


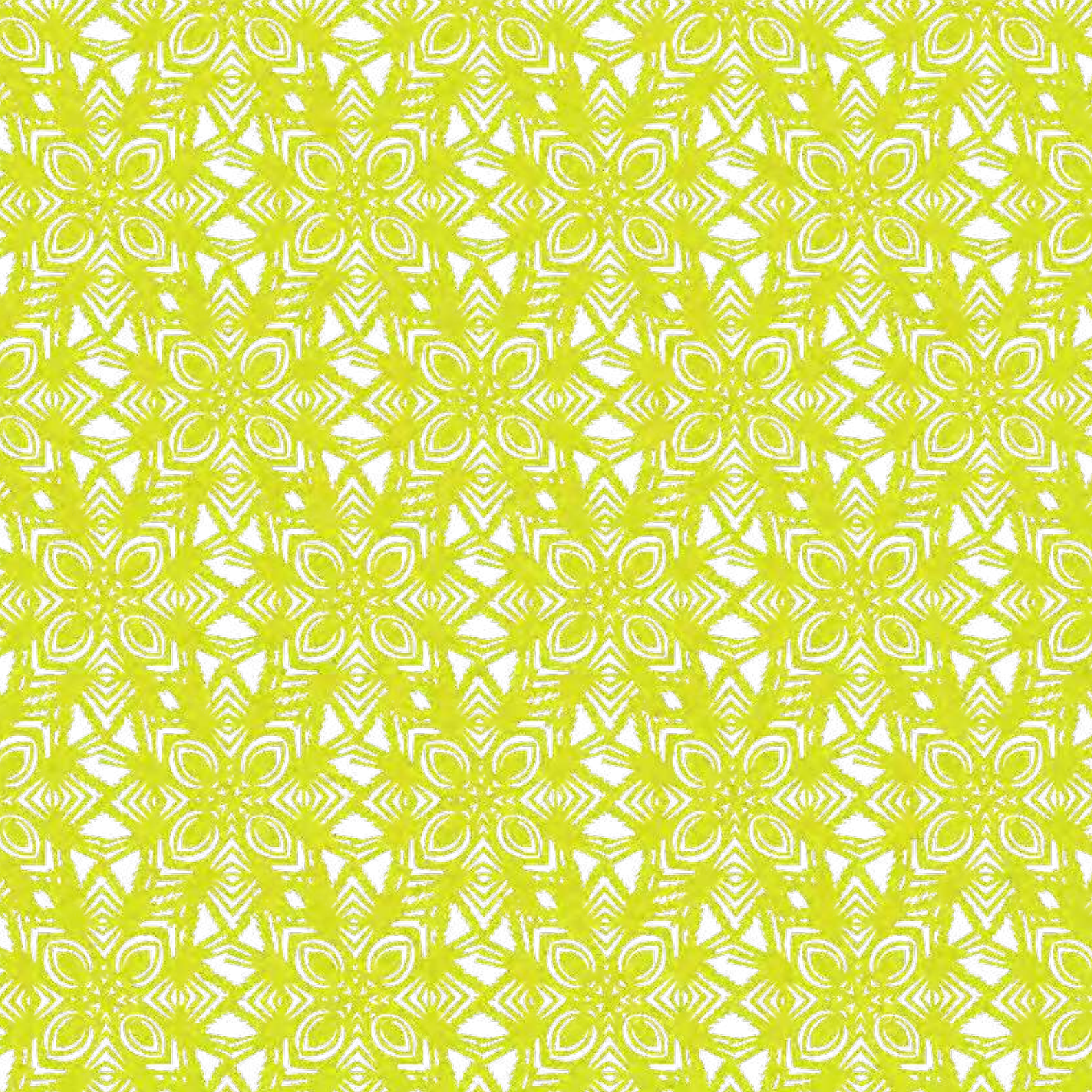
Large-scale land deals in Southern Africa: voices of the people



RUTH HALL, JOSEPH GAUSI, PROSPER MATONDI, THEODOR MUDUVA,
CAMILO NHANCALE, DIMUNA PHIRI AND PHILLAN ZAMCHIYA



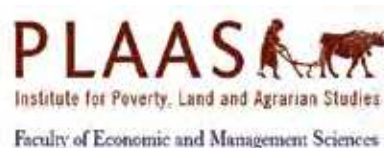
PLAAS 
Institute for Poverty, Land and Agrarian Studies
Faculty of Economic and Management Sciences





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Ruth Hall, Joseph Gausi, Prosper Matondi, Theodor Muduva,
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Preface

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

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

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

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

**Ruth Hall, Joseph Gausi, Prosper Matondi, Theodor Muduva,
Camilo Nhancale, Dimuna Phiri and Phillan Zamchiya**

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

June 2015

Acknowledgements

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

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

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

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List of abbreviations

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

Notes on contributors



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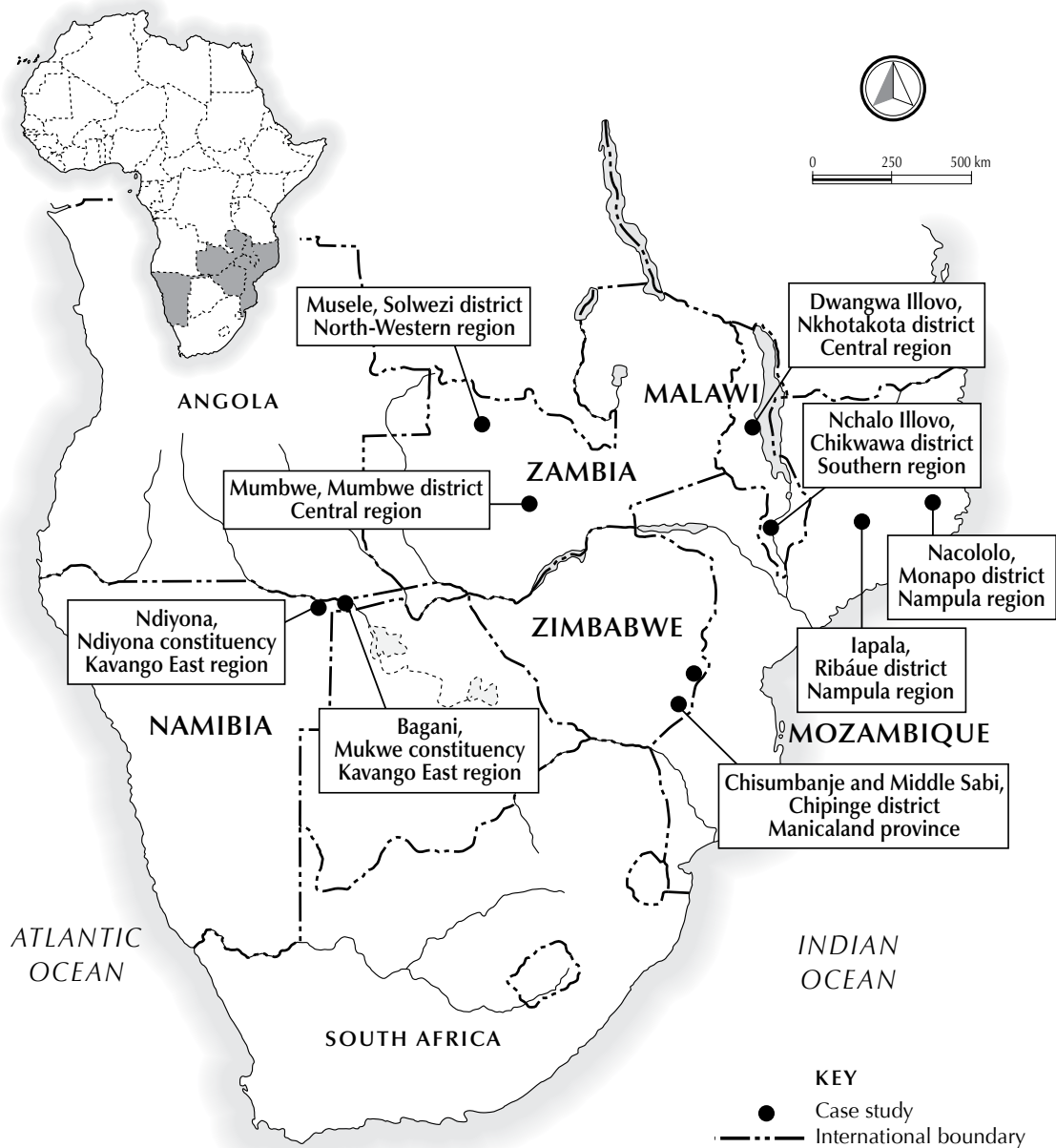
Camilo Nhancale is the chair of the board of Kuwuka JDA in Maputo, Mozambique and holds an MSc in Conservation Ecology from the University of Stellenbosch. He is a civil society activist who advocates for community rights, transparency and accountability in natural resources governance, including land and the extractive industry.

Dimuna Phiri is the social and economic justice officer at Zambia Land Alliance where she promotes land rights through effective participation and justice for the poor and vulnerable groups. She has a legal background from the University of South Africa and is passionate about upholding collective and individual human rights.



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



Introduction

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

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

International and regional land governance frameworks

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

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





Recognising rural communities' land rights

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

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

Support for and opposition to big land deals

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

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

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

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

Consultation and 'free, prior and informed consent'

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

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

Who are the leases with and who gets paid?

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



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

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

Control over production and territory

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

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What impacts do these deals have?

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

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



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

Resettlement and compensation of the dispossessed

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

Land deals without investment

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

Gaps in land governance: law, policy and institutions

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

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



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

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

Conclusion

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





Namibia



Chapter 4

Namibia

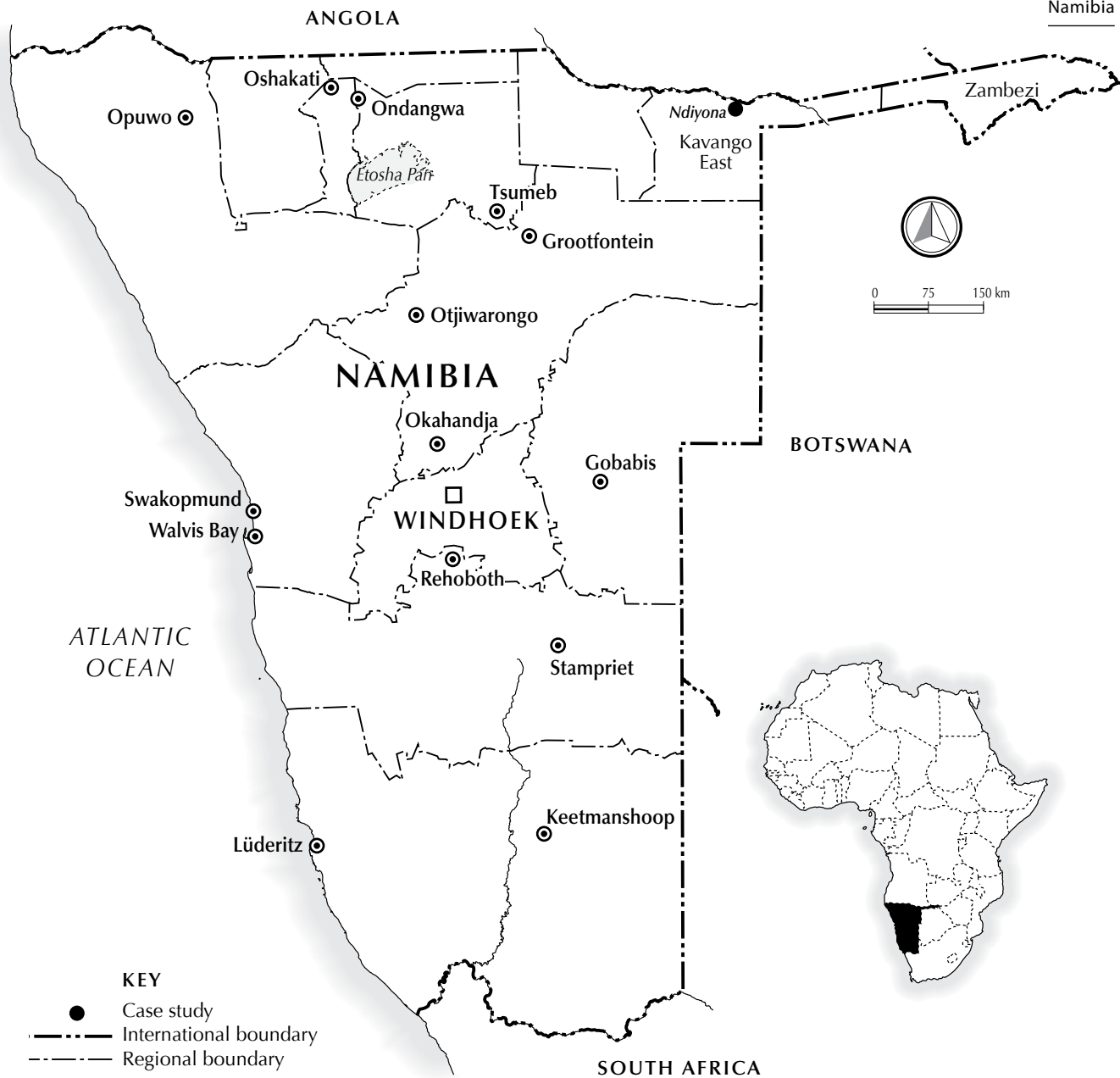
Background

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

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



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



Map 8: Namibia country map, showing Ndiyona constituency

CASE STUDY 1

NDIYONA MILLS IRRIGATION PROJECT

Location: Ndiyona settlement, Kavango East Region

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

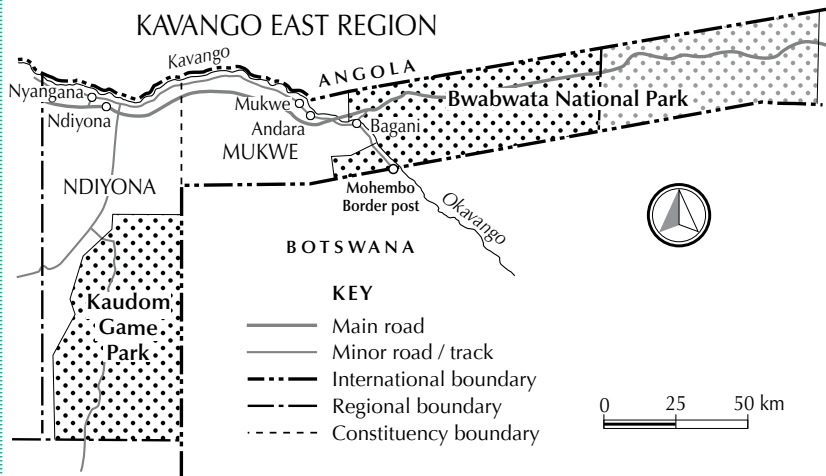
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Introduction

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

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

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





The deal

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

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

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

What do people say?

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

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



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



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



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

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

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

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



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



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



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



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



Kavango grazing land (LAC, 2013).



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



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

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

Some of the women in a focus group discussion said:



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

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

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



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

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

CASE STUDY 2

FUMU MBAMBO IRRIGATION PROJECT

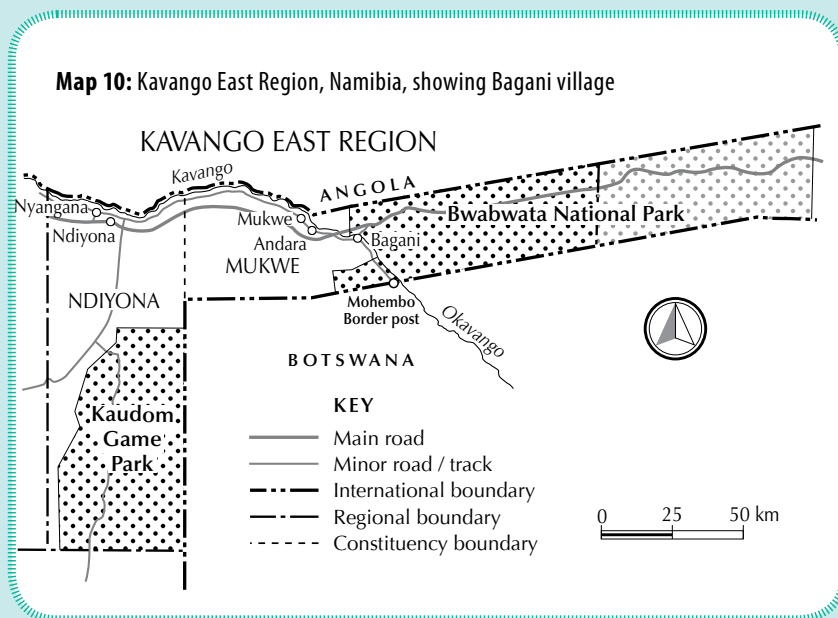
Location: Bagani village, Kavango East Region
East Region

Size of the land deal: 891 hectares

Introduction

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



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



The deal

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

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



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



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

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Subsistence farmers from Bagani village (LAC, 2013).

What do the people say?

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

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



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

The headman of Bagani village said:



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



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

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

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



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

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



Workshop participants (LAC, 2014).

Land governance in Namibia

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

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

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



LAC's role

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



Resources

International and regional guidelines

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

AU Guiding Principles on Large Scale Land Based Investments in Africa (2014)
http://www.uneca.org/sites/default/files/PublicationFiles/guiding_principles_eng_rev_era_size.pdf

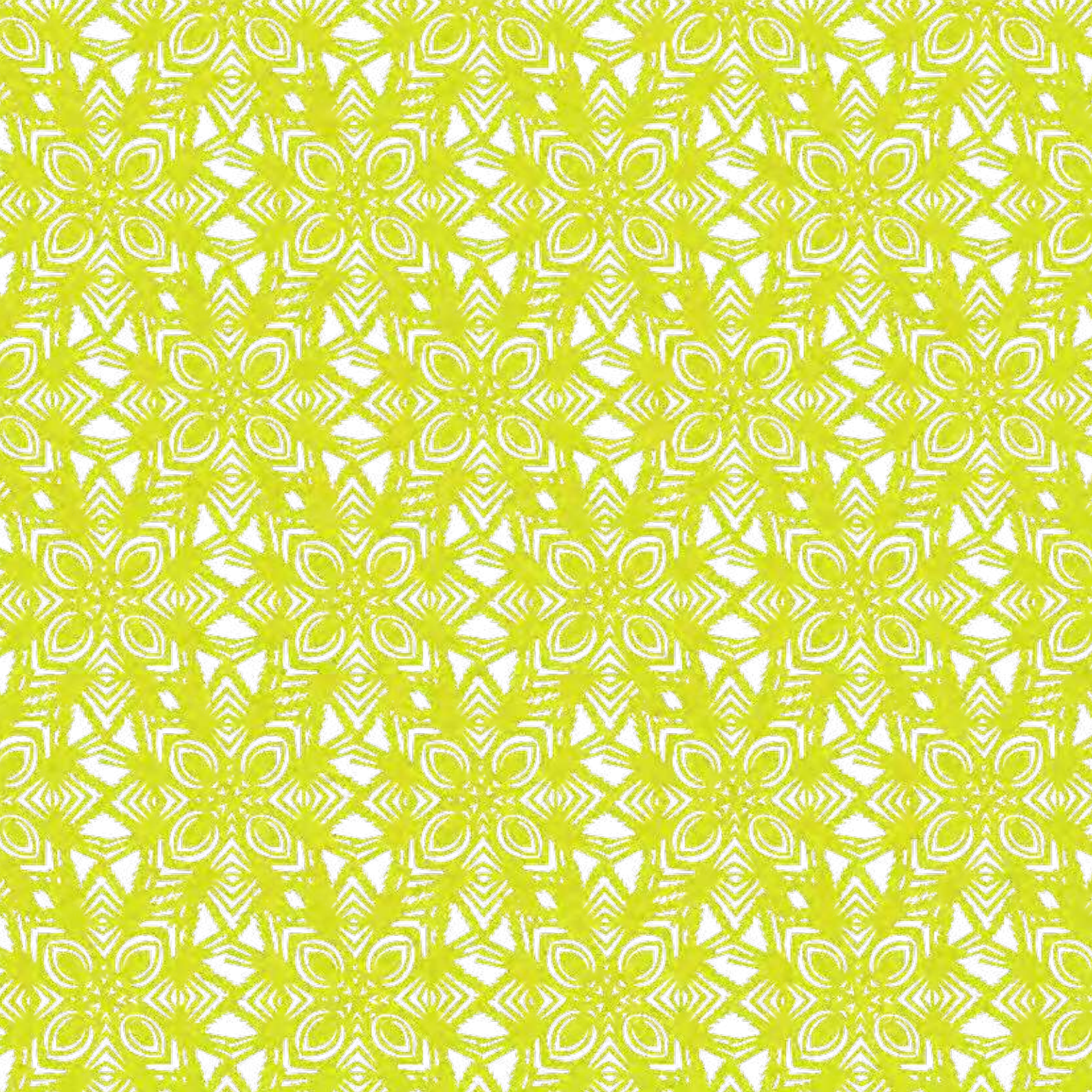
Useful resources

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

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

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

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





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

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

The case studies provide insight into core questions and debates.

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



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