

**Impact of development projects on the social rights of the Mozambican
rural population
Field research visit to Mozambique**

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List of Abbreviations

CAMEC - Central African Mining and Exploration Company

CEDAW - Convention on the Elimination of All forms of Discrimination Against Women

CESCR - Committee on Economic, Social and Cultural Rights

CRC - Convention on the Rights of the Child

ESCR - Economic, Social and Cultural Rights

FAO - Food and Agriculture Organization of the United Nations

FDI - Foreign Direct Investment

GC - General Comments

HDI - Human Development Index

HRAF - human right to adequate food

IAASTD - International Assessment of Agricultural Science and Technology for Development

ICESCR - International Covenant on Economic Social and Cultural Rights

ILO - International Labour Organization

MDG Millenium Development Goals

PARPA - Action Plan to Reduce Absolute Poverty

RPA - Resettlement Plan of Action

SADC - Southern Africa Development Community

UNAC - National Organization of Mozambican Peasants

UPCT - União Provincial de Camponeses de Tete

WFP - World Food Programme

1. Introduction

1.1. Nature and objectives of the research visit

Mozambique has been reporting high rates of economic growth and attracting a significant flow of Foreign Direct Investment, particularly for the mining and agricultural sectors. In order to look into the impacts of mining and agrofuel projects on the local rural population, FIAN International conducted a research visit to Mozambique from August 26 till September 2, 2009. The visit was carried out following the invitation of the National Organization of Mozambican Peasants (UNAC).

The research visit was conducted using a human rights-based approach, focusing particularly on the enjoyment of internationally recognized human rights, such as the rights to adequate food and housing, and the right to water. In terms of methodology, the research team applied a fivefold approach:

- Research studies were used to get relevant background information.
- Focus group discussions, gender-mixed and gender separated were held to get the experience and opinions of members from communities and associations.
- Individual interviews with community members were conducted to verify general findings in individual cases.
- Interviews with officials, company representatives and experts were held to get deeper insights in selected issues and to cross-check information from communities' focus groups and individual interviews.
- Observations on site helped to complement the information given during the discussions and interviews.

A questionnaire with guiding questions was used to structure focus group discussions and interviews (see Annex I). The research team was made up of one representative from FIAN International (Germany/Colombia) and one independent expert (Canada/Philippines) and was a mixed gender team.

This report is made up of five parts: the first part describes the legal framework for the exercise of the right to adequate food, to work, to self-determination, to non-discrimination and to the environment, from international law and Mozambican legislation points of view. The second part presents a description of the overall situation of hunger and poverty in Mozambique. The third part describes relevant policies and programmes implemented by the Mozambican government related to the issues of development and poverty reduction, agriculture, agrofuels and mining. The fourth part presents a report on the cases visited by the research team. Based on these cases, the fifth part analyzes whether the Mozambican State and the international community are complying with their human rights obligations, and whether the policies implemented contribute to or harm the enjoyment of human rights, both in general and for the particular cases discussed. Finally, the report closes with concluding remarks and recommendations to the Mozambican State, as well as other states, international organizations and civil society organizations, with the purpose of strengthening the protection of the social rights of Mozambican rural communities.

2. General Information

2.1 Legal Framework

2.1.1 International Obligations

As a member of the United Nations, Mozambique has ratified several Human Rights instruments: the Universal Declaration on Human Rights (UDRH), the Convention on the

Elimination of All Forms of Racial Discrimination (ratified in 1983), the International Covenant on Civil and Political Rights (ratified in 1993), the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), ratified in 1997 and the Convention on the Rights of the Child (CRC), ratified in 1994. The country has also ratified several International Labour Organization (ILO) Conventions¹ and, at regional level, acceded the African Charter on Human and People's Rights (1989), the African Charter On The Rights And Welfare Of The Child (1998), and the Protocol To The African Charter On Human And People's Rights On The Rights Of Women In Africa (ratified in 2005).

2.1.2 The right to an adequate standard of living, including food and housing

Article 25 of the UDHR² enshrines the right of everyone to an adequate standard of living, including food, nutrition and housing. This right is restated in article 12 of the CEDAW³ and article 24(c) of the CRC,⁴ with emphasis on the specificities faced by these groups. Under the United Nations Human Rights system, the rights to adequate food and housing have been mostly considered by the Committee on Economic, Social and Cultural Rights (CESCR). The Committee is in charge of monitoring compliance with the International Covenant on Economic Social and Cultural Rights (ICESCR), and it has developed a distinguished practice of interpretation of the ICESCR's rights through its General Comments (GC). General Comments provide an authoritative interpretation by clarifying the contents of rights, and what they mean for the implementation of these rights, in addition to identifying how different stakeholders may contribute to this process. Mozambique has not ratified ICESCR, and therefore is not bound by the obligations it contains. Still, it should consider GC as a tool to assist the implementation of economic, social and cultural rights deriving from instruments other than the ICESCR. In fact, Mozambique recently adopted a National Food Security Strategy which referred, for instance, to the human right to adequate food and the need to apply such rights based approach.

The human right to adequate food (HRAF)

According to GC N° 12 of the ICESCR, adopted by the UN Committee on Economic, Social and Cultural Rights, the human right to adequate food (HRAF) is exercised when “every man, woman or child, alone or in a community with others, has physical and economic access

¹ For the ILO Conventions ratified by Mozambique, see: <http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?Mozambique> (Consulted on 15 November, 2009).

² Article 25(1): "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control". Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations on December 10, 1948.

³ Article 12(2): 2. "Notwithstanding the provisions of paragraph I of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation". Convention on the Elimination of All Forms of Discrimination against Women New York, adopted by the General Assembly of the United Nations on December 18, 1979.

⁴ Article 24(2): States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures: (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents". Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on November 20, 1989.

at all times to adequate food or means for its procurement.”⁵ The CESCR has identified the basic elements that comprise the HRAF as:

1. Availability of food: directly from productive land or other natural resources.
2. Availability of food: through food distribution systems, processing and market systems that move food from its place of production to places where it is needed on demand.
3. Economic accessibility of food: implies that the financial costs associated with acquisition of food should be at a certain level so that basic needs can be met and are not threatened. Economic accessibility applies to any method of food acquisition.
4. Physical accessibility of food: implies that food should be accessible to all, including physically vulnerable people who cannot supply food for themselves, victims of natural disasters, and other groups that depend on their attachment to a specific area for their livelihood (indigenous, people, pastoralists, others).
5. Sustainability of the availability of and access to food: long-term food security (sustainable use of natural resources needed for food production). Economic sustainability: income and food prices.

The Food and Agriculture Organization of the United Nations (FAO) approved in 2004 the Voluntary Guidelines to support the progressive realization of the right to adequate food.⁶ To achieve this objective, States are urged to adopt the measures needed to improve: the functioning of and access to agricultural and food markets, through policies and legislation that benefit particular disadvantaged groups (Guideline 4); access to resources and assets by vulnerable populations (Guideline 8); work opportunities (Guideline 8A); security of land tenure, especially with respect to women, the poor and disadvantaged segments of society (Guideline 8B); protection of ecological sustainability and the carrying capacity of ecosystems (Guideline 8E).

The human right to adequate housing (HRAH)

According to Article 11 of the ICESCR, “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.” The General Comment N° 4 of the CESCR⁷ states the right to adequate housing encompasses the right to live in a location in security, peace and dignity. It further indicates that in order to be considered adequate, housing conditions must comply with seven fundamental characteristics:

1. Legal security of tenure: tenure takes on a variety of forms (rental, cooperative housing, lease, owner occupied, emergency housing, and informal settlements, including occupation of land or property). Whichever the type of tenure, all persons should possess a degree of security of tenure, which guarantees legal protection against eviction, harassment and other threats.
2. Availability of services, materials, facilities and infrastructure: it must possess certain facilities essential for health, safety, comfort and nutrition. All beneficiaries of

⁵ General Comment N° 12 may be consulted at: <http://daccessdds.un.org/doc/UNDOC/GEN/G99/420/15/PDF/G9942015.pdf?OpenElement>

⁶ Available at: <http://www.fao.org/docrep/meeting/009/y9825e/y9825e00.HTM>.

⁷ General Comment N° 4 may be consulted at: <http://www.unhchr.ch/tbs/doc.nsf/0/469f4d91a9378221c12563ed053547e?Opendocument>

the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, electricity for cooking, heating and lighting, sanitation and washing facilities, food storage, and disposal of waste, drainage and emergency services.

3. **Affordability** (cost appropriate to level of income): the cost of housing should be at a level that does not impede or compromise the fulfilment and enjoyment of other basic needs. States should adopt measures to ensure that the percentage of expenditure on housing is proportionate with income levels, and establish housing subsidies for those who cannot afford housing, as well as guarantee the natural materials that form the backbone of material for housing construction.

4. **Habitability**: adequate housing must provide adequate space and protect its occupants from cold, humidity, heat, rain, wind, or other threats to health from structural hazards, and sources of disease, as inadequate housing is invariably associated with higher mortality rates.

5. **Accessibility** (without discrimination and by all social groups): adequate housing must be attainable by all. Disadvantaged groups should have complete and sustainable access to adequate resources for housing, and special needs should be addressed. Laws related to housing should ensure priority consideration for disadvantaged groups, inter alia, the elderly, children, physically disabled, terminally ill, HIV-positive individuals, people with persistent medical problems, the mentally ill, victims of natural disasters, and other groups. States should support the right of everyone to a safe place to live in peace and with dignity, including access to land as a right.

6. **Adequate location**: housing must be in a location that allows access to employment options, healthcare services, childcare, schools, and other social services. The financial and time costs to get to work and return home should not impose excessive demands on the budgets of poor families. Housing should not be located on contaminated sites or be vulnerable to natural disasters that threaten the right to health of the inhabitants.

7. **Cultural adequacy**: the manner in which housing is constructed, the materials utilized, and the policies behind it, should allow for adequate expression of cultural identity and diversity of housing. Activities related to development or modernization in the housing sphere should be carried out without sacrificing the cultural dimension of housing, and should ensure, among other things, access to modern technological services.

Thanks to the labor of various civil society organizations, as well as the previous United Nations Special Rapporteur on the Right to Adequate Housing, Mr. Miloon Kothari, the established characteristics of adequate housing have progressively expanded to include: physical security; participation and information; access to land, water and natural resources; freedom against dispossession, damages and destruction; relocation, restitution, compensation and return; freedom from violence against women, and others.⁸

Forced evictions – legal framework

According to GC N° 7 of the CESCR,⁹ forced eviction is defined as the permanent removal of individuals, families, and/or communities from the homes and/or lands they occupy, on either

⁸ See reports of the UN Special Rapporteur on adequate housing at: <http://www2.ohchr.org/english/issues/housing/annual.htm>, in particular the Questionnaire on women and housing, Annex 3, A/HRC/4/18, February 2007 <http://www2.ohchr.org/english/issues/housing/women.htm>

⁹ General Comment No. 7 may be consulted at: [http://www.unhcr.ch/tbs/doc.nsf/\(symbol\)/CESCR+General+Comment+7.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(symbol)/CESCR+General+Comment+7.En?OpenDocument).

a permanent or temporary basis, without offering appropriate measures of protection, legal or otherwise, or allowing access to these protection measures. Evictions may stem from conflicts over land rights, from development and infrastructure projects, as a result of violent situations, or they may occur in relation to the implementation of monocultures, among other causes. The same GC establishes that cases of forced evictions are *prima facie* incompatible with the requirements of the ICESCR, and are only justifiable in the most exceptional circumstances. Under these circumstances, it has to occur in accordance with relevant principles of International Law establishing legal obligations, in particular for the States, and rights for those people threatened with eviction. Forced evictions are always attributed to decisions, laws, or policies of the States, or to State failures to impede third parties (individuals, companies, etc.) from carrying them out, and they constitute gross violations of a number of internationally recognized human rights, in particular the right to adequate housing. The right to food is also often severely affected, since in many cases the evicted persons also lose access to their source of livelihood, whether land or a job. In the same manner, the right to water can be affected, considering that evicted persons frequently face difficulty in accessing water. Forced evictions from their homes and lands leave many people homeless and destitute, without the means to make a living, and often without effective access to legal recourse or other supports. Often, forced evictions result in physical and psychological injuries among those affected, with impacts particularly felt by women, children, those living in extreme poverty, indigenous peoples, minorities, and other marginalized groups.¹⁰

The Basic Principles and Guidelines on Development-Based Evictions and Displacements, presented by the former Special Rapporteur on the Right to Adequate Housing and formally adopted by the Human Rights Council in December 2007,¹¹ provide specific instructions and operational guidelines on the different stages of eviction. The Principles aim to minimize evictions, calling for alternatives to the same whenever possible, underlining that eviction can only take place in “exceptional circumstances.” When inevitable, the Basic Principles establish non-negotiable human rights standards which must be respected and upheld.

The human right to water

Although the human right to water is not explicitly recognized in the ICESCR, the Committee on Economic, Social and Cultural Rights considers it to be covered by paragraph 1 of Article 11. The right to water is also inextricably related to the right to the highest attainable standard of health (paragraph 1 of Art. 12), and the right to adequate food and housing (paragraph 1 of Art. 11). In addition, the Committee devoted GC N° 15¹² to the interpretation of the right to water. In this document, the right to water is defined as the right of everyone to have water that is sufficient, safe, acceptable, accessible and affordable for personal and domestic uses. The Committee believes that as a necessary condition to survival, the right to water fits very clearly into the category of guarantees essential for securing an adequate standard of living. The GC notes that water allocation must prioritize water for personal and domestic ends, and the necessary water resources to avoid hunger and illnesses, as well as to fulfill the fundamental obligations at the core of each of the rights consecrated in the Covenant.

In its paragraph 7, the GC No 15 also indicates that “the Committee notes the importance of ensuring sustainable access to water resources for agriculture to realize the right to adequate

¹⁰ See Handbook on the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement, HLRN and YUVA, New Delhi, November 2008: <http://www.hic-sarp.org/UN%20Handbook.pdf>.

¹¹ The Basic Principles on Evictions are found in Annex I of the Special Rapporteur’s Annual Report, and may be consulted at: http://www2.ohchr.org/english/issues/housing/docs/guidelines_en.pdf.

¹² General Comment No. 15 may be consulted at: <http://www1.umn.edu/humanrts/gencomm/escgencom15.html>.

food (see GC N° 12). Attention should be given to ensuring that disadvantaged and marginalized farmers, including women farmers, have equitable access to water and water management systems, including sustainable rain harvesting and irrigation technology. Taking note of the duty in article 1, paragraph 2, of the Covenant, which provides that a people may not ‘be deprived of its means of subsistence,’ States parties should ensure that there is adequate access to water for subsistence farming and for securing the livelihood of indigenous peoples.”¹³ Which factors are deemed adequate for the exercise of the right may vary according to different conditions prevailing in each region. Five factors are listed below that can be applied in all circumstances:

1. Availability: it means that the supply of water for each person must be sufficient and continuous for personal and domestic uses.
2. Quality: water should be free of agents that can be harmful to health, such as micro-organisms and chemical or radioactive substances.
3. Physical Accessibility: having the right to water supposes that water installations and services should be within a safe physical distance of all sectors of the population. Every home, educational institution or workplace should have water supply, or at least the possibility of having access to one in his/her immediate vicinity.
4. Affordability or economic accessibility: water and the facilities that provide access to it must be affordable in relation to the income of individuals. The Committee states that the costs associated with supplying water should not compromise the ability of individuals to access other essential goods such as health, education, housing, and other rights.
5. Non-discrimination: based on the concept of non-discrimination, the Committee states that healthy water and services must be physically and economically accessible to all people, especially those historically unable to exercise this right because of race, religion, national origin or discrimination on any other grounds.

State obligations

In its General Comments, the Committee on Economic, Social and Cultural Rights has recognized two types of corresponding obligations to States Parties: the general legal obligations intended for immediate application, and specific obligations.¹⁴

General obligations

- To adopt measures for the progressive realization of rights to the full extent of the available resources, and its corollary of the prohibition of regressive measures: in accordance with GC No. 3, the obligation stated on Article 2.1 of the ICESCR comprehends a legal duty to move as expeditiously as possible toward the realization of the rights to adequate housing, food, and water. Furthermore, it is interpreted that the principle of progressivity implies a

¹³ See also the Statement of Understanding accompanying the United Nations Convention on the Law of Non-Navigational Uses of Watercourses (A/51/869 of 11 April 1997), which declares that in determining vital human needs in the event of conflicts over the use of watercourses, “special attention is to be paid to providing sufficient water to sustain human life, including both drinking water and water required for production of food in order to prevent starvation.” See: <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=4538838d11&page=search>.

¹⁴ See General Comment No. 3 of the Committee on Economic, Social and Cultural Rights; the Limburg Principles on Implementation of the International Covenant on Economic, Social and Cultural Rights drafted by a team of experts in 1986 and adopted by the UN (Doc. E/CN.4/1987/17); and the Maastricht Guidelines on violations of Economic, Social and Cultural Rights subscribed in 1998, which have been employed by the Committee on Economic, Social and Cultural Rights to evaluate the States Reports and to elaborate the General Comments.

prohibition to return, meaning that the State cannot take retrogressive measures that affect the realization of ESCR. Retrogressive measures would include, for example, ending land reform programs in a situation where a significant percentage of people are still landless.

- Non-discrimination: States should immediately ensure that no person is discriminated in his/her exercise of the rights to housing and to food, or on the access to the means to produce it. It means that any discrimination on grounds of race, color, sex, language, age, religion, political opinion or any other opinion, national or social origin, economic position, birth, or any other social condition, with the purpose or effect of nullifying or impairing the equal enjoyment or exercise of ESCR, would constitute a violation of the Covenant.

Specific Obligations

The rights to adequate food and housing, as well as the right to water – like all other human rights – impose three types or levels of obligations on States Parties at the national level: the obligations to respect, to protect, and to fulfil. The obligation to respect existing access to adequate food and water requires that States Parties shall not take any action that destroys or hinders the enjoyment of these rights. In relation to housing rights, the obligation requires, among other things, the State to refrain from carrying out, sponsoring, or tolerating forced evictions. The obligation to protect requires measures by the State to ensure that neither businesses (corporations) nor individuals deprive people’s access to adequate food and water, or carry out forced evictions. The obligation to fulfil means that the State must actively strengthen the population’s access and use of resources, means and basic services. States must also provide certificates or other measures to ensure legal security of tenure, equal ownership rights for men and women, and protection against eviction. Ultimately, States Parties have extraterritorial obligations under which steps must be taken to respect and protect the enjoyment of the right to food and water in other countries, to facilitate access to food, and to provide assistance when needed.

2.1.2 National Obligations

Status of the treaties and conventions on human rights in the national legal framework

The 2004 Constitution of the Republic of Mozambique states it is within the fundamental objectives to promote the balanced, economic, social and regional development of the country, in addition to the promotion of the human rights and equality of citizens before the law.¹⁵ Article 18(2) of the Constitution attributes to international conventions and treaties the same status as the national law that incorporated them into the legal system.¹⁶ The Constitution recognizes several human rights and the need to interpret them in accordance to the Universal Declaration on Human Rights and the African Charter on Human’s and People’s Rights.¹⁷

¹⁵ Art. 11: “The fundamental objectives of the Republic of Mozambique shall be: d) the promotion of balanced economic, social and regional development in the country; e) the defense and promotion of human rights and of the equality of citizens before the law. “

¹⁶ Art. 18: “1. Validly approved and ratified International treaties and agreements shall enter into force in the Mozambican legal order once they have been officially published and while they are internationally binding on the Mozambican State. 2. Norms of international law shall have the same force in the Mozambican legal order as have infra-constitutional legislative acts of the Assembly of the Republic and the Government, according to the respective manner in which they are received.”

¹⁷ Art. 43: “The constitutional principles in respect of fundamental rights shall be interpreted and integrated in harmony with the Universal Declaration of Human Rights and with the African Charter of Human and Peoples Rights.”

The national law

The fundamental law of Mozambique recognizes, among others, economic, social and cultural rights such as the right to work,¹⁸ the right to education,¹⁹ the right to health²⁰ and the right to environment.²¹

With regard to the land, the 2004 Constitution establishes a regime of public ownership of all land in the territory.²² This system is controlled by the State, who determines the conditions of use and enjoyment of the land, and issues the titles to collective or single persons for these purposes.²³ In this context, the Constitution recognizes, specifically, rights acquired through inheritance or occupation of the land.²⁴ For the analysis of the policies in the area of mining and agrofuels, the national legislation in the area of land concession is especially relevant.

The land regime is predominantly regulated by the Land Law 19/97,²⁵ which is internationally recognized for being one of the most advanced laws in protecting the land rights of rural communities. It establishes that the right to use and enjoyment of the land may be acquired by singular persons or local communities, in conformity to their customary practices, as long as they do not contradict the national Constitution.²⁶ The law ascertains that in these cases the absence of titling or registration should not impair the use and enjoyment of the land, as long as they can be proven.²⁷ Furthermore, it is established that in rural areas, the local communities participate in the management of natural resources, the resolution of conflicts, the titling process, and the identification of the limits of the lands occupied by them.²⁸ On the procedure for private investment projects to acquire the right to use and enjoyment of a determined area, the regulation of the Land Law²⁹ determines certain requirements, among which is the necessity for public authorities to previously conduct an investigative study consulting the registry service, local authorities and local communities.³⁰ This analysis, performed in partnership with the referred interested parties, shall be documented and signed by the parties involved, with the aim to identify the exact area under concession for private investments, and eventual rights of use and enjoyment that may exist previously. In this case, the document shall explain how the partnership among the title holders will take place.³¹

¹⁸ Art. 84.

¹⁹ Art. 88.

²⁰ Art. 89.

²¹ Art. 90.

²² Art. 109: “1. All ownership of land shall vest in the State. 2. Land may not be sold or otherwise disposed of, nor may it be mortgaged or subject to attachment. 3. As a universal means for the creation of wealth and of social well being, the use and enjoyment of land shall be the right of all the Mozambican people.”

²³ Art. 110: “1. The State shall determine the conditions under which land may be used and enjoyed. 2. The right to use and benefit from land shall be granted to individual or corporate persons, taking into account its social or economic purpose.”

²⁴ Art 111: “In granting titles for the use and enjoyment of land, the State shall recognise and protect rights acquired through inheritance or by occupation, unless there is a legal reservation or the land has been lawfully granted to another person or entity.”

²⁵ Approved in the 1st of October 1 1997, this law replaced Law n. 6/79, from 1979, from the post-independence period.

²⁶ Art.10 (1), Law 19/97, from October 1, 1997.

²⁷ Art. 13-14, Law 19/97, from October 1, 1997.

²⁸ Art. 24, Law 19/97, from October 1, 1997.

²⁹ Decree n. 66/98, from October 8, 1998.

³⁰ Art. 25 (1), Decree n. 66/98, from October 8, 1998.

³¹ Art. 27, Decree n. 66/98, from October 8, 1998.

Furthermore, the decree on communitarian authorities, in its article 6,³² established that the traditional leaders of communities shall be consulted in the resolution of fundamental issues that affect the life, well being and the integrated development of the community's life conditions. Finally, the more recent legislation on the territory affirms in its article 22³³ the right of participation to citizens, communities, among others, in the elaboration, execution, alteration and revision of the instruments of territorial ordaining. With regard to expropriation, the Law n. 19/2007³⁴ states that in case of expropriation for public or private use, it has to be anticipated by a declaration based on the relevant law, and followed by an indenisation capable of compensating: a) the loss of tangible and intangible means, b) the breaking of social cohesion, and the loss of means of production.³⁵

2.2 Poverty and hunger

Mozambique remains one of the world's poorest countries, despite an economic growth of 7% over the last few years.³⁶ The poverty is highly conditioned by the history of the country of colonization and civil war. Furthermore, in 1991-1992, Mozambique was affected by one of the 20th century most severe droughts, exposing the population to further poverty. Since then, there has been significant development and economic growth, but the government still relies on external funds for achieving its objectives, since about 50% of the country's budget derives from development aid.³⁷ The Human Development Index (HDI) ranked the country at 172nd position in its 2009 edition – out of 182 countries considered – with a HDI of 0.402.³⁸ There has been a significant decrease in poverty, with a possibility to achieve the Millenium Development Goal (MDG) to halve the number of people living below the poverty line within 2015. However, 45% of the population continues to live with less than US\$1 a day and does not have access to basic services like safe water, schools and medical facilities.³⁹ According to the Mozambican Technical Secretariat of Food and Nutrition Security approx. 35% of Mozambican households are chronically food insecure. In this context, the provinces with the highest incidence of chronic food insecurity are Zambezia (35.6%), Tete (34.6%), Maputo (34.4%) and Inhambane (29.5%).⁴⁰ Other statistics indicate that 41% of all children below 5 years are malnourished.⁴¹

According to the World Food Programme (WFP), the central and southern provinces of

³² Decree n.15/2000, from June 20, 2000.

³³ Law n. 19/2007, from July 18 2007.

³⁴ Law n. 19/2007, from July 18, 2007.

³⁵ Art. 20, Law n. 19/2007, from July 18, 2007.

³⁶ Ministry of Planning and Development. Report on the Millennium Development Goals 2008, p. 9. Available at: www.undp.org.mz/ (consulted on: 20 November, 2009).

³⁷ Report on the Millennium Development Goals 2008, p. 15. IDA is the largest single financier accounting for about twenty percent of all Official Development Aid. 19 further development agencies namely Austria, Belgium, Canada, Denmark, European Commission, Finland, France, Germany, Ireland, Italy, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, United Kingdom and the African Development Bank provide general budget support contributing about 80 percent of Government's external financing needs. For more information about the contribution each donor has given in the last years, as well as the prevision for 2010, visit http://www.pap.org.mz/financial_contributions.htm (Consulted on 12 January 2010).

³⁸ Available at: http://hdrstats.undp.org/en/countries/-country_fact_sheets/cty_fs MOZ.html (Consulted on December 2, 2009).

³⁹ Report on the Millennium Development Goals 2008, p. 10.

⁴⁰ See Salé, Nurdine. Estudo e Advocacia sobre Biocombustíveis e Segurança Alimentar em Moçambique. Action Aid Moçambique. 2008. P. 12.

⁴¹ See República de Moçambique. Plano de Acção para a Redução da Pobreza Absoluta 2006-2009 (PARPA II), Maputo 2 de Maio 2006. p. 215.

Maputo, Gaza, Inhambane, Sofala, Tete and parts of Manica do not produce enough cereals and are more vulnerable to natural disasters and, except for Inhambane, HIV/AIDS.⁴² Moreover, the WFP observed that

“Transporting cereals from the surplus areas in the north and central regions to the south is economically unviable because of high costs and better market opportunities in neighbouring countries. The crop and food supply assessment mission by the Food and Agriculture Organization of the United Nations (FAO) and WFP estimated that 190,000 mt of maize were exported from the northern and central provinces in 2005, but 175,000 mt had to be imported for the southern and central provinces. In 2005, WFP received 54,000 mt through the protracted relief and recovery operation (PRRO) and 28,000 mt through the country programme (CP). WFP local purchases decreased from 15,000 mt in 2003 to 8,961 mt in 2005 because quality food was not available on the market; a study of local procurement was carried out in 2005. The agricultural sector programme foresees an increase in commercial production and processing of primary products and an improved commercial network, two crucial factors in increasing local purchases by WFP and partners.”⁴³

Another study comes to the conclusion that despite increased cereal production, pockets of food insecurity remain in semi-arid districts of Tete, Gaza, Sofala, interior Inhambane and southern Maputo, where increasing numbers of people require food assistance. For WFP and International Food Policy Research Institute, the structural problem of hunger in Mozambique remains very high and alarming.⁴⁴

Some of the challenges to further improvement in poverty reduction are: a) the overall impact of the food crisis on the country; b) the promotion of sustainable and economic growth; c) rapid growth of the urban population; and d) the strong incidence of HIV in the country. With regard to the later, it represents a major challenge as the percentage of the population with HIV (amongst youth and adults) has grown from 8.2% in 1998 to 16% of the population in 2007.⁴⁵ These numbers are also striking from a gender perspective, as women are three times more infected than men.⁴⁶ The high incidence of HIV has direct effects on families, given women’s social responsibilities towards other family members. It has also an effect on the active population in the country, as well as their productivity.

Mozambique’s development is deeply connected to the agricultural sector as 64% of the population lives in the rural area,⁴⁷ and 55% of them live below the poverty line. In the rural areas, farming is the main source of income, but with the prevalent low productivity families can hardly meet their nutritional needs, in addition to being vulnerable to climate intemperance. In face of floods or droughts, farmers are amongst the most exposed groups to food insecurity, since they have few alternatives for income-generation other than agriculture. Women face additional challenges given their lower access to education and fewer skills to work on the land derived from it. The difficulty in access to medical facilities also contributes

⁴² See World Food Programme, Country Programme Mozambique 10446.0 (2001-2009), WFP/EB.2/2006/8/6, 24 July 2006. p. 6.

⁴³ See, *ibidem*. p. 7.

⁴⁴ See Food Security Information for Decision Making – Mozambique, October 2009. p. 2. Available at: http://www.foodsec.org/countrybrief/Oct09/Mozambique_1009.pdf (Consulted on 12 January 2010)

⁴⁵ Report on the Millennium Development Goals 2008, p. 12.

⁴⁶ Republic of Mozambique. Action plan for the reduction of Absolute poverty 2006-2009. Maputo, May 2006, p. 22.

⁴⁷ Rural poverty portal. Available at: <http://www.ruralpovertyportal.org/web/guest/country/statistics/tags/mozambique> (Consulted on December 3, 2009).

to a high percentage of maternal mortality. Although the Constitution and the Lands Law recognize equal rights to men and women and equal access to land, women many times are not aware of these rights, remaining deprived of their right to access to land.⁴⁸

In general, the rural population is isolated due to the lack of infra-structure in the country, which hampers access to markets, goods and services.⁴⁹ It has been evaluated that groups closer to administrative offices tend to have more access to services like education, health and markets, while those living in more isolated areas “have been completely abandoned.”⁵⁰ The lack of infrastructure affects population to a certain extent that these groups, when asked about their priorities, name in order: transportation, roads, prices, marketing, and access to land and water. The nutritional and food security of the country was particularly affected by natural disasters in 2005 and 2008, and there is a tendency to further worsening with the rise of prices of food stocks.⁵¹

Mozambique’s arable land is 5.6% of the territory, of which 2.6% is irrigated. Mozambique’s land tenure structure is dominated by small holdings: peasant families make up 99.65% of all agricultural holdings and control 95,19% of the total cultivated area.⁵² According to more recent data, by 2008, around 5 million hectares are under production. Agriculture employs 80 percent of the country’s population, but contributes less to the GDP, at more or less 25 percent, while the sector contributes 16 percent to all exports. Commercial agriculture is not the norm, where agribusiness covers only three percent of the total cultivated land.⁵³

3. Policies and programmes

For a better understanding of the cases presented in section 4, we will briefly introduce key features of relevant national policies and programmes of the Mozambican government, particularly on development strategies related to poverty reduction, agricultural development, as well as to land, agrofuels and mining.

3.1 The Action Plan to Reduce Absolute Poverty (PARPA II), 2006-2009

The main goal of PARPAII is to maintain high rates of economic growth in order to be able to reduce poverty. The consolidation of peace and democracy are also mentioned as ultimate goals. The plan focuses in four main areas: governance, human capital economic development and macroeconomic issues. For the governance area decentralisation of governmental functions, better coordination between sectors, to safeguard property rights, to rationalize and to regulate land use and to coordinate with civil society and the private sector quick ways of conflict resolution, to ensure effectiveness of financial auditing authorities, and to implement

⁴⁸ International Fund for Agricultural Development. *Habilitar os pobres rurais e superar a pobreza em Moçambique*. Rome: IFAD, 2008. Available at: http://www.ifad.org/operations/projects/regions/Pf/factsheets/mozambique_p.pdf (Consulted on December 3, 2009).

⁴⁹ Rural poverty portal.

⁵⁰ Republic of Mozambique. *Action plan for the reduction of Absolute poverty 2006-2009*. Maputo, May 2006, p. 19.

⁵¹ Report on the Millennium Development Goals 2008, p. 18.

⁵² See República de Moçambique. *Plano de Acção para a Redução da Pobreza Absoluta 2006-2009 (PARPA II)*, Maputo 2 de Maio 2006. Para 524.

⁵³ See World Bank and Embassy of Italy. ‘Mozambique Biofuels Assessment: Final Report’. A Report prepared for the Ministry of Agriculture and the Ministry of Energy of Mozambique. Maputo: World Bank and Embassy of Italy. 2008. P. 22.

commitments of regional and international integration were identified as priorities among others.⁵⁴

The area of human capital aims at improving access to primary education and health services, reducing maternal mortality and incidence of HIV/AIDS, malaria and tuberculosis, contributing to the creation of equal opportunities for women and men, among other objectives. With respect to economic development, PARPA II set the following priorities, *inter alia*: to stimulate the structural transformation of agriculture in order to increase its productivity and its competitiveness in the international market; to improve road infrastructure; to construct water capture systems and dams of small, middle and big scale in order to serve all needs for water consumption; to establish an international trade policy and a strategy of economic integration in the Southern Africa region; to promote the expansion of agro-industrial systems and labour intensive agro-industries oriented to export; to main macroeconomic stability, to ensure that the Mozambican government pays its foreign debt service and other goods and services acquired.

PARPA II counts with the support of the donor community and was developed in coordination with them. Thus the World Bank Group (IDA, IFC and MIGA) adopted a Country Partnership Strategy for 2008-2011 with the aim of supporting the government of Mozambique to implement PARPA II. The main objective of this strategy is to ensure sustained future growth which is expected to be driven by coordinated infrastructure development, natural resource extractive industries, energy, agriculture, tourism, private sector development, and increased regional trade. In addition to physical investments, the World Bank considers that many key sectors require second-generation reforms in order to create the enabling environment to unleash a new round of growth. Therefore, governance reforms are regarded as a priority, especially important in public financial management, decentralization and public sector management, as also in relation to land administration and regulatory frameworks for markets, tax, labour and business licensing.⁵⁵

According to United Nations Conference on Trade and Development data, Mozambique has presented a steady increase of Foreign Direct Investment (FDI) flows from US\$154 millions in 2006 to US\$587 millions in 2008.⁵⁶ Interestingly, Mozambique ranks among the developing countries with the biggest shares of agriculture in inward FDI close to 10%.⁵⁷ FDI in sugar and cotton production is quite significant.

3.2 Land Policy

The National Land Policy from Mozambique dates back to 1995,⁵⁸ and it recognizes the complex circumstances for land distribution in the country. Given the civil war that started shortly after the independence and lasted until 1992, about 6,5 million people were displaced internally and to neighbour countries, most of whom were from rural areas. These migrations have resulted in conflicting claims over the land, particularly because many communities

⁵⁴ See República de Moçambique. Plano de Acção para a Redução da Pobreza Absoluta 2006-2009 (PARPA II), Maputo 2 de Maio 2006. P. 31-35.

⁵⁵ See Promoting Shared Growth through Empowerment of Citizens and Institutions. Mozambique Country Partnership 2008-2011. World Bank.

⁵⁶ See UNCTAD. Transnational Corporations, Agricultural Production and Development. World Investment Report 2009. Annex Table B.1. FDI flows by region and economy 2006-2008.

⁵⁷ See UNCTAD. Transnational Corporations, Agricultural Production and Development. World Investment Report 2009. Figure III.6. Share of agriculture in inward FDI of selected economies.

⁵⁸ Resolution n. 10/95, from October 17, 1995.

have historical rights to certain areas. Under these circumstances, the national policy sets as priorities to eradicate poverty and promote self-sustained economic and human development,⁵⁹ and presents as objectives to recover the production of food, in order to achieve levels of food security, and to create conditions for family-based agriculture to grow and develop.⁶⁰ Additionally, it states as principles, *inter alia*, the guarantee of access to the land both to investors and the population, where the customary rights of the rural population should be respected.⁶¹

In coherence with the land policy, the agrarian policy⁶² incorporates the objectives of food security, reduction of unemployment rates, and poverty reduction. These objectives shall be achieved with the recovery of the agrarian production for self-sufficiency and food reserve, and increase in export oriented trade.⁶³ The five years program presented by the current government (2005-2009)⁶⁴ gives emphasis to the importance of agriculture, as more than 60% of the Mozambican population lives in rural areas. Setting agriculture as the basis for the economic and social development of the country, the government officially aims to: a) contribute to self sufficiency and food security of food crops; b) increase agrarian productivity; c) improve the competitiveness and sustainability of the agrarian activity; and c) promote the sustainable exploitation of natural resources.⁶⁵

3.3 Mining Policy

As an activity of national interest, the production of hydrocarbons holds a privileged status in Mozambique's legislation, and prevails on other activities for use of the land.⁶⁶ The stress given to the mining sector is re-stated in the Poverty Reduction Strategy for the period 2006-2009,⁶⁷ presented by the government to international financial institutions. The mining activity is mentioned as one of the areas where the government expects growth in order to attract foreign investment, increase tax revenues and exports by the mining sector. It mentions the goal to increase mining private operators from 683 to 750, and boost private investment by 40%.⁶⁸ The country possesses of coal, titanium, graphite and other minerals. From 2001-2006 the government promoted a new geological mapping of the country and identified possible reserves of diamonds and precious metals.⁶⁹ On the topic of mining activity, the national policy asserts that it should be conducted in a way to affect the least possible other uses and occupation of the land.⁷⁰ When there is conflict with other uses, the mining activity has priority over the area, followed by proper indenisation and compensation for any damage that it might have caused.⁷¹

⁵⁹ Resolution n. 10/95, from October 17, 1995, n. 13.

⁶⁰ Resolution n. 10/95, from October 17, 1995, n. 14, (i),(ii).

⁶¹ Resolution n. 10/95, from October 17, 1995, n. 17.

⁶² Resolution 11/95, from October 31, 1995.

⁶³ Resolution 11/95, from October 31, 1995, n. 10.

⁶⁴ Resolution 16/2005, from May 11, 2005.

⁶⁵ Resolution 16/2005, from May 11, 2005.

⁶⁶ Resolution n. 10/95, from October 17, 1995, n. 41.

⁶⁷ Republic of Mozambique. Action plan for the reduction of Absolute poverty 2006-2009. Maputo, May 2006.

⁶⁸ Republic of Mozambique. Action plan for the reduction of Absolute poverty 2006-2009. Maputo, May 2006, p.136.

⁶⁹ Ministério dos Recursos Minerais. Recursos Minerais, ed. 1, Dec. 2007, p. 5.

⁷⁰ Resolution n. 10/95, from October 17, 1995, n. 38.

⁷¹ Resolution n. 10/95, from October 17, 1995, n. 39. This priority is reaffirmed in article 18 of the Decree 28/2003, from June 17, 2003, which regulates the mining law.

3.3.1 Licensing process for mining activities and consultation mechanisms

The Environmental Regulation for Mining Activity establishes the need for an environmental impact assessment,⁷² that will provide a detailed description of the activity to be developed, its legal framework, and direct and indirect impacts that it may have in environmental, economic, and social terms. Based on this information describing the social-economic reality and the natural environment, the proponents are requested to submit plans for providing alternatives, as well as managing and minimizing the impacts.⁷³ The presentation of this document is of entire responsibility of the proponent of the project – in this case the mining company –, meaning that it incurs in civil and criminal responsibility if the information provided is fraudulent, or when it the proposals of the assessment are not implemented.⁷⁴ The Authority of Evaluation of the Environmental Impact, composed of individuals from the ministries related to the activity and other governmental representatives,⁷⁵ is responsible for receiving, verifying and approving the environmental impact assessment.⁷⁵

In consonance with the Land Law and the Mining Law, the regulation determines the need to carry public consultations with all stakeholders directly or indirectly affected by the project. This is obligatory in case of permanent or temporary resettlement. Public participation procedures are of responsibility of the project proponent, and it is the duty of public authorities to make sure that the consultation takes place before granting the mining license.⁷⁶ It is also specified that public audiences and consultations should be conducted with all directly or indirectly interested stakeholders and it is their right to participate in this process.⁷⁷ Furthermore, public participation mechanisms have to be publicized at least fifteen days before their occurrence. The meetings have to be registered and included in the environmental assessment, to be considered by the authority evaluating the concession of the license.

In addition to the right of participation, interested parties may further submit direct information to the Authority of Evaluation of the environmental impact assessment up to ten days before the end of the procedure.⁷⁸ As all the information provided should be registered and considered in the decision granting the license, it may be given under conditionalities, when the proponent needs to complement or adapt their activities.⁷⁹ These requirements are all part of a general obligation of the projects' proponent⁸⁰ and public authorities⁸¹ to make information available and accessible to all interested parties.

3.3.2 Involuntary resettlement

Mozambique does not have specific legislation regulating involuntary resettlements. The national Environmental Law sets the need for compensation for personal or patrimonial losses for the population living in the area of a project, but only in the context of violation of the referred law.⁸²

⁷² Art. 8, Decree 26/2004, from August 20, 2004.

⁷³ Art. 12, Decree 45/2004, from September 9, 2004.

⁷⁴ Art. 22(4), Decree 45/2004, from September 9, 2004.

⁷⁵ Art. 15, Decree 45/2004, from September 9, 2004.

⁷⁶ Art. 14, Decree 45/2004, from September 9, 2004.

⁷⁷ Art. 14 (7), Decree 45/2004, from September 9, 2004.

⁷⁸ Art. 16 (7), Decree 45/2004, from September 9, 2004.

⁷⁹ Art. 19 (4), Decree 45/2004, from September 9, 2004.

⁸⁰ Art. 27, Decree 26/2004, from August 20, 2004.

⁸¹ Article 5, Decree 45/2004, from September 9, 2004.

⁸² Art. 21, Law 20/97, from 1997.

The Mining Law, however, states that the holder of a mining concession must compensate for any damages caused against crops, buildings or improvements. It also established the duty to resettle the affected population, whereby the terms and conditions of resettlement should be agreed among the mining company, the government and the communities affected. In case of disagreement about the terms of compensation, the parties can seek the mediation of the Ministry of Mining and Energy.⁸³

In practice, companies have been applying the World Bank policy for involuntary resettlement⁸⁴ for guiding their resettlement plans in Mozambique. The policy sets principles and main concerns to be considered by companies when elaborating and presenting resettlement plans. By recognizing how the displacement of groups has social, economic and environmental risks, the policy advises that involuntary resettlements should be avoided and minimized. When this is not possible, they should be conceived as sustainable development programs, with the aim of re-establishing or even improving pre-displacement conditions.⁸⁵ The World Bank policy underlines the need to inform displaced persons about their rights and options with regard to the resettlement, and provide “prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.”⁸⁶ Another duty, especially relevant in the context of predominantly peasant population as there is in Mozambique, is to provide alternatives for the displaced persons with a “combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site”.⁸⁷ This implies that the availability and quality of means and resources for subsistence should be at least kept, including capacity of the land for cultivation, access to markets and infra structure.

At provincial level, commissions for resettlement composed of provincial directions representatives (mineral resources, environment, agriculture and public works and housing), the administrator of the district, the president of the municipal council, and the Permanent Government Secretary of the Province – who in the case of Tete province chairs the commission – have been set to deal with resettlement matters caused by mining projects. Generally speaking, companies contract consultants to conduct socio-economic and environmental impact studies and to register the population eligible for compensation and to make the inventory of properties and assets to be compensated and their valuation. This means that it is basically the consultants the ones who are in charge of conducting the consultation and talks with the affected population. Based on the studies made by these consultants, the companies present to the resettlement commission the resettlement plan for approval. The resettlement commission is assisted by a technical and an operational commission in charge of implementing the resettlement plan. Local authorities and community representatives are part of the technical commission.⁸⁸

⁸³ Art. 107, Decree n° 28/2003 from June 17, 2003 which regulates the mining law.

⁸⁴ World Bank OP 4.12, from December 2001. Available at: <http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTOPMANUAL/0,,contentMDK:20064610~menuPK:64701637~pagePK:64709096~piPK:64709108~theSitePK:502184,00.html>.

⁸⁵ Item 2, World Bank OP 4.12, from December 2001.

⁸⁶ Item 6, (a), (iii), World Bank OP 4.12, from December 2001.

⁸⁷ Item 6, (b), (ii), World Bank OP 4.12, from December 2001.

⁸⁸ Interview held on August 28th, 2009 with Mr. Benjamin Gemo, Chief of the Land Department at the Provincial Office of Agriculture (Inspeção Provincial de Agricultura) and member of the Provincial Commission for Resettlement in Tete.

3.3.3 Biofuels Policy

Mozambique is one of the countries in the world today where biofuels (ethanol and biodiesel) are currently pursued, with greater optimism and vigour, by the transnational corporate sector, international development agencies and the national government.

In May 2009, the government of Mozambique has approved a new Policy and Strategy for Biofuels.⁸⁹ The policy is largely based on a study conducted under the sponsorship of the World Bank and the Italian Embassy to the Ministry of Agriculture and the Ministry of Energy. It is the result of the priority set by the Ministry of Energy to develop a national energy sector, reduce oil imports, and enhance energy security.⁹⁰ The option for focusing in agrofuels production is justified as a response to the instability of the international oil market, based on the favourable conditions the country presents for producing agrofuels.⁹¹ The policy declares that the biofuel sector will be developed in three stages: a pilot phase from now until 2015, an operational period from 2015 until 2020 and, beyond 2010, expansion. The regulatory framework will ensure that the sector will promote ethanol and biodiesel produced from agricultural raw materials appropriate for Mozambique's agricultural and climate conditions.⁹² Among the beneficial outcomes deriving from the implementation of this policy, the government appoints: a) the gradual replacement of fossil fuels; b) employment generation; c) the possibility to product agrofuels and still prevent monocultures, while considering food security demands and generating income amongst rural population; d) to give peasant population the opportunity to transform their agricultural products in agrofuels for their energetic needs, as well as export products with added value.⁹³ The policy itself, however, recognises an existing challenge to attribute land for agrofuels production without generating conflicts with communities, as well as balancing it with the production of food and proper management of natural resources.⁹⁴ Six principles are mentioned as guiding for the policy implementation: inclusion, transparency, environmental and social protection, graduality, fiscal sustainability and innovation. It also referred to the duties of different stake holders involved in the strategy, among which in the government's duty to support rural communities in the development of their own projects, and to "guarantee clear and transparent communication with other interest parties in matters of general interest and stimulate public dialog and knowledge about relevant matters."⁹⁵

The study prepared by the World Bank and the Embassy of Italy for the Ministry of Agriculture and the Ministry of Energy of Mozambique is a voluminous policy recommendation of more than 500 pages. For our purposes, we quote at length some relevant provisions where the World Bank and the Embassy of Italy see the potential of biofuels for Mozambique:

"For long-haul exports, sugarcane-based ethanol could be cheaper than Brazil's, which can be taken as an international reference, and the price of which has recently

⁸⁹ Resolution 22/2009, from May 21, 2009.

⁹⁰ See World Bank and Embassy of Italy, Maputo. 'Mozambique Biofuels Assessment: Final Report'. A Report prepared for the Ministry of Agriculture and the Ministry of Energy of Mozambique. Maputo: World Bank and Embassy of Italy. 2008. p. ES-1.

⁹¹ Resolution 22/2009, from May 21, 2009.

⁹² <http://www.macauhub.com/en/news.php?ID=7110>, accessed 27 November 2009.

⁹³ Resolution 22/2009, from May 21, 2009.

⁹⁴ Resolution 22/2009, from May 21, 2009.

⁹⁵ Resolution 22/2009, from May 21, 2009, par. 5.2(i).

decreased from earlier highs due to rapidly growing output (similarly to that of U.S. ethanol), though Mozambique's potential to secure competitive freight costs would depend on volumes. If ocean freight were to be discounted, however, sugarcane-based ethanol produced in Mozambique could be competitive against Brazil's for regional exports in Southern Africa (a rough estimate for ethanol price in the RSA is USD 0.58/liter). Mozambican ethanol, therefore, could be competitive in domestic markets (provided the fuel tax is waived, and oil prices remain above USD 60/barrel: prices lower by 20% would lead to parity with imported gasoline), as well as in regional and overseas markets. A national bioethanol program, therefore, should encourage large-scale ethanol production for export, but it should be primarily based on expected volumes for the domestic and regional markets, as the potential for long-term competitiveness will depend on international price trends in ethanol and fossil-based transportation fuels.⁹⁶ [...] even a relatively modest expansion of production of biofuels feedstocks (of about 450,000 ha) together with a mandate for use of E10 and B5 in the country, would generate the following:

(i) Decrease in imports of petroleum-based fuels in the range of USD 15million to USD 20 million annually (based on 2006 petroleum prices, at current price levels this would be higher), representing about a 5% decrease in the total cost of imported fuel as projected for 2008.

(ii) Decrease of tax revenues (import duty, tax on fuel and VAT) in the range of USD 12 million, with the figure likely to be higher at current petroleum price levels.

(iii) Increase of corporate income tax levels of as much as USD 7 million, roughly halving the loss in revenues attributable to decreased fuel imports.

(iv) Creation of some 150,000 jobs, of which two-thirds would be in cultivation of biodiesel feedstocks and the balance in ethanol production.

(v) Longer-term improvements in the balance of trade resulting from exports of ethanol, vegetable oil and biodiesel, which could amount to as much as USD 450 million based on a conservative expansion of feedstock production, equivalent to as much as 20% of current exports including large projects.

(vi) Increases in traffic at the country's major ports, with associated port revenues, as well as increased business for transportation companies."⁹⁷

Furthermore, the study analysed different food stocks for agrofuels production, in order to determine which would be more appropriate for cultivation in the country. It concluded that sugarcane and sweet sorghum are more adequate for the production of ethanol, while jatropha and coconut are advisable for biodiesel.

At the same time that policy frameworks and feasibility studies are being carried out at the national level, a number of corporate-led ventures have started to be set-up across the country, promoting both ethanol and biodiesel. Table 1 offers a summary of the major initiatives by the

⁹⁶ See World Bank and Embassy of Italy, Maputo. 'Mozambique Biofuels Assessment: Final Report'. A Report prepared for the Ministry of Agriculture and the Ministry of Energy of Mozambique. Maputo: World Bank and Embassy of Italy. 2008. p. 31-33.

⁹⁷ See *ibidem*. p. 33-34.

end of 2008.

Table 1: Biofuels Projects in Mozambique

Name	Description (Development stage)	Feedstock and Target Market	Location
C3 – Biodiesel	Operational	Jatropha plantation for biofuels production and related activities; exports contemplated	Estrada Nacional 1, Bairro de Rumbana, Maxixe (Inhambane)
DEULCO	In plantation	Jatropha plantation for biofuels production and related activities; exports contemplated	Inhassune, Distrito de Panda, (Inhambane)
ELAION AFRICA	In plantation	Jatropha plantation for biofuels production and related activities; exports contemplated	Localidade de Savane, Dondo, Sofala
ECOMOZ	Under construction	Biofuels production and related activities	Petromoc installations (Maputo, Beira and Nacala)
ADAMA	Not yet presented to CPI		Manica
JATROPHA		Jatropha for biodiesel and related activities	Distrito de Moamba, Maputo
CAMEC, Central African Mining and Exploration Company (Procana)	Presented to CPI; feasibility study	Sugarcane for production of sugar and refined sugar, electric power and fertilizer; exports contemplated	Massingir (Gaza)
Haha Projects		Biodiesel from jatropha	Provinces of Nampula or Cabo Delgado
Brunellus KFT		Ethanol based on corn and sweet sorghum	
Madal (Technoserve)	Operating in experimental phase	Coconut, jatropha and oilseeds for biofuels (as well as other crops)	Quelimane (Zambézia)
Eng. Petiz	Has 200 ha planted. Will deliver 20,000 tons of sugar cane to Mafambisse	Sugar for export and, from 2009 onward, production of ethanol	Dondo (Sofala)
Girassol Manica	In production	Sugar cane, sunflower, jatropha and soya for ethanol and biodiesel	Sussundega (Manica)
Geralco	Initial testing at existing plantation	Jatropha	Quelimane (Zambézia)

Algas	Research and development of algae-based biofuel production	Biodiesel	Quelimane (Zambézia)
Grupo MOÇFER SA Enerterra	Feasibility study	Jatropha; exports contemplated	
Sunbiofuel		Jatropha	Manica
British Petroleum	Feasibility study		
Pete Nel	Feasibility study	Sugar cane for ethanol	Chimoio (Manica)
Somoil	Small-scale demonstration facility		Inhambane
COFAMOSA	Feasibility study to be funded by ADB	Exports contemplated	
Indústria Açucareira		Sugar cane for ethanol	Maputo (Sofala)
Principal Energy	Pre-feasibility studies	Sugar cane and sweet sorghum for ethanol; exports contemplated	Dombe (Manica)

Source: CPI, additional information from Econergy, as cited in World Bank/Embassy of Italy, Op. Cit.

4. Cases visited

4.1 Agrofuels production in the Gaza province

The research team visited the Massingir district in the Gaza province in order to look into the impacts of the sugarcane ethanol project ProCana on the social rights of the local communities. According to our information, the ProCana project was supposed to invest approx. US\$510 million on 30,000 hectares of land and, if carried out as planned, would be the largest of its kind in Mozambique.⁹⁸ The British company BioEnergy Africa bought from the Central African Mining and Exploration Company (CAMEC) and another unknown investor 94 percent of the project in 2008/2009,⁹⁹ forming a joint venture with national investors as well. However, in late 2009, it announced suspension of investment in ProCana, in order to preserve cash and focus on mining exploration and development in sub-Saharan Africa.¹⁰⁰ According to the most recent information, last December 22, 2009, the Cabinet of Minister has cancelled the ProCana project, and it has no legal existence in Mozambique anymore. The Government claims that the company did not fulfil the original intentions submitted and approved by the Government in 2007. For the Mozambican government, the ProCana land (30.000 ha) can now be considered available for further development by any company who wishes to invest in agriculture under government-approved terms. While it appears that the CAMEC-controlled ProCana project is officially closed now, the key insights that can be drawn from this experience remain critical and relevant not only for the fate of this 30,000 hectares and the people who live there, but for the broader issue of global land grab and agrofuels development more generally.

⁹⁸ See <http://www.biofuelsdigest.com/blog2/2008/01/29/mozambique-president-sets-biofuels-objectives-no-division-of-food-production-all-refining-in-mozambique/>, accessed on 27 November 2009.

⁹⁹ See "Ethanol's African Land Grab - Mozambique has survived colonialism and civil war. But can it survive the ethanol industry?" —By Adam Welz <http://www.motherjones.com/environment/2009/03/ethanols-african-landgrab?page=2>

¹⁰⁰ See ProBEC Biofuel newsletter # 20, September 2009, Programme for Basic Energy and Conservation - Saving energy for a better future, www.proBEC.org

During the visit to the country, the research team had the opportunity to interview Mr. Izak Holtzhausen, CAMEC's country manager in Mozambique and manager of ProCana,¹⁰¹ who explained the main features of the project as follows: ProCana started identifying suitable lands for sugar cane production in 2006, and successfully applied before the Mozambican government for land allocation of 30,000 ha under a long-term lease of 50 years, renewable. ProCana heavily invested in drip irrigation and intended to use 108 billion gallons of water per year taken from the nearby Massingir Dam¹⁰². At the time of our visit, ProCana had already cleared 830 ha of land and had already planted 25 ha with 6 varieties of sugar cane as nursery. The idea was to plant up to 800 ha in the first phase and subsequently scale up to 5,000 ha three times so that it will be in full operation by 2011. The ethanol plant was supposed to be ready at the end of 2010 so that the ethanol production at commercial scale would start in 2012. ProCana planned to produce 300,000 m³ of ethanol a year and was convinced that it would be able to compete with Brazilian ethanol. According to the plans, 80 percent of ProCana's ethanol would be marketed across the border to Southern Africa Development Community (SADC) countries, but mainly to South Africa. The main line of product was supposed not to be agrofuel for the transport sector, but ethanol-based plastics for South Africa.

Mr. Holtzhausen was emphatic in portraying the project as a development project for the local communities. He explained that the sugar cane nursery was built together with a women's association called ASAMA. ProCana had installed the drip irrigation system in their lands in order to enable them to set up the nursery and start planting food crops brought by ProCana to Maputo for commercialisation in the South African retailer Shoprite. The company planned to promote sugar cane outgrowing schemes for the local population, and affirmed to be helping and subsidizing peasant farmers in the surroundings of its plantation to develop farms under their scheme: 20 percent food production and 80 percent sugarcane. It was estimated that under the proposed scheme, a peasant farmer could have an income of \$12,000 per year, which is five times the Mozambican average income. By the time of the interview, it was also stated that a strip of 2 km alongside the Elephant River would be exclusively used by small-scale farmers. Additionally, ProCana had built facilities for cattle raising, such as watering places, given the fact that the region is inhabited by pastoralists communities. It was further added by Mr. Holtzhausen that 150 individuals from the local communities had already been employed by ProCana. Overall, the company expected the project would encourage the return of young Mozambicans from South Africa, and committed itself to recruit only local people. However, according to the manager, the actual number of people to be employed could not be determined then, but it would range from 3,000 to 6,000 jobs, depending on the regulatory laws related to environmental, labour and social safety standards that the national government would pass.

4.1.1 Potential impacts on local communities' access to land and their livelihoods

During the launch of the ProCana project, the Mozambican President, Armando Guebuza, said that “biofuels development will not dislodge Mozambican farmers from their lands.” According to the Mozambican leader, what would be utilized for biofuels are currently

¹⁰¹ Interview held on the 26th of August, 2009 in Massingir.

¹⁰² See „Ethanol's African Land Grab - Mozambique has survived colonialism and civil war. But can it survive the ethanol industry? “ —By Adam Welz <http://www.motherjones.com/environment/2009/03/ethanols-africanlandgrab> ?page=2

underutilized or empty lands, and that the same initiative would “avoid using lands used for food production.”¹⁰³ Mr Mauricio Huo, director of the district service for economic activities in Massingir, was also interviewed by the research team¹⁰⁴. He explained that the area granted to ProCana was almost non-inhabited and was not being used for agricultural production, but rather for charcoal production by squatters which are destroying the few trees left. When the research team visited the area, however, it encountered several villages (Chinbangane, Chitar, Zulu, Mahiza and Mocatini), some of which with even health centres and schools. In Chinbangane, the research team got the following testimony:

“There are 61 families in this village. We were born in this village, and so as our parents who were buried in our community cemetery. We produce maize, sweet potato, peanuts, beans and we have quite some cattle... Yes, we were consulted by ProCana and the local government about the relocation site and the new grazing area last May. But we were not convinced. We did not agree. As far as I know other villages also did not agree. We are trying to gather other villages to come together and discuss the matter. We are worried that we will be forcibly evicted from our land despite our opposition. The local government and ProCana people told us there is no irrigation in our land, and that we will be relocated to a place where there are irrigation facilities. Why not put those irrigation facilities here, in our land, if they really wanted to help us? We can even grow sugarcane for ProCana, but we have to stay in our land... We have what we need. This land is ours. We will not leave.”¹⁰⁵

According to the information provided by ProCana's manager, 5 local communities were consulted: Zulu, Chitar, Banga, Mahiza and Mocatini. Considering the lack of available statistics and information about the area the research team was not able to find out the exact number of people currently living on the lands allotted to the ProCana project, would be affected by reallocation. If we take the number of Chinbangane's families (61) as average, at least 360 families will be affected. The actual figure should be indeed much higher given the fact that Chinbangane was referred to as one of the smallest villages in the area.

Pro Cana's project presented additional complexities, since part of the land it had requested was also claimed by the Limpopo National Park that intended to use the area for the resettlement of families still living inside this natural reserve. Reverend Dinis Matsolo, General Secretary of the Christian Council of Mozambique that have actively assisted displaced communities in the park, explained to the research team that 9 communities (Mavoze, Massingir Velho, Bingo, Makavene, Chibatana, Matinga, Machaule, Machamba, Ximange) were still living inside the park and that only one had been already resettled. He indicated the Lutheran and the Catholic Church have been supporting these communities since 1994, and groups settled in the national reserve had been war refugees who were repatriated and resettled in the area which later became the Limpopo National Park. Now they would have to be resettled once again. According to the information provided to the research team, the Ministry of Tourism, the authority in charge of the park, negotiated with the Ministry of Agriculture land for this resettlement. It seems that the Ministry of Agriculture promised to the Ministry of Tourism to get the lands in Massingir district. Nevertheless, the allocation was apparently not formalized and ProCana appeared later on applying for a land-lease in this area and outbidding the Ministry of Tourism.

¹⁰³ See <http://www.biofuelsdigest.com/blog2/2008/01/29/mozambique-president-sets-biofuels-objectives-no-diversion-of-food-production-all-refining-in-mozambique/>, accessed on 27 November 2009.

¹⁰⁴ Interview held on the 25th of August, 2009 in Massingir.

¹⁰⁵ Interview held on the 25th of August, 2009 in Chinbangane.

The research team also had the opportunity to enter into the Limpopo National Park and interviewed the Mavoza community (post-administrative) one of those 9 which would have to be resettled. 345 families (2,626 persons) live in Mavoza¹⁰⁶. Community leaders told the research team that the park authorities had proposed to them to resettle in the lands to be controlled by ProCana, which was considered a drawback by the group since the lands they were living on now are better. To address this concern, the communities had started to identify alternative lands but lacked the sufficient support from park authorities. At the time of the interview, the community leaders told the research team that they preferred to stay in the park and, therefore, would like to request the government to change the boundaries of the park.

The possible consequences the ProCana project would have on the livelihood of this community was very uncertain, and until the project was cancelled, it is not clear at all what would happen with the communities currently living on the different lands. There had been, indeed, some kind of community consultation about the ProCana project, as mandated by the Mozambican Land Law (siehe chapter 2.1.2), but the complaints presented by the communities interviewed indicated that only the local elites and elders were actually consulted, some of whom have personally endorsed the mega-project in their communities in despite of apparent widespread objection amongst them.¹⁰⁷ Moreover, it was indicated that the consultation in Chinbangane had been flawed, considering the information was not sufficiently clear and was presented in a partial manner. Instead of including to the agenda the fundamental issue of whether or not the local communities accept the ethanol project and under what terms they would do so, the consultation processes were generally limited to the question of the terms on how the resettlement from the ProCana project allocated lands would take place. Furthermore, even this issue seemed not to have been properly tackled since neither the company nor the local authorities mentioned the existence of any concrete and mandatory resettlement plan for these communities, disregarding the need to present clear commitments, such as a time schedule, to undertake the resettlement. Representatives from other affected communities, namely Banga, Tihovene, Condzwane and Cubo, have expressed similar complaints and highlighted particularly that ProCana was expanding the boundaries of the lands it wanted to control, disregarding original agreements with the communities.¹⁰⁸ All these elements call into question the entire consultation process, clouding the requirement for accountability.¹⁰⁹

These lands are the main source of livelihood of the Massingir communities. The communities living in this area undertake three key agricultural economic activities, namely, livestock raising, charcoal production, and subsistence farming. The land is traditionally utilized, in this sense, in a very extensive way. The ProCana project would profoundly change the pastoralist lifestyle of these communities, by disrupting spaces for livestock grazing and pastoralist routes, while some of their traditional livestock raising practices will have to be changed to a 'semi-sedentary' regime. Ultimately, a substantial part of the land that would have been allocated to ProCana are, historically, areas and routes for livestock grazing by the dominantly pastoralist communities, and would have been deeply affected if the project would

¹⁰⁶ Interview held on the 25th of August, 2009 in Mavoza.

¹⁰⁷ See Vermeulen, Sonja and Lorenzo Cotula. 'Over the heads of local people: consultation, consent and recompense in large-scale land deals for biofuels projects in Africa'. Paper under review, *Journal of Peasant Studies*. 2009.

¹⁰⁸ See Manuel, Lino and Alda Salomão. "Biofuels and land rights in Mozambique – the ProCana case." *Haramata* 54. March 2009, p. 17-19.

¹⁰⁹ For other problems with community consultation and impacts of agrofuel projects, see Salé, Nurdine. *Estudo e Advocacia sobre Biocombustíveis e Segurança Alimentar em Moçambique*. Action Aid Moçambique. 2008.

have been fully executed. Losing their lands and their livelihoods derived from them without being properly reallocated and compensated for all losses, would amount to a serious violation of the right to an adequate standard of living of these communities, including their right to food and housing.

It is important to highlight, additionally, that even though ProCana did not hold a land title deed, it would have been able to get title deeds for the infrastructure built with the expiration of the contract, after 50 years. This would mean an effective control over land resources after 50 years in light of infrastructures systems like a drip irrigation cutting across the land. And so, while on paper the land allocation to ProCana would not have violated the Constitutional provision on land ownership, it is possible that the institutional lease arrangement would eventually have led to *de facto* land ownership (i.e. 'effective control') by a foreign company.

Finally, in addition to the 30,000 hectares that ProCana would have directly operated under an industrial monocrop set-up, the company and the district government also encouraged farmers who would have been relocated to adjacent and nearby places to produce sugarcane and food crops needed for outgrowing schemes. There are 20,000 and 70,000 hectares (re)allocated lands around the ProCana plantation¹¹⁰ and these lands are being planned to serve the ProCana business interest as well. Hence, in essence, if ProCana's scheme is successful, it may even *effectively control* up to 100,000 hectares of land, three times more than its official land allocation.

As mentioned above, ProCana project claimed to be a developmental project for the local communities as well, and it would create employment opportunities in the area. There were no binding commitments in terms of the number of jobs, and the actual number would have depended on what form of regulatory laws the national government will pass in relation to environmental, labour and social safety regulations. For example, if the government bans cane burning and imposes strict labour standards, then ProCana would have opted for a mechanized plantation set-up. It would have been technically feasible partly because the lands are quite flat. But if the national government does not impose a ban on cane burning and is flexible about labour standards, then they would have opted for a non-mechanized plantation set-up. The latter would potentially hire more workers, estimated by ProCana at 5,000 to 6,000 workers, while the former would accommodate less at around 3,000 to 4,000 workers. More to the point, it is recognized that the jobs created in these circumstances would have been, most likely, directed at younger and more skilled adults. This was also identified by an elder member of an affected community. He mentioned that while he was asked to leave the land where he was born and his ancestors had lived, he doubted the new project would hire an older man.

4.1.2 Potential impacts on local communities' access to water

One other major issue concerning the cancelled project referred to the use of water resources. The land that had been allocated to ProCana, as mentioned above, is located adjacent to the Massingir dam and the Elephants river. When the research group asked ProCana's manager about any major risk in their investment, he quickly and explicitly mentioned a possible conflict around the issue of what volume of water from the Massingir dam could be released to be used as irrigation for ProCana, as against the main allocation to produce electricity. In its

¹¹⁰ Interview with ProCana's General Manager.

full capacity, the dam has the potential to irrigate 90,000 hectares of land, while the total arable land in Massingir District is more than 70,000 hectares.¹¹¹ The actual releasing of water for irrigation was a contested issue as generating electricity for export would remain the main priority. After all, the loans for the dam construction have to be paid. In times of drought, the dam is likely to honour its commitment to deliver a minimum quantity of electricity (for export to South Africa) – leaving dry the agricultural lands.¹¹² Therefore, the full potential of 90,000 hectares was unlikely to be realized anyway. In this context, ProCana would have probably needed a major portion of the actual farm irrigation water allocation from the dam, which the district and national governments had committed to provide.

In situations where there would be drought (and it is likely in this semi-arid region), the government would first honour its commitment to generate electricity for export to South Africa and for the domestic industrial sector. Any remaining water from the dam would have been committed to ProCana – as ProCana claimed that they got the assurance from the national government that their irrigation need were going to be protected at all times. Bioenergy Africa claims, that “To ensure that cane production is not compromised by other potential users, ProCana had obtained guarantee from the Mozambican government to enable it to use up to 750 million cubic metres a year with a water licence being granted once the final design for the extraction of the water has been submitted.”¹¹³ ProCana was going to need 407 million cubic metres of water to irrigate its sugarcane plantation. This means, that it was very likely that the least priority would have been the small farmers in the adjacent districts of Massingir and Chokwe, the latter being the heart of the Limpopo Valley irrigated agriculture. Hence, if this plan on water (re)allocation would have been carried out, in all probability it would have caused negative consequences to the farming activities, existing and future, by peasant households in the area. Such (re)allocation of water resources, especially in relatively dry places like Mozambique, would have undermined the autonomy and capacity of local communities to produce their own food for their consumption. In this case, the right to water and food of these communities would be endangered. As informed in the presentation of the case, the ProCana project has been cancelled, but this does not stop the government from authorizing a similar initiative with different parties involved. If the same disregard in promoting broad and effective consultation is kept, most likely these communities will be exposed to violation of their human rights again.

4.2 Coal mining in Tete province

The research team visited Moatize district in Tete province in order to look into the impacts of coal mining projects on the social rights of the local communities. Two mining projects were selected by the local Peasant Organization of Tete Province (União Provincial de Camponeses de Tete - UPCT): the coal mining project of Benga by Riversdale Moçambique in partnership with Tata Steel; and the Moatize coal project by Rio Doce Moçambique.

4.2.1 The coal mining project of Benga by Riversdale Moçambique

Riversdale Moçambique, a subsidiary company of Riversdale Mining with headquarters in Australia, was granted a mining license by the Mozambican government in April 2009 for an area of 4,560 ha in Moatize district. According to the plans, mining will start in 2010 and last until 2035, extracting in total 2.1 billion tonnes of coal. The investment project is US\$ 850

¹¹¹ Interview with the Director of Massingir's district service for economic activities.

¹¹² Interview with ProCana's General Manager.

¹¹³ See <http://allafrica.com/stories/200811280929.html>, accessed 27 November 2009.

million worth, and Tata Steel owns 35% of the project's shares. Besides coal mining, the project foresees setting up a thermoelectric plant to produce energy using part of the coal. The latter part of the project is developed in partnership with Elgas SARL, a public-private partnership investing in the energy sector. Elgas' capital is owned in 65% by Mozambican public energy companies (Electricidade de Moçambique and Empresa Nacional de Hidrocarbonetos), and the remaining 35% by South African investors, including the private company African Legend. The thermoelectric plant is expected to be in use for 25 years. Both the coke and thermal coal produced in this site, as well as part of the power generated by the thermoelectric plant, will be exported. The project is expected to amount to approximately 3% of Mozambique's GDP in 2008.¹¹⁴

According to Riversdale, the project will create during the construction phase of the mine 600 direct jobs and 2,500 indirect jobs. Once the mine is operating, 1,200 direct jobs and 4,000, respectively, should be in place. The Environmental Impact Study presented by the company states, that it is committed to increasingly employ more Mozambicans but does not specify how many Mozambicans will actually be employed, and does not mention any concrete commitments apart from being engaged in vocational training for high-qualified Mozambican employees.¹¹⁵

Potential impacts on local communities' access to land and their livelihoods

Riversdale Moçambique has identified approximately 5,600 persons (1,147 families) live in the area of the Benga mining project. Five communities (Capanga Nzinda, Capanga Gulo, Capanga Luani, Mpala and Nhangango) currently living on the lands which will become the mining site, will be resettled. Further four communities (Chitambo, Benga Sede, Nhamsembe and Nhambalualu) could eventually stay on their lands, depending on negotiations with the company on land loss – due to infrastructure building for the mining site and the thermoelectric plant – and to eventual restrictions on the access to areas surrounding the mining site.¹¹⁶

The research team interviewed Mr. Benjamin Gemo, Chief of the Land Department at the Provincial Office of Agriculture (Inspeção Provincial de Agricultura) and member of the Provincial Commission for Resettlement,¹¹⁷ with the aim of obtaining detailed information about the resettlement plan for the affected communities. At the time of the interview, the resettlement plan was still being discussed. Even though Mr. Gemo held the draft resettlement plan in his hands during the meeting, he affirmed not to be authorized to make a copy available to the team. Other attempts to get in touch with the company for the same purpose were not successful either in Moatize or in Maputo.

In order to get the views of affected communities, the research team visited the Peasant Association of Capanga, in the Capanga Nzinda community.¹¹⁸ The association was founded in 1987 and originally counted about 300 members. Today it has 16 members, 8 of them women. The association is affiliated to the UPCT and undertakes a variety of productive

¹¹⁴ For all information about this project, see *Estudo de Impacto Ambiental do Projecto de Mineração e Fornecimento de Energia de Benga proposto pela Riversdale Moçambique Limitada. Resumo não técnico. Maio de 2009.*

¹¹⁵ See *Estudo de Impacto Ambiental do Projecto de Mineração e Fornecimento de Energia de Benga proposto pela Riversdale Moçambique Limitada. Resumo não técnico. Maio de 2009.*

¹¹⁶ Ibidem.

¹¹⁷ Interview held on the 28th of August, 2009 in Tete.

¹¹⁸ Interview held on the 29th of August, 2009 in Capanga.

activities like agriculture (mainly vegetables, fruits, maize and beans) for own consumption and for supplying the nearby markets of Moatize, Bele and Matondo; fishing from the Revuboe river, cattle raising mainly for meat selling and for some milk for own consumption, beekeeping and brick making. The members of the association have affirmed their families have lived in these lands for generations. Since 1997, the association holds collectively a land use grant (Direito de Uso e Aproveitamento da Terra) for 150 ha. Besides this land, each family has its own plot of about 0.5 to 1 ha. The association owns 3 water pumps, 3 water tanks, 10 carriages for bringing the products to the selling points, and 11 sowing equipment. Moreover, the association built 5 bores for drinking water for the whole community since it is bound to develop some social projects for the benefit of the entire community. The interviewed association's members felt very proud of being able to make a living from their lands including the production of food, clothing and housing.

As mentioned by the members of the association, in 2006 started the first exploratory works in Capanga. In January 2009 they were contacted by representatives of the company and local authorities to be informed of the need to leave their lands. After this visit, the company Impacto, consultancy company, contracted by Riversdale, entered the area to make the impact assessment study. Part of the study consists in the inventory and evaluation of assets' loss, to be compensated. The association is very worried about the conditions of the resettlement, specially because it has been noticed that collectively owned assets and resources will not be compensated, even though they are affirmed to be essential for providing for the individuals' livelihood. Women members expressed great concern about losing their food and economic independence. In the first place, the association does not agree with the valuation of the houses made by Impacto. Second, Impacto's study does not include all livelihood losses faced by the association, for instance, the second harvest they are able to get on these lands, due to access they have to abundant water, on the indicated site for resettlement in Cateme, they will be able to harvest only once a year. Additionally, the close access to a secure market for selling the products will also be lost, given that the resettlement site is far away from Moatize, and the association does not have cars/trucks for transporting their products. The gathering of fruits like maçanica are considered to be important for the food security of the families in times of shortages, as well as for generating income through sales in the local market, and it was not included in the study either. Even more worrying is the fact that the land compensation scheme seems to be based on family plots only. This means that the families will get plots of similar size in the resettlement area, but the association will lose their collective land without compensation at all. On the other hand, there is also disagreement about how to deal with sacred sites like cemeteries. Riversdale is proposing to reallocate them to the resettlement area as these lands will be removed during the mining process, but the association's members strongly disagree with this proposal because it contraries their cultural beliefs.

Members of the association and the customary chief of the area, who was also present during the interview, feel that they were compelled to accept a plan of resettlement they do not agree with. They see the need for the government of Mozambique to get revenue from development projects like this, but they firmly think that their rights as independent peasants must be respected in the course of resettlement. This means that they should be able to freely choose the lands for resettlement, be properly compensated for all losses, and be able to carry on their productive activities that provide them livelihoods and income to live in dignity.

Unfortunately the research team did not have the opportunity to visit the four communities

(Chitambo, Benga Sede, Nhamsembe and Nhambalualu) which could eventually stay on their lands nor the Cangale community, located outside the limits of the Benga mining concession but in immediate vicinity to the project. Because these communities are only partly within the boundaries of the mining concession – or completely outside but in immediate vicinity –, the impact of the mining project on these communities might be even stronger. It has been pointed out that they will be only partially entitled – or not entitled at all as in the case of Cangale – to resettlement and compensation for livelihood losses. At the same time, they will be directly affected by the environmental impacts of the project in terms of air and water pollution. The project is also likely to have a great impact on the wet lands on the banks of the Revuboe and Zambezi rivers. These lands are intensively used by the local population but will be crossed by new roads and might be also affected by the alteration of the water cycle in the area due to the mining site. Furthermore, the disruption of the ecosystem balance will affect soils, flora and fauna of these lands, amounting to a livelihood loss of the communities depending on these wet lands. Again, in this case it is not clear to what extent the referred communities will be entitled to compensation.

4.2.2 The Moatize coal project by Rio Doce Moçambique

In 2007 the company Rio Doce Moçambique, a subsidiary of Companhia Vale do Rio Doce with headquarters in Brazil, got a mining concession for an area of approximately 240 km², in the Moatize district. Moatize is evaluated as the biggest unexplored coal reserve in the world, with 838 million metric tons.¹¹⁹ The mine is expected to be in operation for 35 years, starting from December 2010, with an annual production of 26 million tons of coal. An independent thermoelectric plant with a capacity of 125MW is predicted to supply power for the mining activities. The project also comprehends the rehabilitation of the 600 km Sena-Beira railway (Sofala Province), and the construction of the maritime export terminal at Beira. In total, the project is estimated to cost 1,3billion dollars.¹²⁰

Rio Doce estimates in the Environmental Impact Study that the project will create 3,300 jobs when functioning at its maximum capacity. It has further committed that 70% of the employees of companies directly related to the enterprise and its contractors will be occupied by Mozambicans.

Potential impacts on local communities' access to land and their livelihoods

According to the Resettlement Plan of Action (RPA) presented by Rio Doce and approved by the Provincial Resettlement Commission, 5,104 persons (1,241 families) living in the communities of Chipanga, Bagamoyo, Chithata, Malabwe and Mithethe have to leave their homes and lands and will be resettled. With regard to the eligibility criteria to receive assistance and compensation, the RPA states that “only the families that own or lease properties, farm lands, grazing lands and crops that have been properly identified and registered during the survey conducted in April 2006 are entitled to receive RAP benefits.”¹²¹ This means that the universe of people directly affected by the mining project could in fact be

¹¹⁹ Available at: <http://www.vale.com/vale/cgi/cgilua.exe/sys/start.htm?infoid=3126&sid=598> (Consulted on January 13, 2010)

¹²⁰ Available at: <http://www.vale.com/vale/cgi/cgilua.exe/sys/start.htm?infoid=3126&sid=598> (Consulted on January 13, 2010)

¹²¹ Resettlement Plan of Action. Vale do Rio Doce. p. 97. Document kindly provided by Ms Camilla Lott, Sustainability Coordinator at Vale's offices in Maputo. Interview held on September 3rd, 2009 in Maputo.

bigger considering that not all properties are registered, and some individuals do not hold property title, but are tenants.¹²² It is also not clear if people indirectly affected by the mining project – for instance, those ones living close to the mining site – will be compensated for environmental damage and subsequent livelihood losses.

Rio Doce has contracted the services of the companies Austral Consulting and Projects and Diagonal Urbana Consulting for informing the communities about the project, and to conduct the socio-economic, urban and environmental studies to characterize the population affected. According to the detailed information provided by the company to the research team, the process of negotiating with the affected communities seems to have observed basic standards of participation. It is also recorded that initial shortcomings and disagreements were apparently properly addressed by the companies.¹²³ The research team had also the opportunity to visit the resettlement site of Cateme which will receive 627 families. The construction of the houses and other facilities like schools, community center, roads and the like was quite advance at the time of the visit,¹²⁴ and the resettlement was scheduled for November 2009.

The research team visited a peri-urban village in the Chipanga community which is the biggest community to be resettled.¹²⁵ The members of the community interviewed – as well as its local leaders – expressed great discontent and anger about the resettlement plan. Some better-off members of the community strongly disagreed with the valuation of their houses and the respective compensation that they expected to be paid. In the same sense, people having bigger houses complain about the fact that the houses in the Cateme settlement will be smaller than their current homes. There were also several complaints about the materials and the way the houses were built, which might point to the fact that cultural aspects of housing might have been neglected. In fact, all construction works at the resettlement site were undertaken by the Brazilian transnational company Oderbrecht. Lack of proper compensation for losses of cultivation plots (*machambas*) was also indicated as a problem. In some cases, the resettled families will receive smaller machambas than the ones they have. In other cases, they will be compensated for some machambas but not for others they also have access to. In other cases, people who will be resettled in the peri-urban settlement of 25 do Setembro won't be compensated for machambas. It was noted that agricultural conditions in the Cateme site, particularly access to water, is not as good as in the current lands. This implies that the producers will not be able to get a second harvest in the same year. There were also concerns about losing access to the nearby market of Moatize as in the case of the Capanga community mentioned above. The main grievance for the community is the fact that they have raised these complaints several times but nothing has happened. Thus they feel forced to accept conditions they do not agree with.

Asked about all these concerns, Ms Camilla Lott, Sustainability Coordinator at Vale's offices in Maputo replied during our interview that Vale has an office in Chipanga with the aim of having a permanent channel of communication with the communities. She encouraged the

¹²² The Resettlement Plan of Action foresees the possibility to bring these cases to Vale's social office so that it can be considered at the forum set by the government for this purpose whether a certain case is eligible for assistance and compensation. See Resettlement Plan of Action. Vale do Rio Doce. p. 98.

¹²³ See, *ibidem*.

¹²⁴ The visit of the Cateme resettlement site took place on August 28th, 2009. The second resettlement site it is called 25 de Setembro. It is meant for 287 families with an urban or peri-urban profile. The remaining 327 families of the universe of beneficiaries of the resettlement plan will be compensated with houses in other locations.

¹²⁵ Interview held on August 29th, 2009 in Chipanga.

communities to submit their complaints. The problems related to insufficient water access, difficult access to local markets for selling products and the loss of one harvest were recognized. She assured the research team that the transport problem is currently being tackled by the company and the local government. As for water access, only the “model farm” which is part of a capacity building programme set up in Cateme resettlement will have irrigation. Later on the company will decide on investing in irrigation. On the harvest loss she acknowledged that it was a planning mistake but did not offer any solution for it.

In both cases of the Capanga community, affected by the Riversdale project, and the Chipanga community, affected by the Rio Doce project, resettlement processes are conducted without addressing the concerns expressed by the interviewed community members; thus putting at risk the social rights of the affected families. Losing their communal lands and part of their livelihoods derived from them without being properly compensated for all losses, will put the affected families in a vulnerable situation, including food insecurity and would therefore amount to a serious violation of the right to an adequate standard of living of these communities, encompassing their right to adequate food and housing, and their right to water. The government of Mozambique is duty-bound to protect the rights of all rural communities affected by mining projects and must therefore guarantee that the mining companies implement proper resettlement plans and compensation schemes.

5. Concluding remarks

As explained in detail above, all three development projects studied are likely to lead to partial or total land and livelihood losses of the affected communities, without being properly reallocated and compensated for all losses. In case this effectively happens, this would amount to a serious violation of the right to an adequate standard of living of these communities, including their rights to adequate food and housing, and their right to water. Although the ProCana project was cancelled, it had already started to be implemented under these terms of improper compensation and deprivation of resources. Using the Basic Principles and Guidelines on Development-Based Evictions and Displacement elaborated by the UN Special Rapporteur on the Right to Housing (see chapter 1.2.1), the following shortcomings of the resettlement plans and compensation schemes could be identified:

- In the case of the agrofuel project ProCana, no comprehensive and holistic impact assessment was made prior to the initiation of the project.¹²⁶
- In both mining cases, consultations tended to involve community leaders only and did not provide all affected communities and persons with impartial information about the impacts of the projects. Moreover, the communities had little opportunities to challenge the eviction decision and/or to present alternative proposals and to articulate their demands and development priorities.¹²⁷
- In both mining cases, affected families and communities will not be compensated with land of the same quality they will lose, and several losses like the second annual harvest, access to common lands, gathered fruits and access to nearby markets will not be compensated either.¹²⁸

Moreover, the impact of mining on local food availability in Moatize district, and probably

¹²⁶ Basic Principles and Guidelines on Development-Based Evictions and Displacement, para 32.

¹²⁷ Ibidem, para 37, 38, 39.

¹²⁸ Ibidem, para 60, 63.

Tete province, can be quite severe and needs to be closely monitored. Moatize has been already identified by WFP a district with high food security vulnerability 129, and Tete is one of the provinces with high incidence of chronic food insecurity –As exposed above, prime agricultural land particularly on the banks of the Revuboe and Zambezi rivers, will be soon lost for food production. Direct food availability for resettled families will decrease due to the loss of the second annual harvest. These families, and probably many others in Moatize district, will not be able to rely on local food production any more but will be dependent on food from abroad. As was mentioned in chapter 2.2, the internal food distribution system within Mozambique is still quite fragile, putting these families at risk. They will have to resort to the market making them vulnerable to food price volatility. In case they do not have sufficient income to afford buying food or do not receive food assistance, their food security might dramatically worsen.

A similar situation can happen in provinces like Inhambane and Zambezia, where large scale agrofuel projects are planned to be established and, at the same time, chronic food insecurity persists at high rates. Even though agrofuel projects like ProCana had affirmed to be engaged in encouraging the combination of energy crops with food production, small producers would, most likely, have faced strong pressures derived from diverting labour, land, and water away from food production, in order to be able to meet the strict production targets set by companies like ProCana. 130

Mozambique is one of the few countries in the world with a very progressive national land law, that is supposed to protect and promote the interest of the rural poor (see chapter 2.1.2). In legislative terms then, the Mozambican rural population counts on strong mechanisms for protecting their land rights and by implication their rights to food and housing. And yet, our preliminary findings unveiled some loopholes and shortcomings in the existing practices.

According to the spirit of the Land Law and of international human rights standards, consultation with the affected communities needs to be undertaken *before* approval of the investment projects. This is the case for the mining projects, but not for the large scale agricultural projects. Even though large scale agrofuel projects will also have serious socio-economic and environmental impacts, their approval, compared to mining projects, is not subject to strict regulations and procedures related to socio-economic and environmental impact assessments, neither to binding resettlement plans and compensation schemes for the affected population as the case of ProCana shows.

Moreover, governmental authorities at local, municipal, district and provincial level overseeing the consultation should ensure that communities receive sufficient information about the project and that the information is presented in an impartial way and not biased in favour of the project. Access to detailed information about the investment projects is very difficult for Mozambican civil society organizations like UNAC or Justiça Ambiental. Ironically, it is in many cases easier for international researchers to obtain the same information to which Mozambican citizens are entitled by rights.

Particular attention needs to be paid to the situation of the communities in immediate

¹²⁹ See World Food Programme, Country Programme Mozambique 10446.0 (2001-2009), WFP/EB.2/2006/8/6, 24 July 2006. p. 21.

¹³⁰ To see the experience of Brazil in this regard, see FIAN et al. Agrofuels in Brazil. Report of the Fact-finding Mission on the impacts of public policies encouraging the production of agrofuels on the enjoyment of the human rights to food, work and the environment among the peasant and indigenous communities and rural workers in Brazil. Heidelberg, 2008.

proximity of mining projects. It is not clear to what extent they are entitled to resettlement and compensation. When compared to the communities directly affected by the projects but entitled to resettlement, the former may end up in a worse situation, because the environmental damages caused by the mining activity are expected to impact the natural resources and livelihoods they depend upon. These communities should also participate in consultation processes and be included in resettlement plans or compensation schemes.

Progressive laws will not automatically ensure transparency and accountability – nor result in outcomes that favour the poor – in a political economic setting marked by imbalances in power relations (between state and community, state bureaucrats and citizens, local elites and poor people, powerful companies and poor people, and so on). And so, we should distinguish between an administrative and technical view of consultation with affected communities, on the one hand, and a political perspective on the same process. The former is apolitical, the latter takes on power relations seriously. In this sense, it is of utmost importance that the agenda for the consultation should also include the fundamental issue of whether or not the local communities accept the investment project and under what terms.

Involvement of communities throughout the whole process of consultation and negotiation of resettlement plans and compensations schemes seems to be restricted to elite community leaders. Given the fact that the impacts of these kind of projects are quite complex and vary across different social groups according to gender, age, occupation and the like, it would be highly recommendable to include women, youth, peasant organizations and other forms of organized community interest throughout the whole consultation and negotiation process.

For local communities and their civil society organizations this development poses great challenges. They will have to strengthen their research and analytical capacities in order to be able to independently assess what are the real socio-economic and environmental impacts of development projects. On the one hand, it is necessary that they undertake their own assessments about impacts and inventory and valuation of all kind of losses in order to be able to claim proper compensation. As was shown in the mining cases, the studies conducted by consultants were based on a family-ownership approach, ignoring the issue of compensation for losing access to communal lands and all natural resources related to this access, absolutely crucial for the livelihoods of Mozambican rural communities. On the other hand, civil society organizations should critically examine whether the investment projects proposed will really serve the public interest or whether these are merely using the rationale of “public interest” to mask and legitimize private, profit-driven interests.¹³¹ Investment projects which, for instance, lead to human rights violations like forced evictions and dispossession without proper compensation can never be considered to serve the public interest. As was explained above (chapter 3.3), Mozambican civil society organizations have several possibilities to present their views during the licensing process for mining projects, particularly during the elaboration of the impact assessment studies and during the elaboration of the resettlement plans.

At the same time, peoples' organizations will also have to strengthen their mobilizing and organizing capacities to combine pressure from below with informed proposals for action. The earlier local communities and their organizations get involved in this kind of processes, the more chances they will have to defend their rights. As experiences in other countries show,

¹³¹ For more information on this problem, see Langford, Malcolm and Ujjaini Halim. Expropriation and eviction: Grassroots and human rights perspectives on compulsory acquisition. In Land Reform, Settlements and Cooperatives, 2008/1, p. 32-45, FAO, Rome.

it is possible to negotiate substantially better terms of resettlement and compensation, or even to stop investment projects which are highly damaging for local communities and their environment.

The Involuntary Resettlement Policy of the World Bank, adopted as standard by the mining companies, is barely consistent with a human rights approach. The guidelines essentially presume expropriation of local communities is necessary and pays little attention to the justification for the eviction, or process for consultation and negotiation. The focus is mostly on compensation and relocation schemes and even within this narrow perspective has proven insufficient as the cases in point show.

The Mozambican Land Law is currently facing strong pressures for reform, due to the fact that it is not functional to the economic development policies laid down in PARPA II with the support of the donor community. It is noteworthy that the reform of the land tenure system and its governance appears in a prominent place in PARPA II with the aim of “rationalizing land use” and finding quick ways to solve conflicts. To put it bluntly, the abundant “inefficient” subsistence peasants – 62% of them women and which control 95% of the cultivated area – will have to make way to the modern and “efficient” agribusiness entrepreneurs.

The Mozambican national government has been very clear of its intention on agrofuels: they want to produce them both for international and domestic energy markets. The material basis for the latter seems to be compelling: while Mozambique is a land abundant country, roughly two-thirds of the country does not have electricity, only seven percent of the countryside has electricity, forests are being cleared to produce charcoal, the country’s main household fuel for cooking, children could not study longer into the night, and so on. The country also needs to save, if not generate, foreign exchange savings. But projects like ProCana do not respond to any of these material needs of the country that underpin the official policy of the national government. As mentioned above, ProCana's plan was not to produce ethanol for the transport sector, but rather for ethanol-based plastics, 80% of which would be marketed across the border to SADC countries, mainly South Africa.

What are then the implications of this claimed development plan for the official claims and aspirations of the Mozambican national government? There are several, and all these lead us to critically re-examine the fundamental question of “what development and for whom”? It is clear that the ProCana project does not respond to the national government official claims of pursuing agrofuels project for domestic energy needs. The 20% of ethanol production from the ProCana project, that was supposed to be destined for the domestic market, was unlikely to be used for electrification, as it may be more economically viable to sell it to the transport sector. If this is so, it means catering to the needs of a small urban-based middle class and other elite who have cars – and certainly not the 93% of the rural poor who are “power-less”. But this is not a surprise at all. It fits quite nicely in the general trend in the Mozambican energy policy. The country produce an enormous amount of energy from coal, natural gas and hydro power – but export almost all of this, leaving the country in its current state. As Diamantino Nhampossa of UNAC, in an interview with the research team, said, “It is not a question of whether Mozambique has the capacity to produce energy, because we produce so much that it is likely that we can be nationally self-sufficient if we used all the coal and hydro power domestically. It is a question of the fundamental orientation in generating power: to generate profit for transnational companies and the national government, or to generate fuel

for the Mozambican people's needs?"¹³²

As for the agricultural policy in general, an increase in production and in productivity rates will not automatically be beneficial to solve chronic hunger in several Mozambican provinces. Again, the majority of the new agricultural investments are oriented to exporting and international markets. The core of PARPA II policies aims at promoting agribusiness and not at fostering peasant based agriculture for feeding the Mozambican population as a matter of first priority. From a human rights point of view, PARPA II does not comply with the obligations related to the right to adequate food. PARPA II is also not in line with the food sovereignty policy framework developed by peasant farmers' organizations from Africa and other regions.¹³³ It also fails to comply with the policy options offered by the International Assessment of Agricultural Science and Technology for Development (IAASTD), to overcome the discrimination that peasant farmers have been facing in the last decades.

This report came to the conclusion that a drastic policy reform is necessary in order to fight hunger and establish sustainable development – a policy reform geared to the needs and rights of peasants. The IAASTD emphasized that the potentials of peasants for sustainable gains in productivity, poverty reduction, and adaptation to climate are much higher than in industrial agriculture.¹³⁴ The IAASTD criticized the political neglect of the potentials of peasants, and in particular of women peasants who are the majority of farmers. The scientists call for the integration of different local, traditional and modern agroecological knowledge systems.

Given the fact that the donor community provides about half of the Mozambican government budget, they have a lot of say in policy decision making and consequently are co-responsible for adopting policies which intend to promote agribusiness - including agrofuels - and mining but are not compliant with international human rights law. Any attempt of the donor community to put pressure on the Mozambican government for reforming the Land Law in a way which lessens the degree of protection for the land rights of local populations would constitute a regressive measure and therefore would amount to a violation of the social rights of the Mozambican affected communities.

Ultimately, in the concrete cases we looked into, the home governments where the mining companies are based namely Australia, India and Brazil (since the British investor pulled back from the ProCana project and the project was cancelled, we do not refer to the ProCana case) are duty bound to regulate the activities of these companies in order to protect the rights of the Mozambican rural population.

6. Annex Questionnaires

Basic file for documenting a case

Information about the victims of a violation

- Name, address and, if possible, the telephone number or email of the person, organizations or community affected

¹³² Interview. Diamantino Nhampossa, 24 August 2009, Maputo.

¹³³ See the Nyéléni Declaration at http://www.nyeleni.org/?lang=en&lang_fixe=ok

¹³⁴ For more information about IAASTD, visit <http://www.agassessment.org/>.

- Exact place where the violation occurred (name of the zone, region, state, country)
- Number of women, men and children affected
- Ethnic group and language spoken by the persons affected
- Principle occupation of the persons affected
- Name, address, telephone number, e-mail of the organizations supporting those affected, in the instance that these organizations exist

Information about the violation or violations

- Description of what happened in as much detail as possible
- Dates of the most important events
- Exact location of the events
- Causes and context behind what happened
- Consequences that have arisen as a result of the violation(s). Urgency of the situation
- In what manner were the women specifically affected? The men? The children?

Identification of the violation or violations

- Type of violation. What obligation of the State was not fulfilled?
- Who exactly committed the violation?
- Type of disruption and destruction

Information related to evictions in the case, if any evictions been carried out.

- Date and approximate time in which the eviction was carried out
- In the event that eviction is the result of process that took place over a longer period of time, mention what elements led to the occasion and and/or how it was made effective.
- Were you informed of the eviction? If so, who informed you? How? When?
- Number of women, men and children evicted
- How did the eviction take place? Was it violent? Describe what happened.
- Who carried it out?
- Where are those that were evicted currently located?
- How have the lives changed of those evicted?

Other information

- Did the victims denounce what happened? To whom did they make their complaint?
- Was there any response or reaction to the complaint? If there was, describe the response. If no, how did the authorities justify not having responded to the complaint?

Demands

- What are the people and/or community affected demanding?
- What do the people and/or community affected seek from the local and/or national authorities?
- Are you soliciting interventions and/or actions from other authorities/entities? From the UN or other international agencies?

Annexes

Please attach relevant documents on the case, such as photos, maps, legal demands, etc.

Supplementary questionnaires for contextual information

A. Interviews at the family level

0. Personal data: Name, sex, age, spoken language, address, telephone number, occupation

- Basic information

- Persons living in the household, respective age, sex and respective occupation.
- How long have they been living in the community?
- Type of farming or production activity (including fishing activities), location, size
- Type of land tenure (individual property, community property, public land, leasing, etc.)
- What are your food sources? Do you consume the food that you grow yourself? Or do you sell the -
--agricultural products that you produce and buy food with the cash from this sale? Or do you exchange the agricultural products that your produce for food? Or do you buy food with the salary that you receive?
- Do you think that you and your family have access to sufficient food at all times? Or does the access vary during the year? Do you think that the food that you consume is nutritious and allows you to live in a healthy way? Are there any cases of malnutrition in your family?
- How do you access water?

2. Production

- Current production
- Development of your own production during the last 5 years
- Proportion of the production dedicated to your own consumption and to the market
- Total income of the family, income from the agricultural production, changes in the levels of income obtained from agricultural production during the past 5 years
- Type and quality of access to water for irrigation. Has the access to water improved or worsened in the last 5 years?
- Do you have access to inputs (seeds, fertilizers), agricultural extension services, credits?

3. Access to natural resources

- Regarding its sources of food and/or income, does the subsistence of the family depend on natural resources, like hunting, for housing, fishing, collection of wild fruits, etc.? How has the access to these resources varied in the last 5 years? Is this access secure? Legally recognized?

4. Effects of the introduction of monocultures in the region

- When were monocultures introduced in your region? How has your life been affected since then?
- How has the agricultural (including fishing) production of the family been affected?
- How has water management been affected in your area, such as the control of community aqueducts and networks of water distribution?
- How has the system of land tenure changed with the arrival of the monoculture model? Has the presence of large single-owner estates increased? The leasing of lands?
- Has your access to other natural resources such as forests, animals and wild fruits from these forests been affected?
- Have local food production and markets been affected? Have food prices increased? Have other food items been brought in from other regions?
- How has the employment situation in the region been affected? Has it improved or worsened?

5. Evictions due to the introduction of monocultures

5.1 If an eviction took place: what were the main characteristics of your housing situation before the eviction and what are they now? (with regard to the size, services, materials, proximity to health centers and to schools, and other characteristics associated with adequate housing)

5.2 Who conducted the eviction? Were there notifications beforehand? Explain how and when it took place.

- 5.3 How has your life been affected by the eviction?
- 5.4 Before the eviction, did you have access to land, water, forests, animals and wild fruits from the forests?
- 5.5 Now what is this access like?

6. Agricultural laborers employed on plantations

- 6.1 What kind of work contract do you have? Are there middlemen taking care of the contracting of the workers? Who is your employer?
- 6.2 Does your contract comply with legal standards regarding working hours, minimum wage, holidays, social security, etc.? Are the legal standards adequate to guarantee decent work?
- 6.3 How much are you paid? Is this sufficient to afford food, housing and other basic needs? Do you think that you and your family have access to enough food at all times? What are your living conditions like?
- 6.4 Are you exposed to pesticides? Do you have adequate equipment to protect yourself? Are the labor conditions safe at your place of work or do you suffer from illnesses caused by your labor conditions?
- 6.5 Do you belong to a trade union? Do you face repressive measures because of your belonging to this union or because you claim your labor rights?
- 6.6 Does the State effectively control the respect of labor laws? Which possibilities do you have to inform authorities about abuses committed by your employer?

B. Interviews with women

Personal data: Name, age, spoken language, address, telephone number, occupation

Basic information

Persons living in the household, respective ages, sex and occupation

Are you the female head of the household?

How long have you lived in the community?

Type of agricultural activity (including fishing activities), location, size

What kind of tasks do you have in the family production?

Type of land tenure (individual property, community property, public land, leasing, etc).

Are you co-owner of the land? Or what kind of rights do you have on the land?

What are your food sources? Do you consider the food security of your family adequate? Does it vary throughout the year?

Who eats first in the family? Are there any cases of malnutrition affecting girls?

2. Production

2.1 Current production

2.2 Development of your own production during the last 5 years

2.3 Proportion of the production dedicated to your own consumption and dedicated to the market

2.4 Your own income, total income of the family, income from the agricultural production, changes in the levels of income derived from agricultural production during the past 5 years

2.5 Type and quality of access to water for irrigation. Has the access to water improved or worsened in the last 5 years? Who in the family is in charge of providing drinking and irrigation water?

2.6 Do you have your own access to inputs (seeds, fertilizers), agricultural extension services, credits? Or do you have to rely on one of the men in the family?

3 Access to natural resources

- 3.1 Does the subsistence of the family depend on natural resources for food or income, including for housing, fishing, collection of wild fruits, etc.?
- 3.2 How has the access to these resources varied in the last 5 years? Is this access secure, legally recognized?

Effects of the introduction of monocultures in the region

- 4.1 When were monocultures introduced in your region? How has your life been affected since then?
- 4.2 How has the agricultural (including fishing) production of the family been affected?
- 4.3 How has water management been affected in your area, such as the control of community aqueducts and networks of distribution?
- 4.4 Has your access to other natural resources such as forests, animals and fruits from these forests been affected?
- 4.5 Have local food production and markets been affected? Have food prices increased? Have other food items been brought in from other regions?
- 4.6 How has the employment situation for women in the region been affected? Has it improved or worsened?

5. Evictions due to the introduction of monocultures

- 5.1 If an eviction took place: what were the main characteristics of your housing situation before the eviction and what are they now? (with regard to the size, services, materials, proximity to health centers and to schools, and other conditions related to adequate housing.)
- 5.2 Who conducted the eviction? Were there notifications beforehand? Explain how and when it took place. Was violence used specifically against women during the eviction?
- 5.3 How has your life been affected by the eviction?
- 5.4 Before the eviction, did you have access to land, water, forests, animals and wild fruits from the forests?
- 5.5 What is this access like now?

6. Agricultural laborers employed on plantations

- 6.1 What kind of work contract do you have? Are there middlemen taking care of the contracting of the workers? Who is your employer?
- 6.2 Does your contract comply with legal standards regarding working hours, minimum wage, holidays, social security, etc? How many weeks of maternity leave do women workers have? Are the legal standards adequate to guarantee decent work?
- 6.3 How much are you paid? Do you receive the same salary as the men who have a similar job? Is this sufficient to afford food, housing and other basic needs? Do you consider that you and your family have access to enough food at all times?
- 6.4 Are you exposed to chemicals? Do you have adequate equipment to protect yourself? Are the labor conditions safe or do you suffer from illnesses caused by your labor conditions?
- 6.5 Do you belong to a trade union? Do you face repressive measures because of your belonging to this union or because you claim your labor rights?
- 6.6 Does the State effectively control the respect of labor laws? Which possibilities do you have to inform authorities about abuses committed by your employer?

C. Interviews with community leaders and experts

0. Personal data (in case you are an expert, please fill in here)

Name

Function

Institution

Sex

Age

Spoken language

Address, telephone number

1. General information (in case you are a community leader, please fill in here)

1.1 Name, age, sex

1.2 location, telephone number, e-mail contact of the community/organization (if available)

1.3 Spoken language, and ethnic group (if relevant)

1.4 Type of organization (association, movement, trade union, cooperative, etc.)

1.5 Number of individuals/families in the organization

1.6 Total number of individuals/families living in the community

1.7 Brief history of the community

2. Information about the community

2.1 Main economic activities and sources of employment

2.2 Average level of income

2.3 Type of agricultural production, beneficiaries/destination of this production

2.4 Distribution of agricultural production (including fishing) and local markets; level of food self-reliance

2.5 Main forms of tenure of land and natural resources

2.6 Characteristics of housing (with regard to the size, services, materials, proximity to health centers and schools, and the characteristics associated with adequate housing)

2.7 Access to infrastructures and basic services

2.8 Levels of undernourishment and malnutrition

2.9 Levels of literacy/education

3. Information about monocultures

3.1 What kind of monocultures exist in your region?

3.3 When were they introduced?

3.4 How much land do they cover (in hectares, and as a percentage of the total agricultural land)?

3.5 What kind of land tenure do they have? (large private property, grouping of several smaller private properties, leasing of private land, leasing of public land, etc.)

3.6 How did the owners of the monoculture crops obtain the control over the land? Was it a legal process? If not, what kind of irregularities happened? Was violence or other means of coercion used? If a forced eviction took place, were people linked to the company/owner of the monocultures involved in the eviction?

3.7 How did the owners of the monocultures obtain control over irrigation water? Was it a legal process?

3.8 Who are the owners of the monoculture crops?

3.9 Have those implementing the monoculture crops in your community or territory employed any physical violence on the community or any other type of coercion?

3.10 Is there any participation of foreign investors? Who, and from which country?

3.11 Who distributes credits and capital to the owners of the monoculture crops? National, private or public banks? Bilateral development cooperation? Regional development banks like the Asian or African Development Banks? The World Bank? Investment funds from private capital?

3.12 Do the monoculture crops receive state support, for example through subsidies, credits, public lands? Specify what kind of support.

3.13 How many members of the community are employed on the plantations? Where do the other workers come from? What are the labor conditions like?

- 3.14 What is the destination of the production of the monoculture? The national or international market? To which country is it exported?
- 3.13 Do the companies that own the monoculture participate in initiatives of environmental or social certification? Do they adhere to voluntary initiatives of social responsibility?
- 3.14 Do the monocultures comply with legal provisions regarding environmental protection?
4. Changes observed after the introduction of monocultures
- 4.1 How has life changed in the community with the introduction of monocultures?
- 4.2 What has been the impact on the local economy?
- 4.3 How was the land used before the introduction of monocultures? Whose land was it? Which authority is in charge of planning or deciding upon the use of the land?
- 4.4 Was the community consulted concerning the introduction of monocultures?
- 4.5 What is the environmental impact on soils, forests, water and biodiversity?
- 4.6 What is the impact on the health of the community? Have illnesses appeared linked to the intensive use of chemicals? Specify what type of illnesses and how many people have been affected.
- 4.7 Did evictions take place because of the introduction of monocultures?
- 4.8 How many people were affected?
- 4.9 What were the main effects of these evictions?
- 4.10 Where are those affected by the eviction located now, and what are their living conditions like?
- 4.11 Has there been an increase in migration?

Information at the national level

1. What are the main monocultures? In what areas are they found? How much land do they control in hectares, and as a percentage of the total agricultural land?
2. What percentage of the monocultures is produced for the national market, and what proportion for the international market? To which countries are they exported?
3. What percentage of the population dedicated to agriculture is linked to monocultures? What are the predominant labor conditions? Do employers respect the existing labor norms? Are these norms sufficient to effectively protect the workers from exploitation?
4. What are the main public policies that have supported monocultures?
5. What percentage of the budget is dedicated to agriculture set aside for monocultures? In comparison, what percentage is dedicated to peasant or indigenous family agriculture?
6. What social actors benefit from the support of monocultures?
7. What are the main companies/businesses that propel monocultures? Who are the financiers?
8. What are the food, nutrition, and poverty indicators of the rural population?
9. In the last 5-10 years, what has been the trend in terms of the percentage of land and forests in the hands of peasants and small-scale producers? Has this percentage increased or decreased? Does data exist about the number of families that have abandoned agriculture and have had to migrate to the cities?
10. Do national plans exist for the use of land and water? Who is adopting these plans? Are social organizations participating in this process?
11. Have evictions been carried out due to monocultures?
12. How many people have been evicted?
13. Have the evictions been violent?
14. Who are those alleged responsible for the evictions?
15. What have been the main impacts of the evictions?
16. Where are those people affected currently located and in what type of conditions are they

living?

17. Have the victims of evictions demanded redress and compensation for the damages suffered? Before whom have they made these demands? Are there cases of effective redress and compensation for the evictions?

18. Nationally, do emblematic cases of evictions by monocultures exist?

19. Are there organized groups from civil society that are opposed to the monocultures? If so what are they?

20. What are the main environmental impacts (on soils, forests, water, biodiversity) of monocultures in your country? Are environmental laws that companies have to comply with in the planting of monocultures sufficient to prevent these impacts?