



POLICY BRIEF 2 (NOVEMBER 2016)

The case of Massingir District

Wildlife Conservation, Tourism and Sugarcane Plantations

Angela Kronenburg García, Danny Wijnhoud, Kei Otsuki, Dakcha Achá



Key points

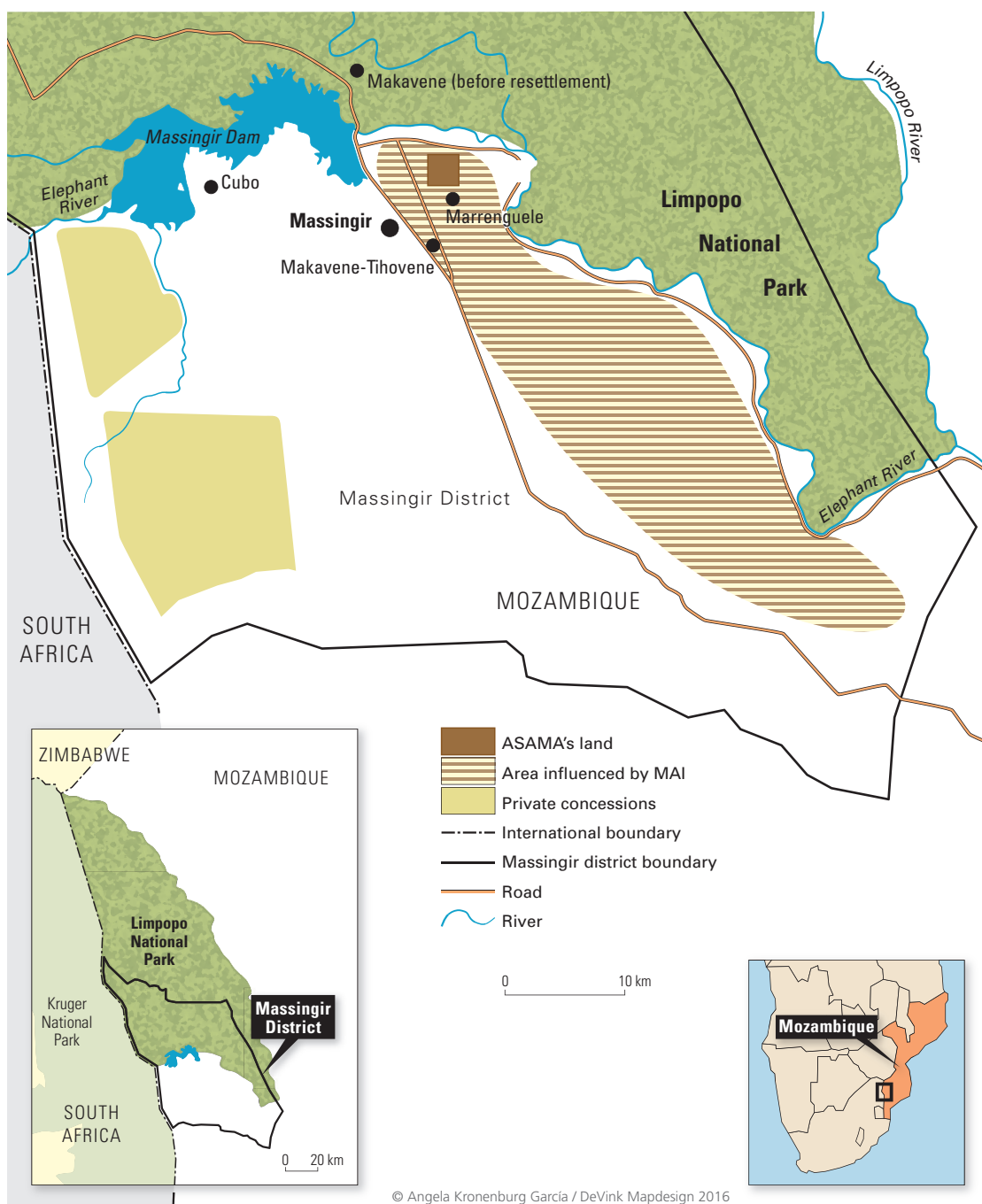
- Large-scale land-based investments have taken place in Massingir District for more than a decade.
- Investments include Limpopo National Park, ProCana and MAI sugarcane companies, and ecotourism company Twin City.
- Not all resettled communities from LNP have received new land; livelihoods and food security are especially compromised for these communities.
- Community consultation processes in the MAI sugarcane case were not participatory; consultation was limited to the community leader and his close relatives.
- Community consultation processes in the Twin City ecotourism case were more participatory, however human-wildlife incidents have been on the rise since the creation of the private game reserve. The issue is not being addressed by the government or Twin City.
- Land-based investments have resulted in increasing pressures being placed on land, especially in the evermore populated central part of the district.
- Pressures on land, in turn, are compromising the livelihoods and food security of local communities.
- Conflicts over land have been on the rise.

Background

Massingir District is located in the southwest of Gaza Province in southern Mozambique. The district, which borders South Africa to the west, is predominantly semi-arid and hosts the second-largest dam in the country – the Massingir Dam on the Elephant River. Population density in the district is low at 4.2 persons per square km.¹ The economy is based primarily on manual, rain-fed, and family-based subsistence agriculture. Some people also own cattle. Irrigated agriculture is practiced along the Elephant River. Families are vulnerable to the impacts of climate change: the district is regularly plagued by droughts and floods, which heightens food and livelihood insecurity. These challenges, in combination with a perception that land is relatively abundant and available, have been used as an argument by the government to attract investors to the agribusiness and tourism sectors to make productive use of land and create local employment opportunities.

Land-based investments have, however, contributed toward increasing pressures being placed on land, the deterioration of livelihood opportunities and decreased food security in the district. Land-based developments have occurred for more than a decade: some communities have been removed from what is now the Limpopo National Park (LNP) and resettled, sugarcane production has expanded, and land concessions for ecotourism have been awarded. As a result, the amount of communal land – critical for the livelihoods of local people – has been shrinking while population pressures have increased, particularly in the central area of the district. At the same time, only a few of the promised socio-economic benefits have materialized to date and net impacts for the majority of community members have been negative.

¹ Ministry of State District, 2005.



Large-scale land-based investments

Land-based investments in Massingir are both private and public-private and involve both foreign and domestic parties.

In 2001, the LNP was created as part of the Great Limpopo Transfrontier Park (GLTFP) that also comprises the Kruger National Park in South Africa and the Gonarezhou National Park in Zimbabwe. The LNP is a major public-private investment covering parts of three districts in Gaza Province. In Massingir District it covers the northern part, which amounts to a half of the district's territory. At its establishment, the LNP was inhabited by numerous communities that had to be resettled to allow wildlife

numbers to grow again (the area lost most of its wildlife during the prolonged civil war) and to mitigate human-wildlife conflicts. The re-population of wildlife in the LNP was considered a necessary condition for the development of safari tourism. Nine communities were put on the resettlement list and two have so far been resettled outside of the park.

In 2007, sugarcane producer ProCana obtained a land concession of 35,000 hectares (ha) in the central part of Massingir District, to the south of the LNP.² However,

² Nhantumbo, I., and Salomão, A. (2010). Biofuels, land access and rural livelihoods in Mozambique. London: IIED.

Community consultations and benefit-sharing agreements in the law

Mozambique nationalized the nation's land after gaining independence in 1975. Since the end of the civil war in 1992, the country has instituted a relatively progressive national land governance system, resulting in the 1997 Land Law and the 1998 Land Law Regulations. These laws affirm the power of the state to attribute land use rights through *Direito de Uso e Aproveitamento da Terra* or DUAT, to both individual or collective entities, including business entities. The Land Law recognizes local communities' land use rights by occupation, inheritance and custom. External investors who seek to appropriate community land can only negotiate a DUAT when there is an officially-approved process of community consultation. This was designed to pave the way for the negotiation of benefit-sharing agreements between investors and local communities.

ProCana, a private company with British interests, only ploughed 800 ha of the land and never established the planned sugarcane plantations (Milgroom 2015).³ This is the official reason as to why the government transferred the land concession to a new sugarcane producing and processing company called Massingir Agro-Industrial (MAI) in 2012. Some of the domestic partners from ProCana are also part of the MAI consortium, now teamed up with a South African investor. MAI intended to use sugarcane as a flex crop for the production of sugar and bioethanol. In 2014, MAI acquired 3,000 ha of land through additional concessions.

The development of the LNP has attracted other private investors in the tourism sector. There are investors in lodges but a new trend seems to be developing as well, namely the creation of private game reserves. A South African ecotourism operator, Twin City, partnered with two individuals (one of them is a former governor of Gaza Province), who together had already obtained 20,000 ha of land from the local community, to create a private game reserve. The land was fenced and in 2009 a hotel was built. Twin City is seeking to expand the game reserve.

Impacts

From February 2015 onwards, the research team, consisting of local association leaders (from *Associação Rural de Ajuda Mútua* (ORAM) and *Plataforma Distrital de Massingir* (PLADISMA)), Mozambican and international NGO workers, and university researchers worked with a number of communities in Massingir District. To understand the impacts of these land-based investments, action research was conducted based on participatory diagnosis, focus group discussions, and semi-structured interviews; for some communities, a wider set of tools was used. The research team also conducted interviews with government officials and investors.

For local communities, the land-based investments have resulted in the deterioration of livelihoods, which is undermining their food security and right to food. The loss of land due to the granting of land concessions has led to increasing pressures being placed on the remaining land and on original and resettled land users, which subsequently has translated into growing tensions with the investors and among communities. The problems of decreasing communal land and heightened population pressures have been greatest in the central part of the district. This is due to a number of factors, namely this is the area where:

- Communities from within the park have been resettled;
- Ecotourism land concessions have been awarded;
- Sugarcane production has expanded;
- Population was already high due to the vicinity of the district's capital Massingir.

Makavene-Tihovene: broken promises after resettlement

Makavene-Tihovene, one of the communities that agreed to resettle for the LNP project,⁴ relocated to a place near the district's capital in 2008. The initial resettlement agreement promised affected families with improved



3 Milgroom, J. (2015). Policy processes of a land grab: at the interface of politics 'in the air' and politics 'on the ground' in Massingir, Mozambique. *Journal of Peasant Studies*, 42(3-4), 585-606.

4 The original community in the park was called Makavene. In the process of resettlement, this community was split in two: one settled within the community of Banga, and the other near to the Tihovene ward of Massingir town, becoming the Makavene-Tihovene community.

houses, infrastructure and farmlands. In 2011 and three years after the resettlement, however, the state had still not provided farmlands (nor the temporary agreement of one kilogram of maize per month), even though access to land for cultivation is crucial for their livelihoods and food security. As a young woman from Makavene-Tihovene described, people depend on the land for their livelihood. She stated:

We are all farmers and if farmers do not have farmland we cannot survive. We used to hunt in the park, but not anymore. For a long time, we were farming cereals for the market. We were doing well, compared to our life here. We really want to go back to where we came from!

Many of the promises made to them were not fulfilled. As a result, Makavene-Tihovene community members regret giving consent to resettlement. Although community members have approached local authorities for solutions, attempts have been unsuccessful; park authorities insist that the local government should solve the problem, while the local government, in turn, advises community members to talk to park administration. Tired of getting the run around, Makavene-Tihovene community members finally approached the neighbouring community of Marrenguele with a request for farmlands.

Marrenguele: the role of leaders in community consultation

Marrenguele community, in turn, had already agreed to concede part of its lands to the ProCana sugar company. When the sugar and bioethanol company MAI took over, they obtained additional land (about 500 ha) from the Marrenguele community for the expansion of the sugarcane plantations. However, community members claim that the additional land transfer was completed without full community consent as only the traditional leader and his close relatives were involved in the consultations and signed a document. In addition, MAI promised to build houses and a school in an area safe from flooding and with better access to transport. These promises have so far not been honoured.

The unfavourable experience with MAI and the request for farmland by the Makavene-Tihovene community have revived a land dispute between Marrenguele community and ASAMA (*Associação de Agricultores de Marrenguele*), a farmers' association whose members are large producers residing in Tihovene. During the colonial period, ASAMA obtained 280 ha of land near the river and adjacent to Marrenguele's communal fields and grazing lands, over which they officially obtained land use rights in 1996. When ProCana arrived to the area, ASAMA ceded some of its land to ProCana which in turn led to the resurgence of



A voice of dissent

During consultations, one man in Makavene called Mr. Mafumo refused to move his extended family out of the park. After the community consented to resettlement, all but Mr. Mafumo's houses were demolished. His family became the only family living in the former community area of Makavene. Mr. Mafumo was already indignant that the park had let animals enter their land by removing the fence between Kruger National Park and the LNP as well as by trucking animals in directly, without consulting the community in the first place. Nonetheless, when it became increasingly impossible for his family to co-exist with elephants, they decided to resettle. Mr. Mafumo simply could not possibly agree to the terms of the resettlement. He stated:

I saw the quality of the place where they told us our new settlement would be. I thought the piece of land was too small. ... Then, the park administrator came and said they had constructed a house ... for my family. Just one house. I said, I have a grownup son who needs his own house. If they cannot do this, just give me the money and I will construct it myself. They did not accept this. ... They now say that they will give us money so that we can buy our own farm and grazing land for our cattle ourselves. I have 10 ha of land here, but they only offered one hectare in return. Only one! For our other losses, they will give money. But we do not know what the amount is. No one knows how they calculate. ... They say I am very stubborn, but if they just give me the farmhouses and sufficient space for us to live, I will agree to leave. I just need to have the right conditions to farm. Until then, I cannot accept the resettlement.

In June 2015, Mr. Mafumo moved to another community within the park that was not part of the resettlement program. Continuing to disagree with the proposed conditions, he decided to take the park and local government to court.

competing claims about the boundary between ASAMA/ ProCana and Marrenguele's land.

Describing the situation, the spokesman for the leader of Marrenguele stated:

We want to rent out 15 ha to Makavene-Tihovene ... We also have a problem with ASAMA. ASAMA has 250 ha but they don't do anything with it. And, from these 250 ha, they gave 100 ha to ProCana which used it to make the experimental sugarcane seedling field. ProCana and ASAMA worked together, they altered the community border, practically invading into the village. The ProCana field was pushed 15 ha towards our farm area, which should be returned to the community ...

The issue with ASAMA has stalled negotiations between Makavene-Tihovene and Marrenguele. As a result, the Makavene-Tihovene community remains without the much-needed farmland.

Cubo: negative and positive outcomes of a fairer consultation

Another community, Cubo, was approached by the Twin City ecotourism company who requested a land concession of 3,000 ha to expand their private game reserve. Community negotiations took place and land was subsequently conceded in return for the building and improving of infrastructure such as the school and the

community meeting room. Thanks to the efforts of a young and dynamic community leader, Cubo community was well organized and was able to appoint a community committee to lead the negotiations. As a result, the negotiations with Twin City can be considered rather fair as representatives from the whole community, including women, were present. However, it must also be mentioned that Cubo community is now facing new challenges. The increase of wildlife in the game reserve and the removal of the fence is leading to human-wildlife incidents as well as livestock being attacked by lions. Also, although some promises were kept, others were not, such as increased local employment opportunities. Finally, and as a result of Twin City's quest for land in the area, the Cubo community became entwined in a land conflict with a neighbouring community.

Project intervention

An important objective of the research project was to enhance the negotiating power of local communities through mutual learning and capacity development opportunities.

Through a participatory diagnosis workshop in Marrenguele, the need was identified for the community to unify and to better organize itself so as to be able to negotiate collectively with outsiders who were requesting access to land. In response to this need, the project



facilitated a visit in August 2015 between Marrenguele community and Cubo community which involved local leaders and additional community members. Participants exchanged experiences and shared the lessons they have learned. The Marrenguele delegation was very much impressed by the good organization of Cubo community. During a follow-up visit to Marrenguele community in September 2015, we learned that the community had organized itself into four neighbourhoods; representatives from each neighbourhood had been elected to form a community committee.

At the same time, the project facilitated a training workshop on leadership and basic administration through local project partner ORAM (Gaza Province branch). This is important for the record-keeping of community meetings and consultations with companies, district authorities, and NGOs.

Conclusion

The problem of land

The government of Mozambique has gone to great lengths to attract agribusiness and tourism investments to Massingir District. The claim that there is plenty of land available has promoted and justified this. However, the large scale of these land-based investments is leading to acute pressures being placed on land in the populated and central part of the district which jeopardizes the livelihoods and food security of local communities.

After the consent

The cases of Makavene-Tihovene and Cubo show that there is a need for an effective post-consent grievance mechanism to ensure that promises are kept and unforeseen problems are addressed accordingly.

The role of leaders

Marrenguele and Cubo community experiences point to the importance of good leadership in community consultations.



Conflicts

All sorts of conflicts were triggered by the land-based investments in Massingir District. There were not only conflicts between local communities and investors as might be expected, but also conflicts within and among communities, and between communities and other groups such as farmer associations.

Recommendations

For the central government

1. Promote and improve the national business environment for socially inclusive and green development;
2. Establish a national task force that is clearly mandated to coordinate inclusive land governance and land-based investments as well as ensure and monitor the implementation of national and international frameworks for land governance, sustainable business and human rights including the principle of Free Prior and Informed Consent (FPIC). The task force should include government, private sector and civil society representatives;
3. Hold private investors to account for their human rights impacts including those related to community and women's land rights and the right to food for all;
4. Implement and consolidate the policy on decentralization as well as create functional mechanisms to effectively implement, monitor and enforce existing policies and laws on land, agriculture, tourism, gender, livelihood and investment;
5. Ensure that the roles, responsibilities, promises agreements, accountabilities and liabilities of any private-public or public investment project or program are spelled out in writing. Agreements between the government, investors and communities should clearly outline the benefits for women and girls;
6. Investment projects that have obtained community consent should be monitored and evaluated by all parties. Inequitable projects should be revised or cancelled if required;
7. Ensure local government capacity to coordinate truly representative community participation in project negotiation for community consent and investor accountability for win-win projects.

For the local government

1. Train government officials and raise awareness on current legislation in relation to women and community rights and establish functional monitoring mechanisms that duly recognize women and community rights for policy implementation as well as the fulfilment of investor promises and equitable outcomes;
2. Together with independent civil society actors, strengthen the leadership and management capacity of local



community leaders, both women and men, to ensure communities and individuals can effectively participate in the negotiation, implementation, management, monitoring and evaluation of investment projects;

3. Establish local systems and functional grievance mechanisms, including grievance mechanisms for dispute settlement, that are connected to national and international systems that address land conflict resolution and uphold human rights;
4. Ensure the decentralization and non-politicization of local government entities at the level of the district, administrative post, town and neighbourhood or village for effective negotiation, implementation, management, monitoring and evaluation of both public and private investments;
5. Ensure effective and regular project accountability so that communities can fully participate in the development of their districts;
6. Improve the processes, systems and community consultation mechanisms to ensure local community access to information, such as meeting minutes, about the demands and promises made;
7. Ensure that contract terms and budgets for all projects and programs are publically available;
8. Promote the local business climate while holding locally active private investors to account for their human rights impacts, including those related to community and women's land rights and the right to food for all.

For the private sector

1. Adhere to government policies and legislation to develop and implement responsible and inclusive investments; demonstrate good corporate conduct, commit to responsibilities, reduce non-performance liabilities and remain accountable to the government and communities;
2. Ensure full participation by involving both community leaders and community members, women and men, in the design of investment projects that are equitable and lead to win-win benefit-sharing;
3. Provide complete prior and continued information in writing to government, civil society and local communities about business plans and contracts,

including opportunity costs and risk analyses, stakeholder accountabilities and liabilities, and corporate social responsibility commitments;

4. Contribute to clear communications and coordinated interaction with all relevant stakeholders, including government, civil society and communities, NGOs and other development partners, and private sector actors to maximize synergies and positive impacts.

For (inter)national Civil Society Organizations and NGOs

1. Contribute to the design and implementation of codes of conduct and strategic partnerships, platforms and networks that enable effective and efficient coordination and create synergies that work to uphold women's rights, land rights and the right to food for communities, women, and men;
2. Facilitate community mobilization and capacity development to guarantee appropriate communication and information sharing among, by and towards communities so they may participate in and benefit from national to local socioeconomic development;
3. Facilitate the enhancement of community voices, community members, and community advocacy for strengthened local empowerment, participation, rights and development;
4. Contribute to win-win scenarios by building the capacity of local communities as well as empowering and facilitating the ability of women and men, to be involved, to benefit for investment projects and protect their interests and human rights;
5. Call for and monitor the private sector and good corporate conduct, including accountabilities of financial institutions, the government and donors.

For local communities

1. Ensure equitable participation for women, men and the illiterate in community development as well as in local investment project engagements with the government and the private sector;
2. Be proactive in demanding full and timely information and participation in community and business planning, land acquisition processes and community and business development;
3. Demand relevant support from the government, civil society, NGOs, and the private sector for capacity development and learning, empowerment for inclusive and sustainable local development.

For donors and development cooperation partners

1. Ensure that endorsed projects align with international frameworks and standards relating to land acquisitions, responsible investments, and community consultations and rights, including the right not to consent, so that affected women, men and communities fully participate

and benefit – or at least remain unharmed – by investments;

2. Provide financial and technical support for relevant capacity development so that relevant frameworks and standards are appropriately implemented from the national to the local levels;
3. Support monitoring and advocacy efforts to ensure investments are transparent, accountable and locally beneficial, or at least do not harm communities.

Research and outputs

About

This Policy Brief is one in a series of four based on research project *Bridging the Gaps between Policy and Practice on Land Governance, Inclusive Business and Food Security in Mozambique*. It is a synthesis of the outputs relating to the Massingir District case.

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Contact

Project leader

Amade Sucá: amade.suca@actionaid.org

Research team

Dakcha Achá: dakcha.acha@actionaid.org

Danny Wijnhoud: danny.wijnhoud@actionaid.org

Kei Otsuki: k.otsuki@uu.nl

Angela Kronenburg García: a.j.n.kronenburg@uu.nl

Outputs

1. Acha, D., Wijnhoud J.D., and Otsuki, K. (2015). What will the future bring? Community voices on rice farming and other livelihood opportunities in the face of flood risks in Maganja da Costa District, Mozambique. Paper presented at the LANDac International Conference on Land Governance for Equitable and Sustainable Development, 9-10 July, 2015, Utrecht, the Netherlands.
2. ActionAid (2016). Land om van te leven. To be published on ActionAid website.
3. ActionAid-Mozambique, ActionAid-Nederland, and Utrecht University (2015). Poster presentation: Poster presented at the Enhancing research impact for food

security Workshop, Entebbe, Uganda, 30 September-3 October. Available from: http://knowledge4food.net/wp-content/uploads/2015/09/150929_arf-poster_land-inclusivebusiness-foodsecurity.pdf.

4. ActionAid-Mozambique (in Portuguese and English, 2015). A critical analysis of the impact of rural (agricultural) investments on Mozambican households. The case of Massingir District. Paper & video for ActionAid #LandFor (Land) Campaign.
5. Otsuki, K. Acha, D., and Wijnhoud J.D. (2015). "They have abandoned us": voices on broken promises of inclusive land governance and development in Massingir District, Mozambique. Paper presented at the LANDac International Conference on Land Governance for Equitable and Sustainable Development, 9-10 July, 2015, Utrecht, the Netherlands.
6. Otsuki, K. Acha, D., and Wijnhoud J.D. (2016, in press). After the consent: Re-imagining participatory land governance in Massingir, Mozambique. *Geoforum*, <http://dx.doi.org/10.1016/j.geoforum.2016.09.011>.
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Colophon

Text	Angela Kronenburg García
Editing	Nuijen Research: michelle@nuijenresearch.com
Map	Angela Kronenburg García/DeVink Mapdesign
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Printing	Xerox

