basket of seven bags of maize from 2.5 cans, a bag of beans, a bag of peanuts, and 10 litres of oil once in March this year.”

Cateme Community, Moatize, Tete.

The cases of unfulfilled promises made to communities should be reported to the Government, since it was the government that assigned the DUAT to Vale and they are not complying with the programs and promises outlined together with the communities. If there is an agreement between the parties for the distribution of seeds it is necessary that Vale hold up their end of the agreement since in not doing so, Vale is violating the provisions of Paragraph 1 of Article 406 CC (Efficacy of contracts).

4 - Ntacia Forests of Zambézia - Zambézia

Ntacia Forests of Zambezia is a yet another investment of the Global Solidarity Forest Fund (GSFF) in Mozambique and is engaged in the planting of eucalyptus and pine for sale. It operates in three districts in Zambezia Province particularly; Mocuba, High Mulocué and Lugela. It currently holds DUAT on an area of 9500 ha, but aims to reach 70 000 ha (already submitted a formal request to the CPI).

In the region of Nipiode, district of Mocuba, the company has a eucalyptus plantation with a sophisticated irrigation system that, according to the company management, does not interfere with the water supply for the local population. The company representative stated that rural people are not aware of the effects of climate change and water scarcity generally coincides with the start of planting.

Ntacua in its “Simplified Environmental Study of Forestry” mentions that it is interested in carrying out reforestation with eucalyptus in previously deforested areas, meanwhile however, in practice it has solicited native forests.

Consults held in the Cafaria area indicated that Ntacua prefers to use the land covered by forest and natural vegetation. The company seems to mobilize local people for cutting or burning of forest, and several people confirmed that they felt obliged to do so due to the favourable attitude of the governor. This may seem less threatening to the means of subsistence of land acquisition used for small-scale agriculture, but the forest is an important resource for the collection of additional foods and herbal medicines. The effects of long-term practice, which lead to forest degradation and environmental issues, are more serious than they seem at first sight.



Photo by Jeremias Vunjanhe. Eucalyptus Plantation, Manica

Em Setembro de 2010 houve uma reunião para todos os líderes comunitários, a nível distrital, no Gurué. O objectivo foi informá-los sobre os benefícios das plantações de eucalipto, e mais de 900 líderes participaram na conferência. O enfoque favorável relativamente ao investimento de eucaliptos foi confirmado pelo governador da província durante o encontro.

The eucalyptus plantations are known to be low maintenance and the provision of work is also temporary or seasonal, if there is no mechanization. However in the area of Nipiode, Ntacua did not take advantage of the local manpower in the

first few years, as of 2008, instead admitting workers from other areas. The company representative admitted that it was a big mistake and has officially confirmed that Ntacua is changing its policy accordingly. Another issue is the fact that Ntacua establishes contracts of employment for a maximum period of three months, and it is up to the community leader to provide a list of workers available for each period. This is reportedly because the company wants to give equal employment opportunity to all members of the community in that workers may not belong to the same family.

The Ntacua Forests of Zambezia planted 21 hectares of eucalyptus in a community forest concession area, a project funded by the European Union. The company claims to have carried out community consultation and submission of the application to local government. However, there is no copy of the minutes of that community consultation, there is no license for the planting of exotic species or activities in forestry / agriculture / marketing for the area in question.

NORTHERN ZONE

5 - Malonda Tree Farm - Niassa

Malonda Tree Farm is a company with 80% shares in Green Resources and 20% in the Malonda Foundation which is dedicated to the planting of eucalyptus and pine trees for timber and the capture of carbon credits. In the country, it is present in two districts of Niassa province namely Mueembe and Sanga. It currently holds DUAT on an area of 60,000 ha of which 24,000 ha is for planting and 36,000 ha is allegedly for conservation.



Photo by Jeremias Vunjanhe. Identification Plaque for the Plantation Area of Malonda Tree Farms, Sanga, Niassa a

Green Resources is a Norwegian company financed by Norfund ³ (Norwegian Investment Fund for Developing Countries), that focuses on the planting of eucalyptus and other species of trees for the production of electricity posts, paper, etc. The company has projects in Mozambique, Tanzania, and Uganda, with a small operation in southern Sudan. At a national level, in addition to Malonda Tree Farm (Niassa), Green Resources also has the project Lúrio Green Resources in Nampula province. Lúrio Green Resources intends to invest a total of two billion dollars into a forest plantation development project on a large scale within the districts of Eráti, Ribáuè,

Mecuburi, and Murrupula. There will also be the installation of a plant for the processing of pulp and paper manufacturing, at an estimated 1.5 billion dollars.

The Malonda Fund is a government agency, created in 2005, with the aim of promoting and facilitating private investment for development of the provinces related to the areas of plantations, agriculture, wildlife, tourism and agricultural credit fund. The Foundation is funded by the Swedish Agency for International Development Cooperation (SIDA).

In 2008, the study by Gunilla Åkesson, André Calengo, and Christopher Tanner found “serious levels of community dissatisfaction and a potential for explosive conflict in areas where it had started clearing land and planting of forest plantations, restricting local population’s access to land and threatening their livelihoods” (CIP, 2011).

The management of Malonda Tree Farm asserts that the project occupies areas abandoned by the population (non-productive areas). However, members of the community of Cavago in the District of Sanga belie that claim and allege that Malonda Tree Farm has disrespected the limits of its concessions, invading community areas and causing conflicts at a community level.

³ Norfund (Norwegian Investment Fund for Developing Countries) is an investment company which aims to create and develop businesses in poor countries. Norfund has investments in some of the poorest countries in the world, in regions such as Eastern and Southern Africa, Central America and Southeast Asia.

“Malonda Tree Farm arrived in 2007 and occupied farms abandoned in principle but then began to invade our cultivated fields, surrounded the entire community, and occupied all the land. When Malonda Tree Farm came, they held no community consultations but simply made contact with leaders and the Government and there was much confusion that ended with only bringing awareness to some organizations. We have also seen white people from Sweden visiting the communities. The first visit was when a conflict arose between the community and Malonda Tree Farms because of the company’s invasion of our land. But it seems that the meetings resulted in nothing because Malonda is spreading intensely. There was dialogue between community leaders and the company. The community leaders asked that the company not come closer to the fields. At that time there was no satisfactory solution because the company said it needed to meet with SEDAE and the management committee. We went to SEDAE for a meeting with the Committee and decided that the Malonda Tree Farms leave parts of the area free, even after knocking down trees and to date this area is used by the population.”

Deputy Registrar, Cavago Community, District of Sanga.

In this case, there is land grabbing and the offense to the legal provisions relating to community consultation. Article 1315 states the principle of claim action; in this case, people whose farms have been invaded may resort to this principle and take back their land. As already seen, it is necessary to carry out community consultations in accordance with Paragraph 3 of Article 13 and line c) of Article 24, both the Land Law in conjunction with Paragraph 2 of Article 27 of the respective regulations.

Investors in the forestry sector in the region intend on obtaining the Forest Stewardship Council (FSC) which restricts the substitution of native forests with plantations. But this has created a devastating effect in Niassa, putting further pressure on the agricultural system. To obtain land without forests in order to plant pine and eucalyptus, companies use the agricultural land of farmers when this land is fallow. Farmers, in turn, are forced to seek land for agriculture in remote areas often breaking down native trees. In this context the FSC certification promotes indirect deforestation (CIP, 2011).

6 - Chikwetii Forest of Niassa - Niassa

The Chikwetii Forest of Niassa is a project that brings together Swedish, Dutch, American and Mozambican capital. They are shareholders of the company Diversity Timber Holding Intere (DTHI), Global Forest Solidarity Fund (GSFF), University Foundation, Licungo Furniture Society, Anglican Diocese of Niassa, and CODACO and individuals. Including an investment of 68 million U.S. dollars up until 2018, to date close to 32 million dollars has been invested.

Chikwetii has been present in three districts of the Niassa province namely; Lago, Lichinga, and Majune for four years. In the administrative post of Maniamba in the Lago District, in the Community of Micoco, and around the city of Lichinga, Chikwetii Forest in Niassa is developing its forest plantation project (eucalyptus and pine). In the District of Majune, Chikwetii Forest of

Niassa maintains the Luambala Jatropha Ltd project for the planting of jatropha and biofuel production. The company employs about 350 workers on a seasonal and permanent basis.



Photo by Jeremias Vunjanhe. Chikwetii Forest Facilities, Maniamba, Niassa

The company holds DUAT on an area of 31,000 ha with the intention of expanding to 140,000 ha (already submitted a formal request to the CPI). The final destination of the raw material will be India, but also the possibility of European and Asian countries.

According to the management of the company the project occupies degraded areas and areas abandoned by the population (non-productive areas). But even so, the DUAT titling process was done in strict observance of the Land Law with emphasis on consultation and participation of affected communities and with the appropriate monitoring of the team of the Provincial Directorate of Agriculture. However, during the interview with Mr. Siniquinha, Director of the company, he confessed that: *“honestly speaking, almost all of our DUAT processes are ongoing at the Provincial Directorate of Agriculture of Niassa and the Ministry of Agriculture and it has been very slow. The delays these processes have been subjected to are a matter that escapes our control. We have information that there are problems in the processing of records and other documents relating to our processes of DUAT. At that moment only the Maniamba plantation holds regulated DUAT.”* *“We have procedures for obtaining DUAT ongoing for over 20 years, sometimes due to loss of records, or because there is revision of the processes. We only have two finalised DUAT and the remaining plantations are working simply because of the flexibility of the vision of former Governor Arnaldo Bimbe who gave us permission.”*

"I cannot say why the behaviour and character of the people through whom these relations are expressed is subjective, but the company has a policy of awarding prizes to communities depending on their cooperation with our plantations. For example, in the Chimbonila community we have built a maternity... Even so, we have been somewhat reticent, noting that we are in Niassa where levels of education, knowledge and schooling rates are very low considering that most of the population is rural. I think what has been referred to by the people is consistent with the minutes so that it becomes difficult to move forward with what was said and promised."

Mr. Siniquinha, Director of Chikwetii

Chikwetii is illegally occupying 32,000 ha of land in Niassa province; dense native forests have been cut down in order to plant pine and eucalyptus. In the district of Sanga there was "felling on a large scale" of the fruit tree, massuku, used by communities. Local people are also losing access to forest resources such as firewood, medicinal plants and grazing areas (CIP, 2011).

In the districts of Lago and Lichinga, several community members of the Maniamba and Mico communities showed great disappointment and anger towards Chikwetii.

Maniamba community members complained that the relationship with company management is very turbulent and that the position of local government was incorrect during the process of assigning DUAT, claiming they were persuaded to abandon their fields and provide space for the project.

Chikwetii invaded the land of local people, promising compensation that was never paid. Some cases of illegal occupation occurred with the knowledge and consent of the chiefs without even consulting the local communities (CIP, 2011).

"The refusal to surrender land to Chikwetii, was not just my feeling. It was the adult and older population's feeling also who said they did not want the company but instead the land to cultivate. But after these people found out the company was already operational in the community of Bandezi and that it was providing employment and wages, the same people who supported me changed their position and agreed to go along with the company. The company also pressured me a great deal because it used the Maputo government several times whose mandate was to speak with the Queen who then authorized and informed the Maniamba community to provide land to plant eucalyptus and pine trees. Moreover, Chikwetii always said that the Queen and the community should accept the project because it was the Government that suggested it. In turn, the government said that if the community refuses the Chikwetii project the problem would be that the community would remain poor and would not develop."

Maniamba Community, Niassa

As already mentioned, the acceptance of a project in a certain area is not imposed by law and therefore, it is unlawful to occupy land without the consent of the communities, except in cases of expropriation, which must also be concerned with public interest and that the population should be compensated or indemnified.

“The company contacted directly Mr. Diogo. They said they had come to develop a project whose goal was to plant trees and so required an area. I said I had heard but I needed to explain this to other members of the community. I do not remember if any document was presented and the person who acted as secretary in the meeting no longer works with me and left none of the information.

Before the company started with its work there were three meetings between community members and one between the community, community leaders, the company and government. More recently there have been two meetings between employees and community leaders. At the last meeting, people made their complaints about the invasion of their lands and farms and the growing advancement of the company together with the communities. The 5th meeting was to decide that enough was enough - Chikwetii could no longer cut down more trees because they are doing so in inhabited areas, by the rivers and marshes, leaving uninhabited areas and mountains. All the community leaders (19), secretaries of districts (13) Secretary of the Committee Zone of FRELIMO, and the replacement of the Chief of Maniamba Administrative Post attended the last meeting. For the moment the company stopped moving but continued insisting on requests for more land from the queen. There have been significant changes in this community. Indeed, I appreciate the employment for the youth. Before the arrival of the company we had a lot of criminals and theft. Now this has stopped. Young people together with justice now have improved houses and motorcycles. This I really appreciate. There are about 400 employees working excluding casual workers.

In the beginning, when the company began working there were not many problems but now things are changing, Chikwetii has already brought many bosses from outside the Maniamba community who no longer take my opinion and that of the community into account. There is arbitrary expulsion without cause of many workers. Above all, Chikwetii is invading our fertile land. It just keeps getting closer to the rivers and lowlands. I'm afraid that the company won't take care of the rivers and water. There is increasing growth of wildfires caused by disgruntled workers expelled without just cause and fair compensation. I'm afraid that people will have to travel long distances in search of new fertile land and water and throughout this suffer attacks from wildlife. We think there may be problems due to the existence of a double standard in treatment of similar cases. When a community member causes the burning of a plantation he is gathered together immediately and taken to jail but when a Chikwetii worker does so nothing happens to the worker and much less the company.”

Maniamba Community, Niassa.

“On 19 October 2008 the company, Chikwetii, burned my farm. There were many crops including mango, banana and peach. Based on the sale of these products, I supported my family including maintaining my children in school. We lost about 6.5 ha. In years of great production I earned from 6000.00 (187.5 USD) to 7000.00 (218.8 USD) Meticaïs. In years of low production the value dropped to 3000.00 (93.8 USD) to 4000.00 (125.0 USD) Meticaïs in sale of my products. I presented this case at the offices of Chikwetii and their representatives told me they only serve cases of people with cell phones. Dissatisfied, I went to the secretary of the district and the chief who accompanied me to the engineer of the company. I presented my concern and asked for compensation amounting to 150 000.00 Meticaïs (4687.5 USD). The next day I was called to the office and the engineer gave me 500.00 Meticaïs (15.6 USD) and I asked why he was not providing the value that was requested. The engineer said that 500.00 Meticaïs was sufficient. I spoke to the chief and told him all about the procedures of Chikwetii regarding my complaint. Three days later, the engineer gave me another 500.00 Meticaïs, totalling 1000.00 Meticaïs (2.31 USD) and said the rest of the money (140 000.00 Meticaïs, equivalent to USD 4656.30) was for the purchase of seedlings of mango, banana and peach in South Africa. When the head of the Maniamba Post learned of this event he brought together all parties involved. The Chikwetii engineer claimed that the case was postponed to be resolved until he had a meeting with his

coordinator in Lichinga. After several attempts and no resolution, the head of the Post gave me a letter to present our case in the District. I submitted the case in the District Services for Economic Activities (SEDAE) in Lago. But the case was never resolved. During the visit of the president Armando Guebuza on the 20th...I stated my case to the president. A week after the President's visit, I was called to the district and informed that the case would be settled in court. For which all the documents I had submitted to the district were solicited. When I went to the District, I was informed that all the documents pertaining to my case had been lost. Even so I was called before an attorney for a hearing. Later the Institute for Legal Assistance (IPA) made a document for me to submit to the District Court again. In turn, the District Court of Lago referred me to the Provincial Court of Lichinga. And since then I have never been solicited to attend court again much less by the government or Chikwetii. The number of my process is 40. During the meetings we had with the company, the secretary of the district, the chief, and all Chikwetii guards accepted that it was they who burned my field. They alleged that the use of burning is a technique used and recommended by Chikwetii as a preventive and protective method for their crops."

Maniamba Community, father of 7 children.

In this case, there is damage to the good of others, giving rise to civil liability, or because the company had burned the farms of citizens, violating their DUAT where it is based on his farm, this is a situation that causes damage and, therefore, incurs liability under paragraph 1 of Article 483 of CC, and therefore, must compensate the victim for damages.

The Micoco community members confirm that Chikwetii invaded their land, put up fences and took over their farms and all the expansion areas of cultivation reserved for women seeking firewood. The inhabitants of this region consider the project only to have brought disaster to their people.

"We are now in jail, surrounded and without means of subsistence and survival. When someone enters an area that Chikwetii claims to be part of their concession they are taken to prison, but Chikwetii invades our community, occupies our land, farms, destroy our crops and yet they do not go to jail. So what is more important to the government, Chikwetii or the people? The government invited the company Chikwetii to invade our farms and lands and now they are sending many delegations to this community to appease us, but we think it is a strategy to pull in the land."

Micoco Community, Niassa.

In this case, there is likewise the usurpation of land and damage or destruction of someone else's property, therefore; plaintiffs may resort to repossess their land, the principle of action claim, under Article 1315 of CC. Likewise they have the right to compensation under paragraph 1 of Article 483 of CC, because their fields were destroyed.

Regarding the process of consultation and public participation in the Micoco community, the company's management defends that it has followed all the legal procedures required by the Land Law, so much so that the process was submitted to government institutions, and these are just waiting for their approval. But it also recognizes that there may have been miscommunication with the members of the community. *"If we had not completed all the steps required by law, certainly this process could not be pursued through legal proceedings at the Provincial Directorate of Agriculture. Yet perhaps*

we have a darker truth of the facts. In any case, the proceedings of the Micoco community have been submitted and await approval by the respective decision of DUAT approval and concession. I do not know if at any point there were conflict or not during the consultation process or thereafter. Eventually, what may have happened is that contacts may have been established with a leader or chief of lower rank who did not meet up with all the members of the community and other influential members of the community.”

7 - Matanuska Mozambique Limited – Nampula

Matanuska Mozambique Limited is a private company with limited liability to law in Mozambique. The company has a partnership with Matanuska Africa Limited and Mr. Bernd Heinrich Alexander von Josef Pezold. Matanuska Africa Limited is a subsidiary of the “Rift Valley” group and has as one of its investors the Norwegian Investment Fund for Developing Countries (Norfund). The company practices farming including the cultivation, processing, transforming, marketing and export of agricultural products in the province of Nampula, in the communities of Metoceria Agrícola and the Administrative Post of Namialo in the District of Monapo it is devoted to the industrial production, processing, marketing and export of banana. The area currently operated by the company is 1,200 hectares of the 3000 hectares authorized by the government. It employs about 2093 workers, both permanent and seasonal.

Conflict with workers:

Workers from Matanuska complain that the company violates Labour Law by not giving holiday leave, perpetrating arbitrary arrests of workers and community members suspected of theft, and also by irregularities in the disciplinary proceedings of the workers. In July 2010, following these and other claims, the Matanuska workers went on strike demanding salary review, medical care, the end of evictions without just cause, and finally demanding the expulsion of some members of the board. The conflict was resolved with the intervention of the governor of Nampula province, Felismino Tocolo, through the creation of a provincial crisis management commission which consists of the departments of Agriculture and Labour.

João Silvestre is a resident of Metoceria Agrícola and a former employee of Matanuska. In October 2010, he and 37 colleagues were expelled from the company who, according to the company, simply stated that the job ended.

Conflicts with neighbouring communities:

Residents of communities and neighbourhoods of Muchalegue, Makachela, Nakuquilo, Namirika, Kalene Nakoloo, Linha Férrea denounced several irregularities related to the process of planning, licensing, implementation and operation of the company Matanuska in the region of Metoceria Agrícola, administrative post of Namialo, district of Monapo. Since the process of community consultations that, according to the communities, were badly conducted, with poor information, false promises, the precariousness of the wages of factory workers, and the poor working conditions das necessidades e opções particulares de grupos sociais mais vulneráveis como crianças, mulheres e idosos; usurpação dos direitos económicos, sociais, culturais e ambientais de centenas de famílias pela empresa Matanuska.

Citizens complain about the arrogance, prepotence, disrespect, and bad behaviour of the Matanuska company managers, cited as the main conflict areas are; the restriction of access to water (Monapo river) and fertile land which leads to worsening food insecurity, the restricted free movement of persons and property, as there are cases of fencing off access routes, disregard of the needs and choices of individuals of more vulnerable social groups such as children, women, and the elderly, and finally the usurpation of the economic, social, cultural and environmental rights of hundreds of families by the company Matanuska.

“The other cotton companies that had investments in this community understood the people, but Matanuska came to deceive and hurt people because it took all of our fertile land, limited access to the Monapo river and now there is much poverty and hunger is getting worse”.

Metoceria Agrícola, resident since 1972

“People including children are being arrested, convicted, and accused of stealing bananas. We are forbidden to pass through the road and paths located near the company’s production and even access to the Monapo River. We no longer have access to fish resources and fishing activities nor fertile farmland in the river valley for agricultural use. There are restrictions on other activities essential or complementary to the survival of communities, the loss of productive work, and degradation of living conditions”.

Metoceria Agrícola and ex-worker of Matanuska

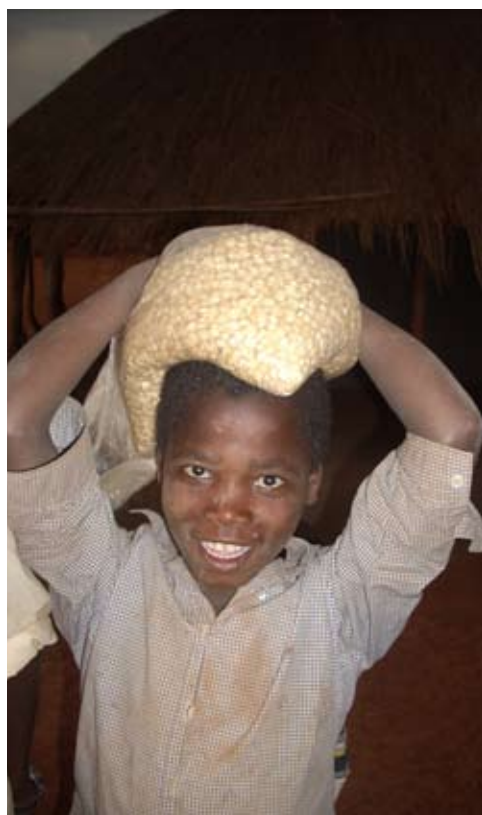


Photo by Jeremias Vunjanhe. Child carrying a sack of seed, Niassa

“Matanuska fooled us by saying they would raise incomes for the population and improve our living conditions. To tempt and deceive the people, the man who came to talk with the communities and people handed out biscuits and the community accepted the project in anticipation of employment and other benefits. At the time of his arrival, the district administrator and the chief told us that the company would bring jobs and end poverty. We were promised a hospital which as yet has not been built. But now the chief no longer resolves community problems but only solves their problems. Women cry and face many difficulties related to access to water and food production. Those who work do not have wages and the labour is very hard for them. There are also no specific hours. Children also suffer a great deal to go to school because they are forbidden to walk on the paths around the Matanuska plantation and must travel long distances. The company prohibits the passage of persons along the road and the environment here is similar to the vice of colonial times. We have no freedom of movement.”

Metoceria Agrícola

V. CONCLUSIONS

■ The phenomenon of land grabbing occurs in Mozambique and is facilitated by the numerous failures throughout the entire process of DUAT attribution which tends to benefit investors to the detriment of rural communities.

■ The following factors contribute to the phenomenon of land grabbing; the communities' poor knowledge of their rights and Land Law, the institutional weakness of local government, the corruption of authorities and community leaders, and the lack of awareness of the benefits of the formal process of land tenure. The most aggravating factor of this phenomenon is the vulnerability resulting from the numerous deficits characteristic of the poverty these communities are subjected to and which makes these people even more easily deceived by promises of better basic living conditions.

■ Agriculture is the predominant means of subsistence for the interviewed communities followed by mixed farming, both of which are extremely dependent on the availability of fertile land and water, hence the need to adequately safeguard the rights and interests of these communities in the processes of public consultation and resettlement.

■ Rural communities depend on rivers as their main source of water and most of the projects examined are located near this resource. The increase in areas occupied by large projects will likely have a bigger impact in terms of availability and access to water on these communities exacerbating their already precarious conditions of poverty.

■ The number of registered community land ownership noted throughout this study is very limited. This happens largely due to the false perception of a lack of need to prove ownership of the land through a written document because, according to customary practices, local communities who are occupying traditional land acquire DUAT without the need for additional requirements.

■ The main issues are; lack of information on Land Law, including the formal registration of DUAT, the importance of this registration in the current situation of high demand and occupancy of land by major projects, poor knowledge about the role and the importance that community members must exercise in a process of community consultation and also the use and abuse of power by the chiefs for their own benefit contribute to the low number of registrations of land ownership, and that makes these communities even more vulnerable to the installation of major projects.

■ We found no record of land ownership on behalf of women despite their role in subsistence agriculture, food security, and nutrition of the family, making them far more vulnerable and dependent on men, the head of the family, and subject to traditional rules which defend the interests of men rather than the interests of women and family.

■ The processes of public consultation occur improperly and with failures, which seriously damages their rights to information and public participation. Community manipulation with false promises by investors occurs, often through local power structures.

■ Women have no voice in the process of public consultation, there is no one representing their interests at the level of community leaders. Despite being present in public consultation meetings and the role that women play within the family and the community itself, in discussions that involve the interests of family and community the role of women is neglected, subjugating them to the voice and opinion of the men. However, it is the women upon whom fall the main negative impacts of the decisions taken on the use and destination of resources taken without their knowledge.

■ Many conflicts that exist between communities and the companies are a result of unfulfilled promises made during the process of public consult.

■ The primary motives of conflict are the invasion of community land and resettlement in improper conditions and locations.

■ The communities are not in possession of the minutes of the meetings of public consult, so that it could identify and assess the type of information shared and discussed.

■ While the majority of respondents have stated that there was no pressure from investors to give their assent in the process, the level of discontent shown against the change of conditions suggests that they had no real understanding of the implications during the process.

■ The majority of the big projects analysed are recent, belonging to foreign investors and are involved in the agri-business, tourism, and mining sectors.

■ The investments analysed have not responded to the objectives / government plan to achieve the millennium development goals, particularly poverty reduction, access to clean water, basic sanitation, among others, in other words, sustainable development. On the contrary, these investments have been creating more conflict and worsening poverty, deprivation and vulnerability of rural communities.

■ It was noted that investors in Nordic countries, despite in their countries of origin meeting the highest standards of respect for human rights and all public participation processes in any enterprise that presents potential environmental and social impacts, behaviour and standards are completely differently in Mozambique. Their practices feed a corrupt system, benefitting from the flaws in the implementation of the current laws in the country and thus aggravating the already precarious living conditions of most rural communities. Examples include the cases of Chikwetii, Malonda Tree Farm and Ntacia Forests of Zambézia.

■ Mozambique is not institutionally capable of managing the numerous requests for DUAT, the weakness in the analysis of proposals and decision making is evident, leading to conflicts that government institutions have so far not been able to manage.

■ The fact that foreign investors are not subject to direct obligations under international law does not exclude the possibility of holding them directly responsible at a national level. The mechanisms of liability only operate where the state has effectively implemented the law as a follow up to their duty to protect human rights, which has not happened in Mozambique, due to lack of political will which extends to the judiciary.

■ The economic interest of the Mozambican state in large investments, primarily foreign, suggests that the attempts to institute a civil code of responsible conduct are a great challenge. The judiciary system in Mozambique is in general very weak, politicised, and dependent on the party in power to speak out against powerful companies.

VI. RECOMMENDATIONS

- Urge awareness and empower local communities on material such as; Land Law, public consult processes detailing the type of information that should be included in these processes, their rights and duties as owners of DUAT according to customary practices, the importance of obtaining the title of DUAT given the current demand for land. This process of awareness and training should include key information such as the various institutions responsible for land issues, as well as detailing the steps to follow in situations of conflict;
- It is important that local government officials and judges are trained in matters of Community Land Law;
- It is important that awareness surrounding gender issues is raised due to the different ways that men and women manage the natural resources they depend on and how the loss of these so distinctly affects each;
- The actual implementation of various existing agrarian policies directed to agricultural production and small-scale subsistence farmers is recommended, ensuring that concrete steps are taken to improve agricultural productivity and marketing of products;
- It is necessary that during the public consult processes that signed minutes of those meetings are require and that contracts be drawn up detailing all the promises made to communities, as well as deadlines for achieving these with proposed penalties for non-compliance;
- There is a need to involve communities, from the beginning, in any process which would result in their resettlement from site selection to the kind of infrastructure to be deployed. This involvement should be comprehensive so as to avoid situations of corruption and abuse of power by community leaders or people in positions of power and ensure that the location and conditions of resettlement are better than before, respecting their lifestyle and needs to ensure its sustainability.
- It is important to define the areas available for any new investment, with clear distinction and definition of community areas, differentiating between small and medium investments;
- That mechanisms be established to enable a more efficient monitoring of the entire process of establishing local investment and interaction with local communities in order to avoid future conflicts;
- The State should provide free legal assistance to communities in cases of conflict, dispute over land or other resources between communities and investors to ensure that the rights and interests of communities are fully respected;
- It is suggested that awareness campaigns are promoted to report cases of land grabbing;

■ The legalization of portions of communal lands must be promoted, although not required by law, it allows for greater legal security.

■ The State should suspend the issue of DUATs to new investments until it establishes the technical and institutional capacity for analysis of proposals and monitoring of approved investments and to resolve all existing conflicts over land.



Photo by Tina Valjanen. Children, Zambézia

VI. CONSTRAINTS AND LIMITATIONS

- The difficulty in accessing information at a government institution level, the unavailability of updated information and recent and relevant national studies on land issues may have contributed to a certain limitation of the scope of this study given the difficulty of identifying and selecting plantations and large projects to visit.
- The variety of local dialects existing in Mozambique makes it difficult to gather information since most local communities do not speak Portuguese and the use of interpreters cannot always provide for fluid conversation. There was a certain fear of reprisals by the communities to cooperate with the interviewer and provide information.
- Some of the companies contacted refused to receive the work group for interviewing, thereby limiting the scope of analysis in this study.
- Finally, the car accident, which occurred in Nampula at the beginning of the fieldwork, left the car completely unusable and merely delayed all other subsequent activities. The lack of a vehicle limited field visits, forcing the team to work depending on the availability of venues and transportation of UNAC head quarters leaving some options unviable, as was the case of Moma and delayed other visits, requiring a constant review of the work plan and reallocation of resources, which has also delayed the delivery of the report.

VII. BIBLIOGRAPHY

- Behrman, Julia, Ruth Meinzen-Dick and Agnes Quisumbing (2011). Where is gender in the land grab debate? Source <http://www.commercial-pressuresonland.org/opinion-pieces/where-gender-land-grab-debate>
- CIP (2011). Mozambique Political Process Buletin 48. Land Moves Up the Political Agenda. Maputo-Moçambique
- Cotula, L., Vermeulen, S., Leonard, R. and Keeley, J., (2009), Land Grab or Development Opportunity? Agricultural Investment and Investment and International Land Deals in Africa, IIED/FAO/IFAD, London/Rome. ISBN: 978-1-84369-741-1
- Coughlin P. E. (2006). Agricultural Intensification in Mozambique - Infrastructure Policy and Institutional Framework. When Do Problems Signal Opportunities?, EconPolicy Research Group, Lda., Maputo and African Food Crisis Study (Afrint), Department of Sociology, Lund University. <http://www.sarpn.org.za/documents/d0002233/index.php>
- Deininger, K., Derek Byerlee, Jonathan Lindsay, Andrew Norton, Harris Selod, and Mercedes Stickler, (2010). Rising Global Interest in Farmland – Can it yield sustainable and equitable benefits? The World Bank. Washington, DC.
- FAO (2010). Mozambique, Agriculture, Food and Agricultural Organization, as at 20 April 2010, retirado de <http://coin.fao.org/cms/world/mozambique/en/CountryInformation/Agriculture.html>
- FIAN International (2010) Land grabbing in Kenya and Mozambique - A report on two research missions and a human rights analysis of land grabbing.
- National Institute of Statistics (2008) Women and Men in Mozambique – selected gender indicators. Mozambique. [Instituto Nacional de Estatística (2008) Mulheres e Homens em Moçambique - indicadores seleccionados de género. Moçambique.]
- National Institute of Statistics (2010) Mortality in Mozambique. [Instituto Nacional de Estatística (2010), Mortalidade em Moçambique.]
- Mário, M. , Nandja D. (2005) Illiteracy in Mozambique:education challenges for all. Maputo: UNESCO. [Mário, M. , Nandja D. (2005) A alfabetização em Moçambique: desafios da educação para todos. Maputo: UNESCO.]
- Marzoli, A. (2007). National Forest Inventory - Integrated Assessment of the Forests of Mozambique. National Directorate of Lands and Forests, Ministry of Agriculture, Republic of Mozambique [Marzoli, A. (2007). Inventário Florestal Nacional – Avaliação Integrada das Florestas de Moçambique. Direcção Nacional de Terras e Florestas, Ministério de Agricultura, República de Moçambique]
- Matos, A. (2008). Trends in Trade and Investment in Mozambique. [Matos, A. (2008) . Tendências do Comércio e do Investimento em Moçambique.] Available here: http://www.ieei.pt/files/Paper_AlmeidaMatos.pdf
- Mousseau, F. (2010). The High Food Price Challenge: A Review of Responses to Combat Hunger. Oakland, CA: The Oakland Institute
- Selemane, Thomas (2011). Mozambique Political Process Buletin 45. Resettlement badly done. Maputo-Moçambique
- Shepard Daniel with Anuradha Mittal (2009). The Great Land Grab Rush for World's Farmland Threatens Food Security for the Poor. Oakland, CA. The Oakland Institute.
- Sofia Monsalve Suárez, Saturnino Borrás Jr.(2010). Development for who? Impact of Development Projects on the Social Rights of the Rural Mozambican Population. FIAN International [Sofia Monsalve Suárez, Saturnino Borrás Jr.(2010). Desenvolvimento, para quem? Impacto dos Projetos de Desenvolvimento sobre os Direitos Sociais da População Rural Moçambicana. FIAN International]
- Women's Earth Alliance. (2011), Watering the Grassroots. World Rivers Review

Legislation Consulted

- Centro de Formação Jurídica e Judiciária (2007). Colectânea de Legislação sobre a terra. II edição, Ministério da Justiça, Maputo.
- Cistac, Gilles e Eduardo Chiziane, Aspectos Jurídicos, Económicos e Sociais do DUAT, Imprensa Universitária da UEM, Beira, 2003
- Constituição da República de Moçambique. Assembleia da República, Plural Editores, Novembro de 2004.
- Decreto 50/2007, de 16 de Outubro - Altera o Artigo 35 do regulamento da Lei de Terras.
- Decreto n.º 66/98, de 8 de Dezembro – Regulamento da Lei de Terras.
- Decreto n.º50/2007, de 16 de Outubro (introduz a emenda ao artigo 35 do Regulamento da Lei de Terras).
- Diploma ministerial n.º 29-A/2000, de 17 de Março. Anexo Técnico do Regulamento da Lei de Terras
- Lei n.º 19/97, de 1 de Outubro – Lei de Terras.
- Lei n.º 16/91, de 3 de Agosto, -Lei de Águas
- Quadros, Maria da Conceição, Manual de Direito da Terra, Centro de Formação Jurídica e Judiciária, Maputo, 2004.

APPENDICES

SAMPLE OF QUESTIONNAIRES USED TO INTERVIEW THE VARIOUS SECTORS

11 - Survey and Mapping of the situation of the phenomenon “Land Grabbing” in Mozambique - Communities

Date: __/__/__

Name of Respondent: _____

Age ____ Female ____ Male ____

Means of Subsistence: Agriculture ____ Fishing ____ Herding ____ Other _____

Province _____ District _____ Name of Community: _____

Function of Community : _____

I. General Questions

- 1 How long have you lived on this land?
- 2 Is the land you live/work on yours? Does it belong to you or your family?
- 3 Do you have the registration of land ownership for this land?
- 4 If yes, whose name is this land in?
- 5 Where do you get water to drink and for activities?
- 6 Is there any water course close to your land?
- 7 How far away (time) are the water courses from your land?
- 8 Which activities do you practise for survival?
- 9 What are the primary problems of this area?
- 10 Is this land good for cultivation?
- 11 What do you normally cultivate?

II.

- 1 Have you noticed people (foreign) moving to this area?
- 2 Do you know where these people are from?
- 3 What language is spoken?
- 4 Do you know what they are looking for here?
- 5 How long have they been here?
- 6 Do you know of any big projects in the area? Yes No
- 7 What does this project do? What is the name of the project?
- 8 How long has it been here?
- 9 Who used the land before the arrival of the project?
- 10 What did they use the land for before the arrival of the project?
- 11 How many hectares does the project occupy?
- 12 The projects existing in your community are they of Mozambicans or foreigners?
- 13 Which projects are more frequent, national or foreign?
- 14 Is there a water course close to the project? Yes No
- 15 If yes, does the project use the water? Yes No
- 16 Has the project blocked access of the communities to the water? Yes No
- 17 If yes, how?
- 18 Is there a road or railway close to the project?
- 19 Were you invited to work for the project?
- 20 Has the arrival of the project in any way changed your lifestyle?
- 21 How many people in your home benefit from the project?
- 22 Was there any form of pressure put on you or your family to accept the implementation of the project in this area?
- 23 Have you heard of the phenomenon of land grabbing by private or big companies? What does land grabbing involve?
- 24 Occupied land belongs more often to men or women? Who are the most affected by the loss of land to big projects?

III. Community Consults

- 1 Do you know that in order to pass community land to other land it is necessary to consult with the communities that live on that land?
- 2 Do you know that all members of the community have the right to their own opinions during the process?
- 3 Have there been any community consult meetings? Yes No Don't know How many meetings have there been?
- 4 How many people participated? Men Women
- 5 What information did you receive?
- 6 Was the chief involved in the process?
- 7 What was the chief's position in the process? Did he support the opinion of the communities or the projects?
- 8 Are there any documents from the community consults? Yes No Who has them? Where are they?
- 9 Have the promises made during the public consult been fulfilled? Yes No
- 10 If yes, what were they?
- 11 If not, why not?
- 12 Has there been any significant changes since the implementation of the project? Yes No
- 13 What other changes have occurred in nature (climatic/water/forest) with the implementation of the projects?

12 - Survey and Mapping of the situation of the phenomenon of “Land Grabbing” in Mozambique - Government Institutions

Date:

Name of Respondent:

Institution:

Province: District:

Profession/Job Position:

- 1 What projects or large investments exist in the area?
- 2 What type of projects are they? What are the objectives of the projects? What are the areas of investment?
- 3 What are the names of the projects and the companies involved?
- 4 Is it a national or foreign investment?
- 5 Where are these projects located and what areas do they occupy?
- 6 What are the areas used for where these projects are located?
- 7 Do these projects already hold regulated DUAT?
- 8 How was the DUAT process?
- 9 How long did the DUAT process take?
- 10 Does the government have the DUAT process (signatures, minutes, etc)? Do you have a copy?
- 11 How many communities and people are affected by the project?
- 12 Did the affected communities participate?
- 13 Do the involved communities understand the process of public consult and the emission of DUAT?
- 14 What is the role of local government in the defense of the rights of the communities?
- 15 Was the relocation of a community necessary?
- 16 If yes, how was it done?
- 17 What information was transmitted to local communities during the process of public consult?
- 18 Were promises made during the public consults? What were they? Have they been fulfilled?
- 19 Were the communities satisfied with the conditions of the relocation?
- 20 Did the government accompany and monitor during and after the implementation of the project?
- 21 Do you know of any misunderstanding or land dispute?
- 22 If yes, what is the role of local government and traditional leaders in the resolution of conflicts?
- 23 Do you know of any misunderstanding between the heads of the project and its workers?
- 24 What type of support could local government solicit from NGOs in the resolution of conflicts?
- 25 How can NGOs work in partnership with local government to avoid these problems and guarantee that the rights of local communities are observed and respected?

13 - Survey and Mapping of the situation of the phenomenon of “Land Grabbing” in Mozambique - Companies

I. General Company and Project Details

Name of Company:

Name of the Consortia:

Name of the Project:

Objective of the Project:

Location of the Project:

Area (Ha):

Date of Start of Operations:

Contacts:

II. Social Aspects of the Project

- 1 The land on which the project is located, is it fertile or marginal?
- 2 How was the land used before the establishment of the project?
- 3 How was the DUAT process?
- 4 How long did the DUAT process take?
- 5 Do you have the minutes of the DUAT process meetings? Can we have copies?
- 6 Were there any conflicts during the process? What type?
- 7 Was the decision made in consensus?
- 8 How many communities and people were affected by the project?
- 9 Was it necessary to relocate the population?
- 10 What information was provided to local communities during the process of public consult?
- 11 Were promises made during the public consults? What were they? Have they been fulfilled?
- 12 What is the relationship between the company and the local communities like?
- 13 How many jobs were created? Seasonal or temporary?
- 14 Are there work contracts? What is the duration of such a contract?
- 15 What are the work hours?
- 16 What is the worker's salary? Are there any subsidies?
- 17 Do the workers each have protective gear?
- 18 Is there any professional capacity building or training?
- 19 Does the company have any social responsibility programs? What do they entail?
- 20 Does the company foresee the installation of a industrial or central processing plant? When?
- 21 Where is the final product destined?
- 22 What quantity of the product will be left in Mozambique?

III. Analysis of the Environmental Aspects of the Project

- 1 Does the project have an Environmental Impact Study? If not, why not?
- 2 If the project has not been submitted to the AIA process, do you intend on submitting it? When?
- 3 How long did it take to draw up an Environmental Impact Study? Was the process participative?
- 4 Is the EIS available to the public? Can we have a copy?
- 5 What type of irrigation is used?

- 6 What quantity of water is used for irrigation of each hectare?
 7 What quantity of water is used daily and monthly?
 8 Is the plantation close to a water source? How many km away?
 9 What is the source of water for irrigation?
 10 What quantity of water do you estimate will be used in the final processing of the product?
 11 Are there any measures to manage or reuse water?
 12 Is the project located near any protected or conservation areas?
 13 What type of fertilisers are used?
 14 Do pests occur on the plantation? How often? What time of year do they appear more often?
 What pests are they?
 15 Which pesticides do you use to combat these pests? How much how often? Is it efficient?
 16 Does the company have an environmental responsibility program? What does it entail?

LIST OF GOVERNMENT ENTITIES VISITED

| Name | Institution | District | Job Position | Contact |
|-----------------------------------|---|----------------------|--|------------------------|
| Nampula | Nampula | Nampula | Nampula | Nampula |
| Julio Nunes | SDAE | Nampula | Director | 82 4400260 |
| Alexandre Antonio | SPGC | | Rep.of the Dept. of Land Surveying and Registry | 82 7041860 |
| Cabo-Delgado | Cabo-Delgado | Cabo-Delgado | Cabo-Delgado | Cabo-Delgado |
| Mafumo | SPA | Pemba | Director | 82 5408403 |
| Cláudio | SPGC | | Head of Services | 82 9883109 |
| Adelino Jacob | SDAE | Balama | Director | 82 6675700 |
| Niassa | Niassa | Niassa | Niassa | Niassa |
| Victor Levene | SDAE | | Director | |
| Manica | Manica | Manica | Manica | Manica |
| Isabel Jamisse | SDAE | Gondola | Director | 82 4236200 |
| Domingos Raene | | Gondola | Sec. Area | |
| Lazaro Gumene | SPGC | Chimoio | Head of Services | 82 4266980 |
| Modesto Luis Lourenço | Posto Administrativo | Dombe_Sussundenga | Head of Post | |
| Zambezia | Zambezia | Zambezia | Zambezia | Zambezia |
| Leonardo Ribeiro Cipião | SDAE | Ilé | Representative of the Director | |
| Ismael Oria | SDAE | Mocuba | Director | 822984030 |
| Eduardo Anoradi | Departm. of Agriculture | Gume | Director | |
| Sofala | Sofala | Sofala | Sofala | Sofala |
| Valdemar G. Schenwarts | SDAE | Búzi | Director | |
| Felipe Sutopera | SDAE | Dondo | Specialist | 23950036/ 824367330 |
| Jacinto Tualufo | Departm. of Agriculture | Beira | | |
| Juerco Pachuco | Departm. of Agriculture | Beira | | |
| Tete | Tete | Tete | Tete | Tete |
| Benjamin Gemo | SPGC | Tete | Head of Services | 82 4745940 |
| Lucio Chitima | SDAE | | Director | 82 5466149 |
| Ernesto Trabuco | Moatize Government | Moatize | Secretary Permanent substitute | 82 5987518 |
| Gaza | Gaza | Gaza | Gaza | Gaza |
| Inácio Mugabe | SDAE | Chóckwe | Director | 82 2665330 |
| Maurício Huo | SDAE | Massingir | Director | |
| Paulino Machava | Geography and Registry Services | Xai-Xai | Head of Services | 82 8682820 |
| Maputo | Maputo | Maputo | Maputo | Maputo |
| Joel Nhassengo | Maputo | Maputo | Maputo | Maputo |
| Comandante de Guarda Fronteira | SDAE Commander of Border Guard of Moamba- Corumana | Marracuene Moamba | District Head of SDAE Comandander | |

DESCRIPTION OF EXISTING PROJECTS WITHIN THE DIFFERENT SECTORS

Southern Region

| Area of Company | Name of project | Region | Area (ha) | Investors | | Type | Source | Extra Information |
|--|---------------------------------------|---------------------|-----------|------------------------------|-----------------------------|----------------------------------|--------|---|
| | | | | Company | Investment | | | |
| Southern Region | | | | | | | | |
| AGRI-BUSINESS | Moçambique Inhavuka | Maputo | 10 348 | | | Jatropha | 1 | Approved by the Centre for Investment Promotion (CPI) |
| | Bioenergia Moçambique LDA. | Maputo - Moamba | 6 950 | Moncada Energy Group SRL | Italy | Jatropha | 1 | |
| | Ecomoz | Maputo | 21 000 | Petromoc Hende Wayela Biomoz | Mozambique and South Africa | Jatropha, Palm and Sugar Cane | 1 | |
| | Sabiol | Maputo | 29 000 | | Portugal | Sugar Cane | 1 | |
| | Lap Ubuntu | Maputo - Matutuine | 10 000 | Lap Ubuntu | Libya | Rice Plantation | 2 | |
| | Plantação de arroz da Ilhas Maurícias | Maputo - Marracuene | 10 000 | | Mauritius | Rice Plantation | 2 | |
| | Emvest Limpopo-Matuba | Chockwé | 1 000 | Emvest Group | England | Corn, Soya and Tomato Plantation | 2 | http://www.emvest.com/Limpopo.aspx |
| | Deulco | | | Deulco e EmVest Biofuels | South Africa and England | Jatropha | 1 | EmVest Biofuels part of the EMVEST GROUP |
| | Seci Api Biomassa (SAB) | Inhambane | 6 300 | SAB Mozambique | Italy | Jatropha | 1 | A SAB Mozambique was created by the SAB Mozambique is part of a joint-venture with two Italian societies specialised in renewable energies: The API NOVA ENERGIA and SECI Energia Spa, partner of Gruppo Maccaferri |
| Total hectares required for agribusiness | | | 94.598 | | | | | |
| MINING | Cimentos de Moçambique | Maputo – Matola | | Grupo Cimpor | Portugal | Cement Limestone | 3 | |
| | MOZAL | Maputo- Matola | | BHP Billiton | Australia | Aluminium | 3 | |
| | Fábrica de Cimentos | Maputo – Matutuine | | CIF-Moz | China and Mozambique | Cement | 1 | The company CIF-Moz was created by China International Fund and by SPI (Management and Investments is the holding of the Frelimo party) |
| | | Gaza e Inhambane | | Rio Tinto | | Heavy Sands | 3 | Found at the stage of economic pre-feasibility |
| Total hectares required for mining | | | | | | | | |
| Tourism | Ingwé Game Park | Moamba | 10 000 | | South Africa | Animal Reserve | 2 | |
| Total hectares required for tourism | | | 10 000 | | | | | |

Central Region

| Central Region | | | | | | | | |
|----------------|--|-------------------------------|-----------|--|---------------------------|------------------------------------|---|--|
| AGRIBUSINESS | Niqueo / Niquel | Sofala | 10 000 | | South Africa and Holland | Jatropha | 1 | Project approved by CPI |
| | Enerterra | Sofala - Cheringoma | 18 500 | | Portugal | Jatropha | 1 | Project Approved by Council of Ministers (CM) |
| | Elaion Africa | Sofala | 1 000 | Elaion AG | Germany | Jatropha | 1 | |
| | Prio Agricultura Buzi | Sofala | 60 000 | | | | 1 | |
| | Galp Buzi | Sofala | 25 000 | Empresa nacional do Buzi & Galp | Mozambique and Portugal | Jatropha | 2 | |
| | Grow Energy | Sofala - Chemba | 15 000 | | South Africa | Sugar Cane | 1 | Project Approved by CM |
| | Projecto Indico | Sofala - Dondo | 50 000 | ZAMCORP | Macau Mozambique Portugal | Jatropha and Soya | 2 | ZAMCORP is a society that integrates the capital SOGIR - Society for Integrated Resource Management, Sarl, the MOZACAPITAL - a company of Management and Investments, Sarl, both Mozambican, and GEOCAPITAL - a financial company in Macau |
| | Petro Buzi Bioetanol | Sofala | 40 000 | | | Sugar Cane | 1 | |
| | Odeveza | Manica | 18 622 | Kijani Energy | India | Jatropha | 1 | |
| | Biodisel Manica | Manica | 15 000 | | | Jatropha | 1 | |
| | Greenpower | Manica | 28 000 | Green Power Holding AG | Zurich Switzerland | Jatropha | 1 | |
| | Sun Biofuels LDA | Manica | 15 000 | | U.K. | Jatropha | 1 | Project approved by CPI Has the Environmental Impact Study |
| | Moçam Galp | Manica | 50 000 | Galp & Visabeira | Portugal | Jatropha | 1 | |
| | Mozambique Principle Energy | Manica – Dombe Sussundenga | 18 000 | Principle Energy Management Services Limited ("PEMS"), a subsidiary of the Principle Capital group | England | Sugar Cane | 2 | Project Approved by CM Has the Environmental Impact Study |
| | Portucel Moçambique | Zambézia | 173 000 | Grupo Portucel Soporcel | Portugal | Eucalyptus | 3 | Project Approved by CM |
| | Moz Beef | Manica – Dombe | 10 000 | | England | Meat | 2 | |
| | Empreendimento Agrário | Manica – Dombe | 4 000 | | South Africa | Mango | 2 | |
| | Moflor | Manica | 50 000 | Moçambique Florestal, SARL - Entrepoto | | Eucalyptus | 3 | |
| | Infloma | Manica | 73 000 | Indústria Florestal de Manica e Empresa Florestal Sul Africana | South Africa | Pine | 2 | Has the Environmental Impact Study |
| | Madal | Zambézia | 57 000 | Grupo madal sarl | | Palm trees Wood Pineapple Jatropha | 3 | Project Approved by CM |
| | Vegetable Oil Production | Zambézia | 71 618 | | | Jatropha | 1 | |
| AGRIBUSINESS | Quifel Energy Moçambique Lda | Zambézia - Guruc | 10 000 | Quifel Natural Resources | Portugal | Sunflower and Soya | 3 | Project Approved by CM |
| | Mozambique Biofuels Industry (MBFI Lda) | Zambézia - Managoa Mocuba | 24 000 | Malavalli Power Plant Private Limited | South Africa and India | | 2 | |
| | SAPPI | Zambézia | 260 000 | SAPPI | South Africa | Eucalyptus | 3 | |
| | Tectona Forests of Zambézia | Zambézia | 66 000 | Global Solidarity Forest Fund (GSFF) | Norway and Sweden | Teak | 2 | |
| | Ntucua Florestas de Zambézia | Zambézia (Mocuba) | 70 000 | Global Solidarity Forest Fund | Norway and | Eucalyptus and Pine | 2 | |
| | Total hectares required for agribusiness | | 1 232 740 | | | | | |
| MINING | Carvão de Ncondezi | Tete – Moatize, Kambulatsitsi | 37 800 | Ncondezi Coal Company Mozambique Ltd | | | 3 | |
| | União Financeira e Minerais, Limitada | Vale do Zambeze | | Lotterskrantz Limi-ada - AfroCan Resources e projecto | Canada | Precious and Semi Precious Stones | | |
| | VALE Moçambique | Tete - Moatize | | VALE | Brazil | Coal | 2 | Has the Environmental Impact Study |
| | Riversdale Mining | Tete – Benga | | Rio Tinto Tata Steel | India | Coal | 2 | Has the Environmental Impact Study |
| | | Tete | | Essar Etassitar | India | Coal | | |
| | | | | | India | Jindal steel | | |
| | | Tete – Moatize | | | Carbomoc E.E. | | | |

Northern Region

| Northern Region | | | | | | | | |
|------------------------------------|-----------------------|--|-----------|---|---|---|---|--|
| AGRI-BUSINESS | Aviam | Nampula – Nacala Porto | 15 050 | AVIA Spa | Italy | Jatropha | 1 | Project Approved by CPI |
| | Lurio Green Resources | Nampula - Rapale; Ribawe Mecubure; Murrupula; Lalawa | 126 000 | Green Resources e Norfound | Norway | Eucalyptus and Pine | 2 | Has the Environmental Impact Study Project Approved by CM |
| | Eco Energy | Cabo Delgado - Balama | 150 000 | Eco Energy Sekab | Brazil England and Sweden | Sugar Cane | 2 | Has the Environmental Impact Study |
| | Medenergy | Cabo Delgado | 10 000 | Medenergy | Italy | Palm Trees | 3 | |
| | Luambala Jatropha | Niassa – Majune | 1 000 | Chikweti | Sweden Norway Mozambique and United States | Jatropha | 2 | Doesn't have the Environmental Impact Study |
| | Viridesco Project | Niassa | 1 000 | Viridesco Lda | England | Jatropha | 1 | |
| | New Forests Malonda | Niassa - Muembe | 40.000 | New Forests Company | England | Eucalyptus and Pine | 2 | Has the Environmental Impact Study |
| | Chikwet Forest | Niassa - Lichinga; Lagos; Sanga | 140.000 | Diversity Timber Holding Intere (DTHI), Global Solidary Forest Found (GSFF), Fundação Universitária, Sociedade de Móveis de Licungo, Diocese de Niassa e a CODACO | Sweden Norway Mozambique and United States | Eucalyptus and Indigenous Species | 2 | |
| | Envirotrade | Cabo Delgado - Bilibiza | 10 000 | Envirotrade | England | | 2 | |
| | Malonda Tree Farm | Niassa – Muembe e Sanga | 60 000 | Green Resource e Fundação Niassa | Norway and Sweden | Eucalyptus and Pine | 2 | |
| | Forestas do Niassa | Niassa- Lichinga | 40 000 | | | Eucalyptus and Pine | 2 | |
| | Chipande Cheto | Niasse_ Lichinga, Sanga | 630 000 | | Sweden | Plantations | 2 | |
| | Tenga, Lda | Niassa – Majune | 2 000 | | South Africa | Almonds | 2 | |
| | Veras | Nampula - Monapo | 12 000 | | | Biofuels | 2 | |
| | Malema Orgânica | Nampula Malema | 10 | | England | Sugar Cane | 2 | |
| | Servir Moç | Niassa – Muembe | 2 000 | | South Africa | Mixed Farming | 2 | |
| | Eagle Enter Prises | Niassa- Majune | 1000 | | South Africa | Jatropha | 2 | Doesn't have the Environmental Impact Study |
| | Fundação Malonda | Niassa – Lichinga, Sanga e Muemmba | 89 | | Sweden | Eucalyptus and Pine | 2 | |
| | Matanusca | Nampula Monapo | 10,3 | Norfound | Norway | Banana | 2 | |
| Total hectares required for mining | | | 1 335 350 | | | | | |
| MINING | | Lalaua - Meti | | | | | | |
| | Minas de Moma | Nampula - Moma | | Kenmare Resources PLC | Ireland | Heavy sand - ilmenite, rutile and zirconium | | |
| | | Nampula – Lalaua - Meti | | | India | Damodar - iron | | |
| | | Cabo Delgado | | | | Graphite | | |
| | Grafite | Cabo Delgado - Ancube | | Grafites de Ancube S.A.R.L. | Germany | Graphite | 2 | |
| | | Cabo Delgado – Montepuez | | Marmonte S.A.R.L. | | Marble | | |
| | | | | Marmonte S.A.R.L. | | Marble | | |

| | |
|---|-----------|
| Total hectares required for investment in the Southern Region | 104 598 |
| Total hectares required for investment in the Central Region | 1 270 540 |
| Total hectares required for investment in the Northern Region | 1 335 350 |
| Total hectares required for investment in Mozambique | 2 710 488 |

