

THE HUMAN RIGHTS IMPACTS OF TREE PLANTATIONS IN NIASSA PROVINCE, MOZAMBIQUE



September 2012

Editor: Philip Seufert

Photograph Credits: S4S Films and Philip Seufert

Design: Ricardo Santos

Print: PrimaveraQuint



Published by FIAN International
for the Hands off the Land Alliance

The **Hands off the Land** project aims to raise awareness about land grabbing amongst the European public, politicians, policy makers, students and professionals. The project presents case documentation, fact sheets and thematic studies of transnational land grabs in Mali, Mozambique, Zambia, Colombia and Cambodia.

For more information contact:

tni@tni.org

contact@fian.org

office@fian.at

fian@fian-nederland.nl

fian@fian.de

info@fdcl-berlin.de

igo@igo.org.pl

All opinions expressed in this publication are those of contributing authors and do not necessarily represent the views of the publishers.

Contents of this publication may be quoted or reproduced, provided that the source of information is acknowledged. The publishers would like to receive a copy of the document in which this report is used or quoted.



Produced with financial support
from the European Commission.

This publication was made possible with the financial support of the
Ministry of Foreign Affairs Netherlands through the Transnational Institute.

Neither the EC nor the Dutch Ministry of Foreign Affairs are responsible for the content of this publication.

HANDS OFF THE LAND
TAKE ACTION AGAINST LAND GRABBING



IGO
Instytut Globalnej
Odpowiedzialności



Table of Contents

List of acronyms	4
1 Introduction	5
2 General Information	6
2.1 Legal Framework	6
2.1.1 International obligations	6
2.1.2 National obligations	8
2.2 Poverty and hunger in Mozambique	10
3 Large-scale investments in forestry projects in Mozambique	12
3.1 Large-scale investment in Mozambique	12
3.2 Forestry projects	13
3.3 Tree plantations in Niassa province	15
4 Tree plantations in Niassa – the case of Chikweti Forests	16
4.1 Chikweti Forests of Niassa: the project	16
4.2 Impacts	17
4.2.1 Impacts on communities' access to land and livelihoods	18
4.2.2 Impact on communities' access to water	23
4.2.3 Environmental impacts	24
4.2.4 Inadequate consultation of local communities	24
4.3 Reactions by states and investors	27
4.3.1 Reactions by states	27
4.3.2 Reactions by Chikweti Forests of Niassa and its investors	29
4.4 Human rights analysis	32
5 Recommendations	36
References	38
Notes	39

List of acronyms

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEPAGRI	Centro de Promoção da Agricultura - Agricultural Promotion Center
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CFS	Committee on World Food Security
CRC	Convention on the Rights of the Child
DNTF	Direcção Nacional de Terras e Florestas - National Directorate of Lands and Forests
DUAT	Direito de Uso e Aproveitamento da Terra – Right of use and benefit of land
ETO	Extraterritorial human right obligations
FAO	UN Food and Agriculture Organization
FIVH	Framtiden i våre hender - Future in Our Hands
GC	General Comment
GSFF	Global Solidarity Forest Fund
GSFI	Global Solidarity Fund International
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labor Organization
INSS	Instituto Nacional de Segurança Social - National Institute for Social Security
MINAG	Mozambican Ministry of Agriculture
SETSAN	Secretariado Técnico de Segurança Alimentar e Nutricional - Technical Secretariat of Food and Nutrition Security
OVF	Opplysningsvesenets fond – National Norwegian church endowment
PARPA	Plano de Acção Para a Redução da Pobreza Absoluta - Action Plan to Reduce Absolute Poverty
REDD	Reduce Emissions from Deforestation and Forest Degradation
PEDSA	Plano Estratégico de Desenvolvimento do Sector Agrário - Strategic Plan for the Development of the Agricultural Sector
UDHR	Universal Declaration of Human Rights
UNAC	União Nacional de Camponeses - National peasants' union
UNFCCC	United Nations Framework Convention on Climate Change

1. Introduction

This study investigates the impairing of the rights of peasant communities through the establishment of tree plantations in Niassa province, Mozambique. More particularly, it looks at the impacts of the operations of Chikweti Forests of Niassa on the local population in the districts of Lago, Lichinga and Sanga.

In order to do so, it presents an introductory chapter on the general context of Mozambique and the legal framework. This legal framework will serve as a basis on the analysis of the findings of this study using a human rights approach. It contains an overview of national and international provisions relevant to the case. This includes Mozambican national legislation and policies, as well as standards under international human rights law. Regarding the latter, it puts a particular focus on extraterritorial obligations (ETOs), recently clarified by the *Maastricht Principles on Extraterritorial Obligations*, and includes provisions related to access to land and related resources, as contained in the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests*.

After this general chapter, the study will analyze large-scale investment in Mozambique with a particular focus on forestry projects. In this context, special attention will be given to the promotion of tree plantations by the Mozambican government and the donor community. A description of the development of tree plantations in the province of Niassa will then be followed by the analysis of a particular investment project, namely the establishment of eucalyptus and pine plantations by the company Chikweti Forests of Niassa. Finally, this

study contains a set of recommendations to the different actors involved in the impairing of the rights of peasant communities.

The study is largely based on an investigation carried out by the Mozambican National Peasants' Organization, UNAC (União Nacional de Camponeses), the results of which have been published in the report *Estudo de Caso sobre o Impacto da Aquisição de Terras em Grande escala para a Produção de Monoculturas (Eucalipto e Pinho) pela Chikweti Forests of Niassa* in May 2012. This report is largely based on field research in Niassa province. The information was gathered through individual and focus group interviews with focal groups with members of local communities in the districts of Lago, Lichinga and Sanga, as well as through interviews with other stakeholders, including authorities at provincial and district levels, the company Chikweti Forests of Niassa, Malonda Foundation and civil society organizations (CSOs): União Provincial dos Camponeses de Niassa (UPCN), Rede das Organizações para o Ambiente e Desenvolvimento Sustentável (ROADS), União dos Camponeses e Associações de Cooperativas (UCA) e Associação Rural de Ajuda Mútua (ORAM). The investigation also included the analysis of all relevant documents, and especially of relevant laws and regulations.

Further information for the present study was gathered during a field visit by FIAN International to Niassa in May/June 2012. Additional research has been done by FIAN Netherlands and the Transnational Institute (TNI), FIAN Norway, FIAN Sweden and IGO from Poland.

2. General Information



2.1 Legal Framework

2.1.1 International obligations

As member state to the United Nations, Mozambique has ratified several human rights instruments: The Universal Declaration of Human Rights (UDHR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC). The country has also ratified several Conventions of the International Labor Organization (ILO). At the regional level, Mozambique is state party to the African Charter on Human and Peoples' Rights, the African Charter on the Rights and Welfare of the Child and to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

The right to adequate food

Article 25 of the UDHR contains the right of every human to an adequate standard of living, including the right to food. This right is reaffirmed in article 12 of the CEDAW and in article 24 of the CRC, with special focus on women and children. The right to adequate food, as part of the right to an adequate standard of living, is further guaranteed

by the International Covenant on Economic, Social and Cultural Rights (ICESCR) and has been interpreted by the authoritative UN Committee on Economic, Social and Cultural Rights (CESCR) in its General Comment (GC) 12. Mozambique has not ratified the ICESCR, and is therefore not bound by the obligations it contains. Still, it should consider GCs as tools to assist the implementation of economic, social and cultural rights deriving from instruments other than the ICESCR. Furthermore, Mozambique adopted a National Food Security Strategy in 2007, which refers to the human right to adequate food and the need to apply a rights based approach.

GC 12 points out that the right to adequate food is more than the right to a certain package of calories and nutrients; it states that the right to food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement.¹ This includes both the use of productive land or other natural resources to obtain food and income as well as functioning distribution, processing and market systems that can move food from the site of production to where it is demanded. The ability to individually or communally cultivate land (on the basis of ownership or other form of tenure) is therefore part of the basic content of the right to adequate food which must be respected, protected and fulfilled by States.

In 2004, the UN Food and Agriculture Organization (FAO) adopted the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, which seek to give states guidance on how to achieve the right to adequate food. They put a particular emphasis on the securing of access to productive resources. They provide, inter alia, that states should facilitate sustainable, non-discriminatory and secure access and utilization of resources and respect and protect the assets that are important for peoples' livelihoods. States should furthermore respect and protect the rights of individuals with respect to resources, such as land, water, forests, fisheries and livestock without any discrimination.² Moreover, states are recommended to take measures to promote and protect the security of land tenure, especially with respect to women, poor and disadvantaged segments of society and should promote conservation and sustainable use of land.³

The secure and equitable access to land and resources as condition for the realization of the right to adequate food has recently been further developed in the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, which have been adopted by the Committee on World Food Security (CFS) in May 2012.⁴ These Guidelines contain recommendations, based on states' existing human rights obligations, to improve the governance of land and other resources with the overarching goal of progressive realization of the right to food.

Keeping in mind the indivisibility of human rights, the right to food has also to be interpreted in the light of many other economic, social and cultural, civil and political rights to which it is linked. This applies, for example, to the right to adequate housing, which is also part of the right to an adequate standard of living. GC 4 of the CESCR establishes that the right to adequate housing encompasses the right to live in a location in security, peace and dignity.⁵ The obligation to guarantee security of land tenure and to abstain from undertaking or promoting practices of forced evictions and arbitrary displacement is a corollary of the obligation to respect the right to adequate housing.

The right to water

The human right to water has been recognized as human right by the UN General Assembly in 2010 and was later ratified in a resolution of the Human Rights Council. The right to water had already been recognized as part of the right to an adequate standard of living by the CESCR in its GC 15. The right to water is also mentioned in the Convention of the Rights of the Child (Art. 20, 26, 29, 46) and in the Convention

on Elimination of all forms of Discrimination Against Women (CEDAW) in article 14 (2). GC 15 defines the right to water as the right of every human being to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.⁶ It further underlines that the right to water falls within the category of guarantees essential for securing an adequate standard of living, particularly since it is one of the most fundamental conditions for survival. In paragraph 7, GC 15 particularly "notes the importance of ensuring sustainable access to water resources for agriculture to realize the right to adequate food. 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,"⁷ "States parties should ensure that there is adequate access to water for subsistence farming and for securing the livelihoods of indigenous peoples."⁸

While the adequacy of water required for the right to water may vary according to different conditions, some factors apply in all circumstances: availability, i.e. the water supply for each person must be sufficient and continuous for personal and domestic uses; quality, i.e. the water required for each personal or domestic use must be safe; physical accessibility, i.e. water, and adequate water facilities and services, must be within safe physical reach for all sections of the population; economic accessibility, i.e. water, and water facilities and services, must be affordable for all; and non-discrimination, i.e. water and water facilities and services must be accessible to all, including the most vulnerable or marginalized sections of the population.

International human rights law establishes two types of obligations for states: general obligations and specific obligations. In order to comply with their general obligations, states have the duty to adopt measures for the progressive realization of human rights. This obligation contains the prohibition of any retrogressive measures. Furthermore, states have to insure that nobody will be discriminated in the enjoyment of human rights on the grounds of race, colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status (including HIV/AIDS), sexual orientation or civil, political or social status.

Regarding specific obligations, the right to adequate food and the right to water, like any human right, impose three types of obligations on states: the obligations to respect protect and fulfil. The obligation to respect the existing access to

adequate food and water requires that states do not take any measure, which destroys or prevents the enjoyment of these rights. The obligation to protect requires that states take measures in order to prevent third parties (individuals, groups, corporations and other entities) from interfering in any way with the enjoyment of the rights to water and to food. Finally, states have the obligation to fulfil, i.e. to take the necessary measures directed towards the full realization of these rights, including particularly active steps to improve the access to and use of resources.

Extraterritorial Obligations

The human rights obligations of states include extraterritorial obligations (ETOs), according to which they have the duty to take measures to respect and protect the enjoyment of human rights, including the right to adequate food and the right to water, in other countries. The extraterritorial human rights obligations have recently been clarified in the Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights.⁹

Extraterritorial obligations encompass, on the one hand, obligations relating to the acts and omissions of a state, within or beyond its territory, that have effects on the enjoyment of human rights outside of that state's territory, and on the other hand, obligations of a global character that are set out in the Charter of the United Nations and human rights instruments to take action, separately, and jointly through international cooperation, to realize human rights universally.¹⁰ ETOs also include the states' responsibility for the conduct of non-state actors, be it acts and omissions of non-state actors acting on the instructions or under the direction or control of the state, or acts and omissions of persons or entities which are not organs of the state, such as corporations and other business enterprises.¹¹

Concretely, states have the obligation to avoid causing harm and must thus desist from acts and omissions that create a real risk of nullifying or impairing the enjoyment of human rights extraterritorially. The responsibility of states is engaged where such nullification or impairment is a foreseeable result of their conduct.¹² In order to comply with their obligations, states must thus conduct prior assessment, with public participation, of the risks and potential extraterritorial impacts of their laws, policies and practices on the enjoyment of human rights. The results of the assessment must be made public.¹³

Regarding non-state actors, states have the duty to take necessary measures to ensure that non-state actors which they are in a position to regulate do not nullify or impair the enjoyment of human rights. This includes private individuals and organizations, but also transnational corporations and other business enterprises where they or their parent or controlling company has their centre of activity, or is registered or domiciled, or has its main place of business or substantial business activities in the state concerned.¹⁴

2.1.2 National obligations

Human rights obligations

The Constitution of the Republic of Mozambique states as fundamental objective the promotion of human rights and equality of citizens before the law, in addition to the promotion of balanced economic, social and regional development of the country.¹⁵ The Constitution further 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 and Peoples'



Rights.¹⁶ Article 18 (2) awards international conventions and treaties the same status as the national law which incorporated them into the legal system.¹⁷

Land rights

The Mozambican constitution of 2004 establishes that land is owned by the state.¹⁸ Land cannot be sold or mortgaged, but the use and benefit of the land is the right of all Mozambicans. The state determines the use of land, and grants land titles to collective or single persons for these ends.¹⁹ In this context, the constitution specifically recognizes rights that have been acquired through heritage or occupation of land.²⁰

The system of land tenure in Mozambique is above all regulated by the Land Law of 1997. It has been internationally acknowledged as one of the most progressive with respect to the recognition of the land rights of rural communities, as well as the way in which it deals with collective and community tenure. The law explicitly states that in rural areas local communities take part in the management of natural resources, in the resolution of conflicts, in the process of titling and the identification of the limits of the lands occupied by them.²¹

The Land Law establishes that the right of use and benefit of land (*Direito de Uso e Aproveitamento da Terra*²², DUAT) can be obtained by three the following groups: individuals and communities who occupy land in accordance with their customary practices, provided that they do not violate the Constitution; Mozambican individuals using the land in good faith for at least ten years; and other groups or individuals who can apply for a DUAT title.²³ The first two groups have permanent rights (i.e. DUATs), which can be inherited but not sold. A DUAT title (*título do DUAT*), i.e. a formal land

title, is not needed but can be applied for. The law explicitly determines that the absence of land title or registration must not harm the benefit and use of land.²⁴

A regulation on the Land Law establishes certain criteria regarding the procedure to obtain the DUAT title for a defined area of land for private investment projects. Among others, this includes the obligation for public authorities to conduct a previous investigation, which has to include the cadastre services, local authorities and the local communities.²⁵ The results of this investigation have to be documented and signed by all interested parties, in order to identify the exact area of concessions for private investment and identify those areas on which previous DUATs exist. If other rights exist in the required area, the document has to contain details on how to govern a partnership between the rights holder and the applicant.²⁶

Regarding consultation with local communities, the Land Law states that the process of DUAT titling includes consultations with the affected communities for the purpose of confirming that the area applied for is free and has no occupants.²⁷ The decree on community authorities further establishes that traditional community leaders should be consulted for the resolution of fundamental questions, which affect the life, the well-being and the integrated development of the living conditions of communities.²⁸ Article 17 of the Law on Forests and Wildlife establishes that the attribution of forestry concessions has to be preceded by a consultation of local communities in the affected area, by the organs of the local administration of the State.²⁹ Finally, the Law on spatial planning of 2007 guarantees, in Article 22, the rights of rural communities, city dwellers and others, to information on and participation in the elaboration, execution, modification and revision of the instruments for spatial planning.³⁰ With respect to expropriation, the law determines that expropriation for



public purpose has to be preceded by a justification based on the respective law as well as accompanied by compensation for: a) the loss of material and non-material goods; b) the breaking of social cohesion; and c) the loss of means of production.³¹

Although these provisions are quite clear with respect to the protection of existing land rights and the right of communities to participate in decisions that affect them, there have been problems with the acquisition of land rights in the context of large-scale investments. As will be described in more detail later, especially the way consultations with local communities have been carried out has proven to be problematic.

Problems with the effective protection of existing customary rights have led to a resuming of community land delimitations in 2010. As mentioned before, communities occupying land through customary tenure have permanent rights and do not need a formal DUAT title. However, communities can register their land rights formally. There are two ways of doing this. The first is delimitation (*delimitação*) in which a sketch map is registered in the land registry and a certificate (*certidão*) is issued by the Provincial Geography and Cadastre Service. In order to obtain a formal DUAT title, demarcation (*demarcação*) has to be done. This includes the placing of cement markers at reference points around the perimeter and is thus more expensive.³² Delimitation has been seen by some experts and civil society organizations as a good step in order to secure community rights. However, community land delimitation stopped in 2007 due to lack of clarity of certain legal provisions. Community land delimitations have been taken up again in 2010.³³

It is worth noting that the Land Law has repeatedly been facing strong pressures. Land privatization was already promoted before the Land Law was drafted, but eventually rejected. Since then, the issue of privatization has been brought up from time to time, including by some members of the Mozambican government, but also by donors.³⁴ More generally, the Land Law is facing strong pressures for reform due to the fact that it is not functional to the economic development policies.

2.2 Poverty and hunger in Mozambique

Mozambique remains one of the world's poorest countries, despite an economic growth of over 6 per cent over the last few years.³⁵ Poverty is highly conditioned by the country's history of colonization and civil war. Furthermore, in 1991-1992, Mozambique was affected by one of the 20th century's 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; more than 40 per cent of the country's budget derives from development aid.³⁶ The Human Development Index ranked the country 184th out of 187 countries in its 2011 edition, with an HDI of 0.3220.³⁷ This means that the HDI is lower than in the previous years and Mozambique has fallen one place with respect to 2010. There has been a significant decrease in poverty and there is the potential to achieve the MDG to reduce by half the number of people living below the poverty line by 2015. However, the decrease in poverty has almost stopped in the last few years and around 50 per cent of the population continue to live on less than 1 US dollar a day and do not have access to basic services like safe water, schools and medical facilities.³⁸ According to the Mozambican Technical Secretariat of Food and Nutrition Security (SETSAN), around 35 per cent of Mozambican households are chronically food insecure. The provinces with the highest incidence of chronic food insecurity are Zambezia (35.6 per cent), Tete (34.6 per cent), Maputo (34.4 per cent) and Inhambane (29.5 per cent).³⁹ According to SETSAN, 46 per cent of all children below 5 years are malnourished.⁴⁰ Mozambique is further 65th out of 81 countries on the Global Hunger Index, with a hunger index of 22.7, which is "alarming" according to the methodology of the Index.⁴¹

Mozambique's development is deeply connected to the agricultural sector, as 80 per cent of the population live in the rural area and 56.9 per cent of them live below the poverty line.⁴² 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 have few alternatives for income-generation other than agriculture and therefore are exposed to food insecurity. Women face additional challenges given their lower access to education. The difficult access to medical facilities also contributes 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.⁴³ In general, the rural population is isolated due to the lack of infrastructure in the country which hampers access to markets, goods and services. 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."⁴⁴ The lack of infrastructure affects the population to such an extent that these groups, when asked about their priorities, name them 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.

According to the PEDSA, Mozambique's cultivated land is 4.5 per cent of the territory, of which 2.75 per cent is

irrigated.⁴⁵ Mozambique's land tenure structure is dominated by small holdings: peasant families make up 99.65 per cent of all agricultural holdings and control 95.19 per cent of the total cultivated area.⁴⁶ According to more recent data, by 2008, around 5 million hectares were under production; agriculture employs 80 per cent of the country's population and contributes 32 per cent to the GDP, while the sector contributes 16 per cent to all exports.



3. Large-scale investments in forestry projects in Mozambique



3.1 Large-scale investment in Mozambique

A Portuguese colony for centuries, Mozambique gained independence in 1975. However, shortly after independence, Mozambique became the battleground of a war that lasted until 1992. At first sight a civil war between the socialist ruling party and former liberation movement Frelimo and an opposition guerilla movement known as Renamo, Mozambique was in reality one example that shows that the Cold War could in reality be very hot in some places. After the end of the war in 1992, donors stepped into Mozambique with considerable amounts of aid. At the same time, the international financial institutions (IFIs) imposed structural adjustment measures, consisting of privatizations, liberalization and cuts in government spending. This was supposed to be made up by foreign investment.

Regarding agriculture, the Mozambican government promoted large-scale plantation agriculture, just as the colonial government had done before. With the end of the socialist era, foreign investors were supposed to take over. However, donors and foreign investors had no particular interest in agriculture in the first years after independence, with the exception of two areas: sugar production and timber, both traditions from colonial times.

Foreign investment in Mozambique has seen a boom since 2000. In 2006, a new Agricultural Promotion Center, CEPAGRI (Centro de Promoção da Agricultura), was created to promote large-scale agricultural investment. Large-scale investment projects have also been promoted through the Action Plan to Reduce Absolute Poverty 2006-2009

(Plano de Acção Para a Redução da Pobreza Absoluta, PARPA II), whose main goal was to maintain high rates of economic growth in order to reduce poverty. Regarding rural development, the Action Plan set the priority to stimulate the structural transformation of agriculture in order to increase its productivity and its competitiveness in the international market. In addition, it emphasized the need to rationalize and regulate the use of land and the coordination with civil society and the private sector for quick ways of conflict resolution.⁴⁷

According to the World Bank, 2.7 million hectares of land were transferred in Mozambique between 2004 and 2009. Fifty-three per cent of this area (i.e. around 1.4 million hectares) was transferred to domestic investors, while foreign investors acquired the remaining 47 percent, around 1.3 million hectares.⁴⁸ Based on a compilation of different sources, the Oakland Institute indicates that 1 million hectares have gone to foreign investors, 73 per cent of which are for the forestry sector and 13 per cent for agrofuels and sugar.⁴⁹ However, as in many other countries it is difficult to obtain precise information on large-scale land transactions. There is no public land registry in Mozambique and most contracts between investors and government are kept secret. In principle, approval of projects of over 10,000 hectares, which are to be approved by the Council of Ministers,⁵⁰ is announced and published on the government website. But information on approval of DUATs for smaller areas is difficult to obtain, including those between 1,000 and 10,000 hectares, which have to be approved by the Ministry of Agriculture. It is also known that companies in many cases split up the areas they aim at so that they can apply for DUATs for smaller areas.

Investors are attracted with the promise of large areas of available fertile land, good climatic conditions and low land prices. According to an agrarian zoning by the Mozambican Ministry of Agriculture in 2008, Mozambique had 36 million hectares of potentially arable land, of which 7 million hectares were available for large-scale agricultural investment.⁵¹ Mozambique furthermore disposes of fertile soils in many regions and good climatic conditions, including enough rainfall for rainfed agriculture or water availability for irrigation. Especially in the center and north of the country, this is not expected to change due to climate change. Finally, land in Mozambique is extremely cheap given that land belongs to the state and a DUAT is just a permission to use the land. Costs for obtaining DUATs are low and land taxes are very low.⁵²

A World Bank report in 2009 found that over half of the area given to investors was “unused or not fully used.”⁵³ This was confirmed by the Ministry of Agriculture that stated that it was concerned by the underuse of large areas that have been ceded to investors.⁵⁴ This and the fact that investors encountered problems and resistance of local communities might have contributed to the fact that the Mozambican government stopped land concessions of over 1,000 hectares in late 2009.⁵⁵ In addition, the Council of Ministers decided to change the procedures for consultations to be carried out by investors with local communities in August 2010. According to the new rules, two meetings are required instead of one; the first to give information on the planned project and the lands the investor wants, and a second for the respective community to respond and say if it is willing to cede land. Furthermore, meetings have to be given adequate publicity in order to ensure effective participation.⁵⁶

In May 2011, the Council of Ministers also approved a new Strategic Plan for the Development of the Agricultural Sector (Plano Estratégico de Desenvolvimento do Sector Agrário, PEDSA), which at least partly shifts away from the stress of large-scale foreign investment. The new policy encourages domestic investment and the development of small to medium scale commercial agriculture.

Some observers have interpreted this as a sign that there was a change of mind or at least a debate on the nature of agricultural investment needed in Mozambique within the government.⁵⁷ However, it is very uncertain whether these measures are enough to change things substantially. CEPAGRI continues to promote large-scale foreign investments in agriculture and concessions to foreign investors were taken up again in October 2011, when the Council of Ministers approved a forestry project of almost 20,000 hectares.⁵⁸ Most probably, approval for DUATs for areas under 1,000 hectares, which are dealt with at provincial

level, had gone on also during the freeze. Finally, a new agrarian zoning is currently underway, whose aim is, among others, to identify areas for foreign investors.⁵⁹

It is thus to be expected that new large-scale projects will be established in Mozambique and ongoing projects will continue, and possibly be expanded. The booming sectors are currently sugar cane, coal mining⁶⁰ and tree plantations.

3.2 Forestry projects

More than half of Mozambique, around 40 million hectares, is covered by forests.⁶¹ Forestry and tree plantations have a long history in the country, dating back to colonial times. Portugal encouraged the exploitation of native forests, as well as the planting of eucalyptus and pine trees, and by independence there were 20,000 hectares of tree plantations of exotic species in seven provinces: Gaza, Inhambane, Manica, Maputo, Niassa, Tete and Zambézia.⁶² After independence, the Mozambican government continued to establish tree plantations, and especially planted fast growing species in order to supply the wood needs of the urban centers of Maputo, Beira and Nampula. By that time, the wood needs of these cities had led to increasing pressure on native woods in the areas surrounding them. Several plantation projects were then initiated in the seventies and eighties so that in 1992 the area covered by tree plantations had doubled, reaching around 40,000 hectares. In the years after the liberalization and privatization promoted by the World Bank and the IMF, the forestry sector was, besides sugar, the only area that attracted considerable interest of private investors. According to the FAO, the area covered with tree plantations was 62,000 hectares in 2010.⁶³

The forestry sector has also been one of the sectors that have contributed to the boom of large-scale investments since 2000. As already said, according to estimates, out of 1 million hectares granted to foreign investors, 73 percents were for forestry projects. Indeed, the largest recent concessions have been for forestry projects, including the largest single land concession so far.⁶⁴

The tree plantation sector is a booming sector worldwide, and especially in Africa, Asia and Latin America. According to the FAO, the area of “planted forest” in the global south increased from 95 million to 153 million hectares between 1990 and 2012, an increase of more than 50 per cent.⁶⁵ The global demand for wood has increased due to its various uses, including for paper production, cellulose products, as timber, and more recently, also as a source of energy as substitution for fossil fuels in industrial processes and for second generation woodbased biofuels.⁶⁶



Forests and plantations have also regained attention through the discussions, in the context of the United Nations Framework Convention on Climate Change (UNFCCC), about a mechanism to reduce emissions from deforestation and forest degradation (REDD/REDD+). The basic idea of such a mechanism is that countries that succeed in reducing deforestation and forest degradation are rewarded with payments. Since UNFCCC's definition of forests does not distinguish between native forests and tree plantations, the setting up of the latter could be used to achieve these goals. Several experts fear that this could even encourage the transformation of natural forests into plantations. While the negotiations about REDD/REDD+ are still underway, the World Bank, UN organizations and some bilateral initiatives have begun to allocate money to tropical and subtropical countries so that they can prepare for such a mechanism. Several interested countries have thus presented so-called Readiness Proposal Idea Notes (R-PIN) to the Forest Carbon Partnership Facility (FCPF), established by the World Bank in 2008. After the approval of the R-PINs, which contain information on the forest sector and an overview of conditions and difficulties for a participation in REDD, countries were invited to present concrete Readiness Preparation Proposals (R-PP).⁶⁷ One of these countries is Mozambique, which submitted its R-PP in March 2012.⁶⁸

The Mozambican government has been actively promoting large-scale private investment in tree plantations for many years. In 2006, the Ministry of Agriculture presented a discussion paper that led to the elaboration of a national Reforestation Strategy in 2010.⁶⁹ This strategy argues that Mozambique has around 36 million hectares of arable land, of which only around 14 million are currently used for agriculture. It further says that, given that 15 million hectares would be necessary to produce enough to satisfy the country's alimentary needs, 21 million hectares could be used for other cultures, including tree plantations. The strategy then sets the objective of establishing tree plantations on around 1.3 million hectares in the next 20 years.

This objective is justified by a number of elements. First of all, the document argues that global demand for wood products is increasing, especially for paper production. In this context, Mozambique has a strategic geographic position, since much of the rising demand comes from Asian countries. Secondly, Mozambique disposes of excellent agro-climatic conditions for tree plantations. The Strategy then argues that tree plantations are necessary to stop degradation and logging of native forests due to wood demands for the domestic use by people and the tobacco industry. Furthermore, tree plantations could be used to protect and conserve fragile ecosystems. Finally, tree plantations would serve as sinks for carbon dioxide and thus contribute to reduce the effects of global climate change. Overall, tree plantations would constitute a basis for rural development by creating jobs and wealth. Given that the establishment of tree plantations requires high specialization and high capital input, foreign investment would be needed.⁷⁰ The overall investment needed is estimated at around 1.4 billion US dollars over 20 years.⁷¹

The strategy aims at establishing four different types of plantations: commercial and industrial plantations; plantations for energetic use; community plantations; and plantations for conservation and protection of the environment. The component of industrial tree plantations makes up by far the biggest part of the plantations, with 1 million hectares to be planted until 2030. According to the strategy, this would create at least 250,000 permanent jobs. The objectives are further to attract private investment of 1,000 US dollars per hectare and to produce an annual return of at least 1,500 million US dollars per year, for the next 20 years through the exportation of wood and manufactured products.⁷²

According to the strategy, the provinces in the center and northern regions of the country are most suited for the establishment of plantations of fast growing species: Cabo Delgado, Manica, Nampula, Niassa, Sofala and Zambézia.



3.3 Tree plantations in Niassa province

Niassa is located in the north of Mozambique and is the country's largest province at around 129,000 km². Due to its relatively small number of inhabitants of around 1 million people, it has a population density of only around 8 inhabitants per km². Most of the province is covered by a plateau and has fertile lands. Large parts of Niassa are covered by forests. The province has had little investment for many years and little infrastructure. Like in the rest of the country, 80 per cent of the population live in rural areas and depends on small-scale farming.

Because of its overall adequate soil and climatic conditions, as well as low population density, Niassa is one of the provinces where the Mozambican government has been promoting large-scale investments in tree plantations. According to the Reforestation Strategy, plantations should be set up in Niassa on around 335,000 hectares until 2030, of which around 320,000 for industrial tree plantations. The Strategic Plan of the provincial government sets the aim of attracting private investment for commercial plantations for 240,000 hectares until 2017.⁷³

In order to facilitate investments of the private sector, the Mozambican government, together with the Swedish government, set up the Malonda Foundation (Fundação Malonda) in 2005. The foundation was established in the context of a cooperation agreement between Mozambique and Sweden from 1997 and is one part of Swedish cooperation with Niassa, which has four components: support to the public sector, support to the private sector, support to civil society and support to infrastructure.⁷⁴ According to the Swedish cooperation agency Sida, the main objective of the cooperation is "the reduction of absolute poverty in the province, but through a strategy that includes private investment centred on the process of sustainable economic and human development."⁷⁵ Malonda's role is to facilitate the operations of foreign investors and to "improve the business environment" in the province. Its main objective is to promote investments in three

sectors: forestry, agriculture and tourism.⁷⁶ Malonda is mainly financed by Sida, but announced that it is currently looking to diversify its sources of revenue, since Sida's present five-year Development Cooperation to Mozambique finishes in 2012.⁷⁷ The total amount of Swedish official development aid (ODA) to Mozambique between 2010 and 2013 is 725 million Swedish crowns per year, or around 80 million euro.⁷⁸

On its website, Malonda Foundation prominently advertizes that plenty of land is available in Niassa. According to Malonda, 12.3 million hectares of arable land are available for agriculture as well as a "potential of about 2.4 million hectares for launching forestry plantations of rapid growth species and 640 thousand hectares available for concession."⁷⁹ So far, the foundation has facilitated the establishment of six companies that have set up tree plantations: Chikweti Forests of Niassa, Florestas de Niassa, Companhia Florestal de Masingulo, New Forests, Green Resources and, more recently, Florestas do Planalto. According to Malonda Foundation, the total project area is 550,000 hectares in eight of Niassa's 15 districts (no number is provided for Florestas do Planalto) and investments of 385 million US dollars.⁸⁰ If these numbers are correct, the investment projects would already exceed the areas set out in the Strategic Plan of the Province of Niassa and the national Reforestation Strategy. However, according to the same source, the planted area is so far only around 28,000 hectares.

Malonda has played a double role, being, at the same time, a promoter and facilitator of investments and an investor itself. According to numbers provided by the National Directorate of Lands and Forests (Direcção Nacional de Terras e Florestas, DNTF), Malonda had been granted DUATs for over 90,000 hectares in 2010.⁸¹ Some of the DUATs were apparently then transferred to other companies. According to Malonda, it has, however, since then withdrawn "from a number of its direct operational activities" and "has already phased out its most significant direct operational activities from July – December 2009 and will complete this in the first half of 2010."⁸²

4. Tree plantations in Niassa – the case of Chikweti Forests

4.1 Chikweti Forests of Niassa: the project



Chikweti Forests of Niassa is one of the companies operating tree plantations in Niassa province. Chikweti is a subsidiary of Global Solidarity Forest Fund (GSFF), a Sweden-based investment fund focused on the forestry sector in Mozambique. According to its own information, GSFF “develops projects that provide returns to its investors and at the same time promotes community development and environmental integrity.”⁸³ The fund was founded in 2006 by the Diocese of Västerås (Sweden) and the national Norwegian church endowment (Opplysningsvesenets fond, OVF). According to the Memorandum of Investment, the size of the fund is 100 million US dollars and aims at an Internal Rate of Return (IRR) of 13 per cent per year real.⁸⁴ Behind the GSFF stand several investors from different countries: 5 per cent are owned by OVF⁸⁵ from Norway, 54.5 per cent by the Dutch pension fund Stichting Pensioenfond ABP⁸⁶ and 5 per cent by the Diocese of Västerås.⁸⁷ According to several sources, other shareholders are the Norwegian Lutheran church (co-founder) with around 7 per cent as well as funds from the US (5.5 per cent) and Denmark (around 13 per cent). GSFF’s local partner in Mozambique is the Anglican Diocese of Niassa, which owns minority shares in its investments.⁸⁸

The fund has four forestry company subsidiaries in Mozambique: Chikweti Forests of Niassa, Florestal de Massangulo (both in Niassa Province) as well as Tectona Forests of Zambézia and Ntacia Florestas da Zambézia,

both in Zambézia Province.⁸⁹ According to the Memorandum of Investment, the fund plans to invest 100 million US dollars, and another 60 million dollars to be leveraged to the investments by co-investors. GSFF is managed by Global Solidarity Fund International (GSFI), an international asset management company owned by the Diocese of Västerås (Sweden), the Lutheran Church of Sweden and OVF from Norway.⁹⁰ In February 2007, GSFF stated that GSFI had initiated forest investments in Mozambique totaling 127 million US dollars during a ten year period.⁹¹

Chikweti Forests of Niassa is GSFF’s oldest and largest investment.⁹² According to a report by the Oakland Institute, over 10 per cent of Chikweti is Mozambican owned, with shareholders such as the Anglican Diocese of Niassa (about 9 per cent), Malonda Foundation, Eduardo Mondlane University and Mozambican Individuals.⁹³ According to several sources, a US fund is another shareholder.⁹⁴ The Memorandum of Investment states that Chikweti focuses on reforestation with commercial tree plantations in Niassa province. A total of 140,000 hectares of “degraded forest land” shall be managed. The investment project aims at the establishment of tree plantations with fast growing species on 68,500 hectares. The remaining area of 71,500 hectares is said to “be set aside as protected or responsibly managed native ecosystems.”⁹⁵ Land is leased from the government of Mozambique for a period of 50 plus 50 years. The final

felling is foreseen to occur from age 18 to age 30, depending on species. However, commercial thinnings shall occur prior to the final harvest.⁹⁶ During the first five years, the primary target market for the wood will be the domestic and regional construction market, but in the medium to long term, products will be sold for export.⁹⁷ According to investigations by the organization Justiça Ambiental and the Mozambican peasants' union UNAC, in the long term the project aims at providing raw material for paper production, with India and other Asian and European countries as destination countries.⁹⁸ The company states, however, that all the trees grown by Chikweti are envisaged to be sold locally and regionally, to be used for a large range of products ranging from construction material to poles to chips.⁹⁹ Recent information by the Chikweti management indicates that there are plans for another company to build a pulp mill in Niassa.¹⁰⁰

GSFF announced from the beginning that all investments would aim at certification according to the Forest Stewardship Council (FSC), in order to confirm that forest management plans are economically viable, socially acceptable and ecologically sound. Overall, Chikweti announced that it would employ around 3,000 people in Niassa. The company states

that it is currently employing more than 1,100 people,¹⁰¹ but according to Malonda Foundation, the number of workers was reduced from around 2,500 to 900 in 2012.¹⁰²

The project also aims at providing "ecosystem services," such as trades in shares in carbon sequestration, biodiversity and conservation. According to GSFF's Memorandum of Investment, "the plantations in Chikweti alone may be able [to] sequester as much as 1.8 million metric tons of carbon by 2038."¹⁰³

According to the GSFF, the investments will contribute to development and are part of the 5F Program initiated by the Anglican Diocese of Niassa, GSFI and the United States Forest Service International Program. 5F (Forests, Finance, Food, Fuel and Future) was funded by USAID¹⁰⁴ and was promoted as an "innovative response to the need for development in Niassa Province in Mozambique."¹⁰⁵ According to GSFF, the program rests on three main activities: for-profit commercial forestry, a concerted emphasis on environmental integrity and community-based development. While the first two elements are under the charge of Chikweti, the latter is supposed to be run by the Diocese of Niassa.

4.2 Impacts



Chikweti Forests of Niassa started operating in Niassa province in 2005. The establishment of the company was facilitated by Malonda Foundation. According to the responsible of the Provincial Geography and Cadastre Service (Serviço Provincial de Geografia e Cadastro de Niassa), Chikweti has applied for a total of 14 DUAT titles in the province of Niassa. Eleven of these have been authorized, while two wait for execution, one is in procedure and one has been cancelled.¹⁰⁶ The same source indicates that Chikweti currently holds DUAT titles for 51,000 hectares in

the Districts of Lago, Lichinga and Sanga, of which close to 13,000 hectares have been planted.¹⁰⁷ The company states that it has applied for 45,371 hectares and holds preliminary DUATs for 35,430 hectares, of which 13,454 have been planted.¹⁰⁸ However, on its website, GSFF states that Chikweti has so far established 14,400 hectares of tree plantations.¹⁰⁹ However, it is difficult to obtain precise information about the exact number and size of DUATs, since authorities are reluctant to provide access to DUAT titles and the related documents.

According to the Provincial Geography and Cadastre Service 92 per cent of the areas planted by Chikweti consist of pine trees, while the remaining 8 per cent are eucalyptus.¹¹⁰ More recent information from Chikweti management indicates, however, that the company has changed its strategy and is now planting up to 90 per cent of eucalyptus on new plantations. This change of strategy is due to the slow growing speed of the pine trees planted so far.¹¹¹ During a seminar held in Västerås, Sweden, in June 2012, the Chairman of the Boards of GSFF and Chikweti, Nils Grafström, announced that Chikweti is planning to plant an additional 75,000 hectares of eucalyptus by 2017.¹¹²

Chikweti's plantations are situated in three districts: Lago, Lichinga and Sanga. Lago district is in the northwest of the province of Niassa and draws its name from the fact that it is situated on the eastern shore of the Lake Niassa/Lake Malawi. The district has a surface of around 6,500 km² and around 83,000 inhabitants, of which 51 per cent are women. According to the National Statistical Institute (Instituto Nacional de Estatística, INE), the population consists of around 19,000 households.¹¹³ The district of Lichinga, which has an area of almost 5,500 km² around the province capital of the same name in the west of Niassa, has around 95,000 inhabitants. Fifty-two per cent of the inhabitants are women, and the number of households is around 22,500. The district of Sanga, situated in the north of Lichinga and east of Lago district, covers a surface of around 12,500 km². Around 56,000 inhabitants make up around 13,000 households. Over 50 per cent of the population is women.

In all three districts, the principal activity of the population is agriculture. Families' livelihoods are based on small-scale agriculture, with beans, peanuts, maize, cassava, sweet potatoes and potatoes as main cultures. Livestock

cattle keeping is done to a lower extent. Hunting and fishing complement the diets of the families. Fishing is especially important as an additional source of livelihood in the district of Lago due its vicinity to the Lake Niassa/Malawi. Water is mainly taken from wells or water holes and, to a lesser extent, from rivers and lakes.

From the very beginning of the establishment of the tree plantations, there have been complaints by communities in the districts of Lago, Lichinga and Sanga. In some cases, these complaints have led to open resistance and conflict.

4.2.1 Impacts on communities' access to land and livelihoods

Loss of access to land and forests

One of the major impacts caused by the establishment of industrial tree plantations in Niassa is the loss of access to land by local peasant communities.

In the community of Maniamba (Lago district), people complain about the loss of access to fertile lands, which they were using for food production, due to the establishment of the tree plantations. Despite the fact that Chikweti had assured they would only use marginal areas, community members claimed it had invaded productive agricultural lands.¹¹⁴ In other cases, the plantations are situated close to the fields (*machambas*) and houses of local communities. This is the case, for example, in the community of Lipende (Sanga district), where the plantations are only ten meters away from the *machambas*.¹¹⁵ In the communities of Mapudje, Miala and Cazize in the district of Sanga, some people found their plots surrounded by the plantations.¹¹⁶



Some communities accepted to cede certain areas of their lands to the company for the establishment of tree plantations. However, they soon complained that the plantations were expanded to lands which were not ceded to the companies. This happened, for example, in the communities of Chiulica (Lago district), Lipende and Licole (both Sanga district). In the latter case, the invasion of farmland by Chikweti led to acts of resistance by community members (see box below).

The complaints of local communities led to an investigation by the Mozambican Ministry of Agriculture (MINAG) and the National Directorate of Lands and Forests (Direcção Nacional de Terras e Florestas, DNTF) in September 2010. The report with the findings of this investigation confirms the complaints of the local population.

The investigation found that Chikweti had, at that point in time, obtained DUATs for around 30,000 hectares, but was occupying another 32,000 hectares illegally.¹¹⁷ The report further confirms claims that in several communities, e.g. in the Administrative Post of Maniamba, Chikweti had invaded the land of local people, planting on productive farmland as well as local pastures. This occurred despite the fact that the company had always stated it would only plant on marginal and idle lands, or “degraded” areas.¹¹⁸ According to the reports available, plantations are set up in the most densely populated areas with fertile lands.

In addition to this, the company started some of its operations before obtaining the DUATs (e.g. in the village of Matauale, Lago district as well as Lipapa and Luambala in Lichinga district¹¹⁹), and in some cases, before carrying out the consultations with local communities, as required by the Mozambican land law. This fact was confirmed by the then Director of the company, Mr. Siniquinha, who was cited in a report by the organization Justicia Ambiental and UNAC stating that, in 2011, Chikweti had only “two finalized DUAT[s] and the remaining plantations are working simply because the flexibility of the vision of former Governor Arnaldo Bimbe who gave us permission.”¹²⁰ The intervention of provincial authorities in favor of the company is also confirmed by the investigation carried out by DNTF and the Ministry of Agriculture.¹²¹ Chikweti claims, however, that in cases where it has not yet obtained the final DUAT title, but is “in the preliminary stages of the process, [...] this does not in any way put the company in the wrong for developing the land, or makes the process illegal.”¹²²

The investigation also confirms that the plantations are, in some areas, very close to the fields and homes of the local peasants, such as in the communities of Maniamba (Lago

district) and Mapudje (Sanga).¹²³ Moreover, it indicates the existence of *machambas* inside of plantations in the communities of Mapudje, Miala and Cazize in Sanga district, a fact that is attributed to the general dispersion of the tree plantations.¹²⁴

The establishment of plantations on lands used for food production by local communities and the fact that they are established extremely close to homes and fields leads to a loss of access to farmland by local communities in Lago, Lichinga and Sanga. According to testimonies, people have to move their *machambas* further away from their villages due to the plantations. One of the reasons is that their fields and cultures are shaded by the trees. In addition, peasants in Niassa practice a form of itinerant agriculture whereby farmers move to new spaces after having worked a plot for some years. The land is then left fallow in order to regenerate and can then again be used for agricultural production after five to ten years. By occupying the lands left fallow, the plantation projects make it impossible for the peasant communities to farm in this traditional way. In fact, while the

Acts of resistance in Licole and Lipende communities, Sanga District:

In the planting season 2009/2010, Chikweti Forests of Niassa obtained the authorization from the community of Licole to plant pine trees in the area. After it had established its plantation, Chikweti expanded the planted area in the following year, entering into areas which were not ceded to the company. This led to an uprising of the local population: in April 2011, peasants from Licole and Lipende uprooted and cut down some 60,000 pine trees on an area of 12 hectares with machetes and hoes, and destroyed some equipment.

Around 12 persons were arrested and accused of being the leaders of the uprising. One of the persons arrested, Vilanculos, said that he had lost his *machamba* due to the expansion of the plantation. He told a local newspaper: “I have been released, but still I am arrested because the problem has not been resolved. I was not there at the day of the demonstration; they came to arrest me at home. Now once a week I have to present myself in Malulo. Chikweti has taken our land; where are we going to cultivate now? Our fields used to be close to our homes, now we have to go beyond the mountains where there are no schools or hospitals.”¹²⁵ On 13 June 2011, the conflict erupted once again in Licole and some buildings of the company were set on fire.¹²⁶

forestry companies claim that the lands left fallow are “idle” or “unused,” the national peasants’ organization UNAC denies that there is such a thing as unused land in Mozambique, due to the traditional way people farm. In the same line, all land is “owned” by some community through customary tenure systems.

The traditional local way of farming also includes the practice of slash and burn, which is used in order to fertilize the soil. Farmers are also moving their fields away from the plantations out of fear of being accused of putting the plantation at risk of uncontrolled fires. The investigation carried out by DNTF and the Ministry of Agriculture cites farmers complaining that they were fined because Chikweti blamed them of destroying planted trees.¹²⁷

Farmers thus see themselves obliged to farm on fields that are much more distant from their homes, sometimes spending hours to get there. In some cases, houses close to the plantations have been abandoned, either in order to be closer to the new areas for agricultural production, or because the inhabitants fear that their homes will be destroyed by fire. Indeed, while peasants are threatened to avoid burnings through fines,¹²⁸ the plantation companies still use burnings on their plantations. There is at least one reported case in which the farm of a peasant from the administrative post of Maniamba was destroyed by plantation fires.¹²⁹

The loss of access to lands used for farming impacts local communities’ livelihoods and puts them at risk of food insecurity. Like in the rest of the country, 80 per cent of Niassa’s population lives in rural areas and depends on subsistence agriculture and the use of natural resources for their livelihoods.¹³⁰ Women play an important role in guaranteeing sufficient food supply for families and it is estimated that subsistence agriculture is the main activity of 90 per cent of the economically active women (versus 66 per cent of men).¹³¹ In the districts of Lichinga, Lago and Sanga, family agriculture is the most important source of livelihood.

The access to food and the means of subsistence of the communities in the plantation areas are further reduced by the loss of access to forests by these people. Community members use forest products for several purposes: firewood to cook, wood to produce charcoal,¹³² construction material, fruit and some forest plants for medicinal use. Some of these forest products are also used as additional sources of income. Local people claim that they lose access to these resources due to the establishment of tree plantations, either because the forest companies denies

them the right to access the plantations to collect fire wood or because native forests are cut down. The investigation by the Mozambican government confirmed that felling of native forests occurred in several places, such as Maniamba, Micucue (both Lago district) and Mapudje (Sanga).¹³³ According to the district administrator of Sanga, Chikweti proceeded with large scale felling of a forest fruit tree called *massuku* that was used by local people.¹³⁴

The loss of access to land and forest of peasant communities in Niassa is likely to increase. So far, only a relatively small part of the area, which is planned to be occupied by tree plantations has been planted, and in some places, the trees are still of limited size. As stated before, Chikweti Forests of Niassa is alone aiming at managing an area of 140,000 hectares (half of it supposedly for conservation), while the provincial government plans to establish tree plantations on 240,000 hectares in Niassa, according to its Strategic Plan. Other sources even talk about a total area of almost 600,000 hectares to be occupied by the forest companies in the long term.¹³⁵ The DUATs Chikweti has applied for are for 50 plus 50 years. Vast stretches of land and related resources are thus foreclosed for current and next generations.

No alternative livelihoods through work in the plantations

Another source of complaints by local communities is related to the jobs and working conditions on the plantations. Indeed, the creation of jobs and the promise that they will provide alternative sources of income for community members is one of the main points brought forward by the forest company in Niassa. However, in many cases, there have been complaints by community members in the plantation areas about the working conditions.



Testimony from the community of Maniamba, Lago District

"My name is Abubacar Saide, I am 51 years old, I am married and have six children. I'm a peasant and I have a plot (*machamba*) with around 6 hectares in the Administrative Post of Maniamba, where I also live. In my *machamba*, I had 13 mango trees, 7 peach trees and 8 banana trees, that were 12, 10 and 7 years old respectively. Based on the sale of these products, I supported my family, including maintaining my children in school. In 2008, when the project Chikweti Forests of Niassa was doing its planting operations, it decided to clear some areas by burning. From there, the fire reached my *machamba* and destroyed the fruit trees that were there.

I immediately told the company about this, but to no avail. Consequently, on the next day I went to expose the case to the District Secretary and to the local chief (*régulo*) of the area. After that, we went to the office of Chikweti, where we explained everything to an engineer. He asked us to go with him to the place in question in order to see the damage caused by the burnings. The engineer then asked me to estimate the damages in monetary terms and I replied that it amounted to around 150,000 Meticaís (i.e. around 5,300 US dollars). He told me to come back to the office the following day in order to receive this amount. When I got there, however, he only gave me 500 Meticaís (i.e. around 18 US dollars).

Two days later, a representative of Chikweti called me and gave me another 500 Meticaís in the presence of the *régulo*, telling me that the rest would be paid in seedlings of mango and peach trees that would come from South Africa. I was not satisfied with the attitude of the project representative and went to see the *régulo*. We met again and the representative of the project told me that he could only give me a response once he had spoken with the project coordinator. Since then, the engineer has never again contacted me, so that I went to present the case to the District Services for Economic Activities (Serviços Distritais de Actividade Económica) and the District Administration, but again no solution was found.

On 20 April 2010, the day when the President of the Republic, Excellency Armando Guebuza, held a caucus in the Administrative Post of Maniamba, the members of the community put this subject on the agenda. After having been presented to the President, I was informed that the case would be settled in court. For this, all the documents I had submitted to the district were solicited. When I went to the District, I was informed that all the documents pertaining to my case had been lost. Even so, I was called before an attorney for a hearing. Later the Institute for Legal Assistance (IPAJ) made a document for me to submit to the District Court again. In turn, the District Court of Lago referred me to the Provincial Court of Niassa in Lichinga. And since then I have never been solicited to attend court again, much less by the government or Chikweti. The number of my process is 40. During the meetings we had with the company, the secretary of the district, the chief, and all Chikweti guards accepted that it was they who burned my field. They alleged that the use of burning is a technique used and recommended by Chikweti as a preventive and protective method for their crops."¹³⁶





In the plantation of Lipapa (Lichinga district) and Maniamba (Lago), workers complained about delayed payments of their salary. Instead of being paid after 30 work days, as required by Mozambican law, they were remunerated only after 45 days.¹³⁷ The company claims that these complaints are false. Further complaints are related to the procedure applied by the company in case a worker misses a working day due to health reasons. Workers from Maniamba state that in these cases they have to present a certificate that they can only get in the town of Lichinga, which is 75 km away.¹³⁸ Furthermore, even where they could prove that they had missed a working day for good reasons, workers from Licole (Sanga) report that in order to get paid they have to present themselves to the National Institute for Social Security (Instituto Nacional de Segurança Social, INSS), also in Lichinga.¹³⁹ Members of several communities complained that these procedures imposed by Chikweti were impossible to comply with, given the difficulty in getting to the province capital. Further complaints concern the long working hours and the inflexibility of the plantation companies with regards to local customs, which made it impossible for workers to attend funerals and other ceremonies.¹⁴⁰ Chikweti claims, however, that the company is in full compliance with Mozambican labor laws.

As stated before, the main promise Chikweti and other forestry companies make when they establish their plantations is that they create jobs and will provide employment for community members, thus providing alternative sources of income. While it is true that some people are employed to work on the tree plantations, it has turned out that the jobs created are scarce, instable and not well paid.

According to information given by a representative of the project, Chikweti Forests was the main employer in the tree plantation sector in Niassa province, employing 3,000 people in 2011. The majority of workers were members of local communities and 20 per cent were women. However, the

company has since then reduced the number of workers. According to the same source, the estimated number of workers was 1,500 in early 2012. In the meanwhile, more workers have been dismissed and the company itself now counts about 1,100¹⁴¹ workers, while the Malonda Foundation speaks of 900 workers.¹⁴²

This is in line with experiences in other regions where industrial tree plantations have been established: the projects create a considerable number of jobs in their initial phase of clearing, preparing and planting the land. However, worker requirements tend to decrease significantly after a few years and workers are dismissed.¹⁴³ Experience with industrial tree plantations show that in the long term the number of jobs created is considerably less than the number supported by small-scale farming.¹⁴⁴ The long term prospects of employment are thus limited. According to testimonies of community members in Maniamba, the working conditions and the dismissal of workers has led to increased wildfires set by disgruntled workers.¹⁴⁵

Furthermore, many of the contracts are short-term. Local CSOs, such as UNAC, ORAM and ROADS state that many people are employed as seasonal workers for the planting activities. However, this period coincides with the beginning of the agricultural season so that workers neglect their fields during this important time of the year. In many cases, workers reportedly are unaware of the fact that their working relation with the company is only for a very short period of time.

The work in the plantations is highly intense and workers only receive the minimum wage for the agricultural sector, which is currently 2,300 Meticaís, i.e. about 66 Euro per month. Workers do not receive any benefits other than their salary and there have been repeated conflicts about non-payment of workers in case of absence due to health reasons and of delayed payments. In the administrative post



of Maniamba and in the community of Mbandeze workers have complained about excessive working hours, stating that they had to work from 6 a.m. until 4:30 p.m.¹⁴⁶ In other cases, workers say they had started working 8 hours per day, but that working hours have recently been increased to 9 hours. In addition, workers state that the company does not provide work equipment, such as boots and gloves, nor transportation to the plantations.

Overall, the number and kinds of jobs created by the tree plantations do not make up for what communities give up. It has to be stressed that rural communities in Niassa have very little to no experience with wage labour and consequently are not always aware of its implications. The complaints of workers about the incompatibility of their work with traditional customs, such as attending funerals and other ceremonies, illustrates this quite well. This lack of experience is particularly problematic when communities negotiate directly with companies about ceding lands.

A study on another plantation project in Niassa province concludes that the salary of the workers is not enough to compensate for what they produced on their own subsistence farms and that, in general, the household had to ensure continued self production of food, to supplement employment.¹⁴⁷ In the same line, the World Bank's report on Land Grabbing states that Mozambican minimum wage is "insufficient to compensate for lost livelihoods."¹⁴⁸ In summary, the number and kind of jobs created do not represent alternative livelihoods for local people.

4.2.2 Impact on communities' access to water

The tree plantations in Niassa also have severe impacts on the access to water of local communities. These impacts

materialize in different ways. First, the projects entail the risk of insufficient water availability and are moreover likely to lead to contamination of water. To a lesser extent, the projects also threaten water accessibility for people in the plantation areas.

Although Niassa usually counts with enough rainfall for rainfed agriculture, access to drinking water is problematic. A study on plantations in Niassa states that "during the dry season, the scattering of existing wells and boreholes tend to dry up, obliging people to turn to unsafe sources of water such as lakes, streams and ditches."¹⁴⁹ Although until now, reduced access to water is not the main complaint raised by communities, the availability of water is likely to be reduced by the tree plantations. UNAC has received information from some community members that indicate that the wells used during the dry season dry up earlier. The main reason for the loss of access to water is the water needs of eucalyptus and pine trees. Both are fast-growing trees with high water use. Studies on the impacts of tree plantations on water indicate that in the case of eucalyptus (5-7 years old), the average water use per day per tree "may range from 100 to 1,000 liters depending on where the landscape is. Trees next to a stream can use twice that amount of water because they have more access to it."¹⁵⁰

While the question of whether tree plantations dry up local rivers, streams and wells is one of the most contested issues when it comes to tree plantations, it is important to underline that "in all documented accounts of local community reactions to ITPs [i.e. industrial tree plantations], without exception, people complain that their water sources have dwindled or dried up."¹⁵¹

Tree plantations can also affect local water by contaminating local streams and rivers with chemicals. Water pollution may be due to the use of fertilizers or of pesticides. So far, there

is no information available of whether and to what extent Chikweti uses fertilizers or pesticides. However, a study carried out by the World Rainforest Movement on the impacts of tree monocultures in Niassa found that Malonda Foundation used pesticides in order to combat termites attacking eucalyptus roots in its plantations. According to a technician, several forestry companies in the region also use pesticides.¹⁵² Chikweti however states that it is in conformance with the standards of the Forest Stewardship Council (FSC) in terms of the use of chemicals and pesticides.¹⁵³

Finally, the tree plantations negatively affect the accessibility of water. A report by Justiça Ambiental and UNAC quotes a member of the community of Maniamba who complains that due to the tree plantations people had to walk longer distances in order to reach rivers.¹⁵⁴

As already stated, the loss of access to water and water pollution is so far not the main concern raised by communities in the plantation areas. However, water use by plantations is linked to the age of the trees, reaching, for example, a peak at around 15 years for eucalyptus.¹⁵⁵ In the same line, access to water bodies is likely to become more difficult as plantations get bigger and people claim they are not allowed to walk through them. Finally, the risk of water contamination through fertilizers and agrochemicals might also increase. Communities in the plantation areas are thus at risk of a severe loss of access to water during the next years and might, in the long run, become dependent on externally-provided clean water.

4.2.3 Environmental impacts

While Chikweti and GSFFs present their projects as ecological investment, tree plantations have severe environmental impacts. These range from destruction of ecosystems to loss of biodiversity and impacts on soils.

First of all, according to the investigation carried out by DNTF and the Ministry of Agriculture, the establishment of Chikweti's tree plantations has led to the cutting down of native forests, e.g. in Maniamba and Micucue in the Lago district as well as in the community of Mapudje (Sanga).¹⁵⁶ This leads to the irreversible destruction of the vegetal and animal ecosystem. It has already been said that the native forests represent an important source of livelihood for local communities, as they are a source of fire wood, fruit and medicinal plants. The establishment of big monocultures of non-native species, such as pine and eucalyptus furthermore, leads to a loss of biodiversity, especially – but not only – when they replace areas previously covered with native forest.

Eucalyptus and pine plantations also have major negative impacts on soils. First of all, experiences with tree plantations show that fast-wood plantations can lead to an increase in erosion because they are subject to frequent disturbance for thinning and frequent harvesting.¹⁵⁷ Especially eucalyptus and pine plantations are furthermore known to have negative effects on soils, causing loss of organic matter, increased acidity and alteration of other physiochemical properties.¹⁵⁸ In addition, monocultures of fast-growing species like pine and eucalyptus cause a constant removal of nutrients from the soil, thus having significant impacts on soil fertility. As a result, in many cases fertilizers are applied, which in turn contaminate soil and water.¹⁵⁹ Monoculture tree plantations in many cases also imply the use of pesticides, which contaminate not only water streams but also soils. As already said, so far, there is no precise information available on the use of pesticides by Chikweti. However, contamination would not only concern the areas of the plantations but also the fields of local communities, since in many cases Chikweti planted its trees on areas close to the people's *machambas*.

Given the fact that Chikweti started its operations in 2005, with the majority of trees having been planted since 2007, the environmental impacts are not yet the main concern of local communities. However, as the plantations are planned to be set up for 50 plus 50 years, environmental impacts will most probably become very problematic in years to come and are likely to have negative impacts on the livelihoods of communities in the plantation areas. It is all the more worrying that the DNTF/MINAG investigation found that Chikweti and other companies have started implementing their projects without having an environmental license, even though Chikweti claims that it now has a valid license.¹⁶⁰ According to the company, a prior environmental impact assessment has been made, but UNAC states that it is extremely difficult to have access to these documents.

4.2.4 Inadequate consultation of local communities

Many of the complaints raised by the local population about the tree plantations are linked to the fact that, in several cases, consultations with local communities were not carried out in a way as to ensure their effective participation. However, this right is recognized by Mozambican law. As explained in chapter 2.1.2, the Mozambican legislation, through the Land Law and the Law on Forests and Wildlife, but also through the decree on community and the Law on spatial planning, provides that the process of DUAT titling includes consultations with the affected communities, to

Testimony from the community of Chiulica, Lago District:

"When Chikweti came to the community of Chiulica, we authorized them to use lands that were not used. We started to wonder about the company's behavior when it rejected the proposed areas and showed interest in the lands that the community members were using. In order to show our indignation about the occupation of our lands, we started to plant banana trees in the area of the plantations.

Then Chikweti asked us to move our *machambas* to the other side of the river Nzinge and promised us to build a bridge, which would be large enough for persons and vehicles to pass and which would support a weight of up to eight tons. When the company started to build the bridge, we realized that it was smaller and we decided not to accept this. We negotiated again with the company so that it would build a bridge according to the criteria we agreed upon in the first place, but the company decided to build a precarious bridge, made out of pine wood and which supports only persons.

We are unhappy with the behavior of the company and if it does not build the bridge and does not put in place electricity in our community we will return to our previous fields."¹⁶¹

be carried out by local authorities. However, in the case of Chikweti, consultations with local communities were carried out by the company. In addition, testimonies from communities and members of the local administration in Niassa state that consultations were not carried out as required by law and as to ensure adequate participation of communities. The administrator of the Lago district openly accuses Chikweti of intentionally falsifying consultations.¹⁶² In other cases, only one consultation meeting was held for tracts of land belonging to several communities. This was reported for the communities of Luambala, Lipapa and Cholue in the district of Lichinga, where only one consultation was held in Cholue.¹⁶³ Community leaders and members complained about this way of proceeding, especially since they were not informed about the fact that this meeting was supposed to affect other communities as well. This is confirmed by the investigation of the Mozambican government, whose report clearly states that separate consultations have to be done in each community.¹⁶⁴

In several communities, the company only consulted with community leaders for the ceding of community lands. In some cases, community members reported that the company bribed leaders or promised them jobs on the plantations in order to facilitate the ceding of community lands. This led to conflicts between the leader and the community in Licole, Kambalame and Mussa, where chiefs reportedly received bicycles and were employed as guards once the plantations had been established.¹⁶⁵

As already mentioned Chikweti started some of its operations before obtaining the DUATs and, in some cases, even before carrying out the consultations with local communities. In other cases, no consultations with communities were carried out at all. Civil society organizations (CSOs) in Niassa claim that this happened where forest companies received land directly from Malonda Foundation, which had been previously attributed to Malonda.¹⁶⁶ This way of procedure, however, is not in line with Mozambican legislation.

Directly linked to the question of the consultations are the frequent complaints of communities in Lago, Lichinga and Sanga districts that Chikweti has not fulfilled promises the company had made to communities in exchange for being able to establish plantations on their lands. Community members of Choulue (Lichinga district) complained, for example, that Chikweti had promised to build a school, a



health post, a store house and to dig a water hole when they consulted the community about the ceding of lands. However, after the plantation had been established, the company did not fulfill these promises.¹⁶⁷ Similar complaints have been raised in the communities of Lipapa (Lichinga), Chiulica (Lago) and Licole (Sanga).¹⁶⁸ When confronted with these allegations by the investigation team of the DNTF, Chikweti representatives stated that it was not the company's policies to make such promises. However, Chikweti says it has put in place community funds in which the company pays an amount of 5 US dollars per year for each hectare that is not burned by communities according to their agricultural practice of slash and burn.¹⁶⁹ In other communities, the company has reportedly built maternities (Chimbunila), health centers and wells (Mussa) or renovated mosques and churches (Maniamba).¹⁷⁰

The complaints about the non-fulfillment of promises show that there are gaps in consultations as per requirement by Mozambican law. They further show that it is not clear under which conditions communities ceded lands to the company. In addition, in most cases there is no written documentation about the agreements, or at least communities do not have a copy of these. The investigation report by the Mozambican government also questions the efficiency of consultations with community members who are not sufficiently involved in the consultation process and that are too often not aware of their rights and lack the knowledge of basic concepts, such as how much one hectare of land constitutes.¹⁷¹

All field studies confirm that the way consultations are carried out is very problematic. A recent study by the Norwegian development agency NORAD identified four main problems

regarding consultation process: first, the question of who represents the community, with investors choosing the easiest way out, i.e. to talk with a group of people mobilized by the main Chief or Traditional Authority. "A second problem was that local people, including the Traditional Authorities, were not necessarily aware that what the investors requested was *exclusive rights to land*. In addition to this, the actual size of a land area of several hundred [hect]a[res] was not sufficiently explained and visualized to the local representatives during the consultation meetings. Finally, the consultations did not at all take into account that in this region land is – traditionally – in principle a resource accessed and passed on through women in matrilineages. Women have basically been marginalized in the negotiations about the transfer of land to external investors."¹⁷² A study on large-scale land acquisition for agricultural production in Mozambique further found that "there is no legal or technical assistance readily available to assist communities in their assessment or negotiation with investors. [...] Yet the local community representatives are not in a position to judge whether either the promise of schools and other benefits or the business plan itself is realistic."¹⁷³

Indeed, interviews with community members and leaders strongly suggest that peasants are not aware of how long they have ceded their lands. According to them, they have ceded lands they are currently not using due to their practice to move their *machambas* every five to ten years and then leave these lands idle. While they had in some cases no objection to the forest companies planting trees on these areas, community members seem convinced that they will be able to take these lands back once they need them again to move their *machambas*.



4.3 Reactions by states and investors



4.3.1 Reactions by states

Mozambique

The complaints by communities in the context of the establishment of tree plantations were brought to the attention of the Mozambican Prime Minister, Aires Ali, during a visit to Niassa in 2010. He commissioned an investigation, which was carried out by the Mozambican Ministry of Agriculture and the National Directorate of Lands and Forests DNTF in September 2010. As already mentioned, the report with the results of this investigation confirmed most, if not all, complaints by local communities and the impacts of the large-scale tree plantations. It particularly found that Chikweti Forests of Niassa was operating illegally on 32,000 hectares, had established plantations on agricultural lands and pastures used by communities, had planted trees too close to people's farms, had cut down native forests, operated without environmental license and that consultations had not been carried out correctly. As a reaction to these findings, the investigation team clearly states that plantations must not be established without DUAT titles, that community consultations have to be carried out in every village separately, and that the establishment of plantations required a prior environmental license. The report further found that the plantations in some places did not respect the distance of 50 meters to roads, thus not complying with Mozambican law.¹⁷⁴

However, the concrete recommendations made by the Ministry and DNTF are weak in the face of these findings. The report suggests that plantations established in the 2009/2010 season, which do not comply with Mozambican

law with regards to minimum distance to roads, should be moved to other areas. Where the areas in question were already planted earlier, however, trees could be kept until harvest, given the investment already made by the company to plant and grow them. Only after the harvest, the areas should be given free again. Concerning the distance of plantations to plots and homes of local people, the report concludes that there exists no legislation in Mozambique but suggests that planted trees should be removed in order to establish a distance of at least 500 meters from villages. The authors further recommend to proceed with a zoning of the entire province by a specialized team in order to identify all areas that are currently covered by forests, lakes or belong to communities.¹⁷⁵ More generally, the report states the need of a more active role of the state in the context of transfer of lands to forestry companies, in order to ensure that laws and rules are respected.¹⁷⁶

No information on whether these recommendations have been taken up was available. However, the fact that the investigation report has not been officially published sheds serious doubt upon this. In any event, the authors of the report maintain that investments in forest plantations are important for the development of the province of Niassa.¹⁷⁷

As mentioned before, the Mozambican government stopped land concessions of over 1,000 hectares in late 2009, and the Council of Ministers decided to change the procedures for consultations to be carried out by investors with local communities in August 2010, stating that a minimum of two meetings are required instead of one and that meetings have to be given adequate publicity in order to ensure effective

participation.¹⁷⁸ But concessions to foreign investors were taken up again in October 2011 and it seems as if approval for DUATs for areas under 1,000 hectares, which are dealt with at provincial level, had gone on in any event.

Sweden

As mentioned in chapter 3.3, the establishment of large-scale tree plantations in Niassa has been supported by the Swedish state through its development cooperation agency Sida. Some of the findings of the MINAG/DNTF investigation had already been mentioned in a study done for Sida in 2008. Elaborated as part of the preparation for a continuation of the agency's private sector support in Niassa Province, in cooperation with the Swedish Embassy in Mozambique, the report pointed out big problems in regard to forestry investments in the province. More specifically, it found "serious levels of community dissatisfaction and potentially explosive conflict, in areas where the initial clearance and planting of new forest plantation seedlings has restricted local land access and put at risk local livelihoods strategies."¹⁷⁹

The report also points out that due to the size of local communities it has been difficult to carry out inclusive consultations and that this has resulted in agreements made exclusively with local leaders and chiefs. The report further confirmed that the agreements, which are supposed to be legal documents, were not only poorly explained to the members of the local communities, but were also just a set of general principles lacking details and formalization.

Regarding the consultations, the report identifies a "trend towards working with traditional leaders only and at the highest level instead of favouring grassroots leaders and those more linked to the different villages and families [that] resulted in the marginalisation of the population."¹⁸⁰ It further states clearly that local communities "know nothing about the proposed investment programme and its social targets (including the implementation of a Local Development Fund, FDC) which is expected to guarantee concrete benefits for the population". Furthermore, they were "not consulted in the proper sense of the term as provided for in the Law, nor do they participate in a conscious manner in decisions about their land, based on a clear understanding of what the investors want" and "now feel extremely threatened and harmed by the first actions taken by the investors, who in some areas are actually surrounding the villages and dramatically restricting the population's access to the land they need". Finally, the report underlines the unequal power balance by pointing out that the relationship between communities and investors is unbalanced in all aspects because communities are weak in relation to investors."¹⁸¹

The authors of the report make a couple of recommendations "in order to facilitate improved operation of the large investments anticipated in Niassa Province, and with the aim of preventing and avoiding problems [...] in the future." These include the preparation and implementation of land allocation processes so that they comply with the requirements stated in the Mozambican Land Law and its Regulations; an extension of community participation; an increase of wages paid to workers in the plantation projects; an intensification of surveys and research concerning households in Niassa province; and the carrying out of delimitations as an initial step before establishing plantations.

More concretely, the authors of the study propose a "temporary stop on the authorisation of occupation processes for new areas of land for forestry projects [...] until a more consistent process of mapping needs and community rights has been implemented." The report further recommends that consultations with communities affected by the projects should be repeated "using the concept of the community with the largest portion of local population representativity" (i.e. not only consult local leaders), emphasizing that "these processes must be preceded by information to the communities concerned. The information to be disseminated must explain the project objectives, the rights of the communities and the implications of future forestry activities. [...] This type of consultation should result in a written agreement between the community and the investor. This agreement must result in real benefits for the community and determine the rights and duties of both parties."

The authors also underline that it should not be excluded to return certain areas to local communities "where demarcations have been made and lands have been allocated to investors in a manner that does not correspond to the wishes of the community." Where fields lie inside the plantations, the authors state that this has to be resolved



through compensation which is satisfactory for the farmers, before going any further with the plantations.

The report further recognizes that “the processes concerning access and the right to land are difficult and delicate to conduct because the results are decisive for the livelihoods of the farming families” and recommends the implementation of community development funds “to mitigate the impact of private investment.” The report acknowledges that “if the planned development vision for Niassa Province is to include large investments in the forestry area, the population cannot keep the current system of large fallow land cycles and extensive use of the land resource.” However, it also underlines that it is essential to guarantee future access to land for farmers and that peasants have to be supported when they agree to changing their way of farming.¹⁸²

It is, however, unclear to what extent these have been taken up. In its Strategic Plan 2010 – 2013, Malonda foundation announced that one of the pillars of their future work will be to seek “to pre-empt and/or resolve conflicts that may and do occur between communities and investors, particular those involving large-scale land use rights, such as forestry and agriculture. Better relationships and resolved/reduced conflicts will prevent escalation and maintain generally positive view of large land-based investment by other stakeholders.”¹⁸³

Netherlands

As mentioned before, the Dutch pension fund ABP owns 54.4 per cent of GSFF. When reports on the impacts of the fund’s activities were published in the Dutch media, the government of the Netherlands also responded to the case, through the Secretary of State for Development, Ben Knapen. Even though the Dutch government is the largest contributor to ABP, Knapen argued that the Dutch government does not

dictate policy to private investors.¹⁸⁴ He did promise to raise the case of GSFF to the board of employers and the accountability organ of ABP in which the government has a seat. Despite an urgent appeal by Mozambican farmers’ organization UNAC in September 2011, calling Western investors to stop financing forestry plantations in Mozambique,¹⁸⁵ the Dutch government argues that investment in sustainable forestry projects is important to the development of Mozambique.

4.3.2 Reactions by Chikweti Forests of Niassa and its investors

During the investigation carried out by DNTF and the Ministry of Agriculture, Chikweti officials denied all allegations, stating that all lands have been acquired legally and that the company has only planted on lands that have been ceded by communities. Regarding the promises, the company’s representatives state that these are not part of Chikweti’s policies and that the company only paid an amount of 5 US dollars per hectare to communities as “fire money,” i.e. as a reward if the communities do not proceed with the burning of forests (a system that has meanwhile been replaced by a social fund). Chikweti also claimed to respect national labor law. With regards to working conditions, the company had already reacted with a statement presenting Chikweti’s point of view after the publication of a critical report by the World Rainforest Movement.¹⁸⁶

On Saturday, 3 December 2011, several allegations against Chikweti were taken up in an article in the Dutch newspaper *De Volkskrant*.¹⁸⁷ The article also reported that the project had failed to get certification by the Forest Stewardship Council (FSC) because a FSC-team had found a lot of problems during a visit in May. The *Volkskrant* article has led to a number of reactions by the investors behind Chikweti.



In a statement published on the fund's website, GSFF denied the allegations, stating that the article contained "inaccuracies and misconceptions."¹⁸⁸ More specifically, GSFF stated that allegations that Chikweti had occupied 32,000 hectares illegally (an observation confirmed by the Mozambican government's investigation) were false and that "we have legal permission, based on community consultation, to access all of the land where we are present." Furthermore, GSFF rejects allegations that Chikweti had not lived up to its "commitments regarding compensation to communities or our workers." However, the fund admits that during the "initial operating phase there have been some difficulties with planning and on-the-ground implementation." Without detailing these difficulties or their effects GSFF declares that it had reacted by appointing new management for both GSFF and the subsidiaries in 2011, and that new persons had been elected into the boards of both the GSFF and Chikweti. Furthermore, a central management has been established in Mozambique for all four forest projects "to ensure that GSFF's company policies are strictly and consistently applied and implemented." Finally, with regard to allegations that native forests had been cut down for the setting up of the tree plantations, GSFF states that it was being investigated whether GSFF's projects were "inadvertently converting natural forests." However, for the fund, this problem is due to "varying definitions of what constitutes an intact natural forest," with GSFF actively supporting initiatives that lead to a consensus in this respect.¹⁸⁹

Since the article in the *Volkskrant*, GSFF has continued to face criticism in Swedish media. More recently, and contrasting with earlier categorical denial to criticism regarding illegally acquired land, the fund announced that:

"GSFF takes the issue of land tenure very seriously and cooperates closely with the Mozambican authorities and local communities to follow the procedures and laws around the right to access to land. We fully comply with the land law in Mozambique which takes thorough and appropriate consideration of local societies' traditional right of access. We are putting proper stakeholder consultation processes into place to develop criteria that are mutually beneficial and based on consensus."¹⁹⁰

The former chairman for GSFF, Claes-Bertil Ytterberg, however, did not share GSFF's light self-criticism. In April 2012, he told the Swedish church paper *Kyrkans Tidning* that he had no regrets except for not being able to reach the stated return goal¹⁹¹ and could not see that the projects had acted in an unethical way.¹⁹²

In a written comment on the draft version of the present study, GSFF and Chikweti rejected all allegations made by local communities. The company in particular claims that it has received a letter from the Mozambican government in which the government clarifies that the allegations with regards to illegally occupied lands, made in the MINAG/DNTF report, are a mistake and according to which Chikweti "is within its rights and that all its Duats have been obtained legally." For Chikweti, "this set[s] aside all the previous allegations, misconceptions and wrongful accusations."¹⁹³

According to the company, the plantations did not lead to the loss of access to forests for local communities because "Chikweti respects the rights of indigenous people" and that its plantations "are permeable to people."

Regarding the creation of jobs, Chikweti states that it "has adopted a policy of local economic empowerment. The company through this initiative aims to develop the local economy by stimulating a service industry to develop in Niassa. These objectives are achieved using several stimuli, namely procurement, contracting and a flexible village based contracting methodology." According to the company, "by far the majority of contracts with workers in Chikweti is permanent, [and] the company has developed a flexible contracting system for villagers that allows the company to support them during their hunger seasons, meaning after they have planted crops on their farms and is waiting for the crops to be harvested, and then again after the crops has [sic] been harvested." With respect to complaints of local people that have been fired, Chikweti says that "the company did have to downsize as result of the company not having adequate land in time," and that "if the company cannot be assured of a regulated planned planting programme the company cannot maintain a constant employment. The restriction is the result of an administrative process and external issues. If the company is however allowed to continue its planting process at the same level every year, employment levels will be maintained."

The company also states that it is complying with Mozambican labor law, particularly underlining that it "pays salaries on the last Friday of every month" and that working hours are in compliance with national legislation. According to Chikweti, problems with workers are rather related to the behavior of the latter: "it is true that the company suffers from low attendance from workers, up to 40 % of the workforce may not turn up for work on any given day."

Chikweti and the GSFF further underline their contribution to local development by stating that

“GSFF has funded USD 106,944.13 in 2012 alone, to communities surrounded by Chikweti plantations. In addition Chikweti in conformance with its social agreement developed through a transparent stakeholders process with communities contributed its annual payment, approximately \$128,000 to community social funds for 2011, the contribution is made annually at the end of April. The process is documented and legally registered.”¹⁹⁴

More generally, Chikweti and the GSFF maintain their view that all allegations about the plantations’ negative impacts are highly exaggerated, stating that “the company only intends to develop approximately 1% of the available land in Niassa” and “has so far only developed about 0.1%.” For the company, this invalidates claims of local communities that they have lost access to land, as well as possible impacts on water availability. Regarding the latter, Chikweti emphasizes that it “is very careful in how it establishes its forests” and that the plantations are designed to assure water quantity and quality and therefore conserve riparian zones. The company, on the contrary, accuses the local peasants of unsustainable practices which, according to Chikweti, lead to deforestation and have overall negative impacts. It especially refers to the slash and burn farming practice of local peasants and the production and consumption of charcoal.

In a direct reply to the *Volkskrant* article cited above, the Dutch pension fund ABP, which owns 54.4 per cent of GSFF admitted that the forestry projects in Mozambique did not meet the requirements of its responsible investment policy.¹⁹⁵ However, ABP announced that it would not withdraw its investment in GSFF, arguing that it can exercise more influence on the behavior of the forestry fund while it remains a shareholder. As GSFF, ABP underlined that as an answer

to the problems encountered, the CEOs of the GSFF and its four subsidiaries in Mozambique had been replaced, as well as the Chairman of the Board. That changes were not implemented immediately after the shortcomings arose, is due to the ownership structure, says ABP.

In an interview with the Norwegian NGO Future in Our Hands (*Framtiden i våre hender*, FIVH) in December 2011, the Norwegian Church endowment fund OVF said their ambition is to contribute to sustainable development, and that allegations are being investigated.¹⁹⁶ In a follow-up article from June 2012, FIVH cites the chair of financial services in the OVF and board member of GSFF, Harald Magne Glomdalen, saying that he was unaware that allegations had been clarified with communities in Mozambique.¹⁹⁷ He is further quoted saying that there were many indications that the project had planted forests in areas that should have been set aside for food production and that, while it was difficult to say anything with certainty, there were indications that native forest had been cut down. Regarding possible displacements of peasants, the OVF representative is quoted stating that there was no evidence that small farmers were driven out, but there was also no evidence to the contrary. However, OVF would respect the initial agreement from 2006 that established an investment for 15 years and would thus not step out of the investment, being confident towards the new management. The authors of this study could not find any reaction by the Norwegian government.

The Diocese of Västerås, co-founder and shareholder of GSFF, also reacted to criticism in the media. In response to an article in the Swedish monthly magazine *Filter*,¹⁹⁸ the Bishop of Västerås issued a press release titled “The wrongs will be made right.” Without detailing these “wrongs,” the statement says that if the accusations in regards to land

grabbing are true, this would be “totally unacceptable and a breach of all basic principles of the project.”¹⁹⁹ In an opinion article in a local Västerås newspaper published in January 2012, members of the diocese had already acknowledged that things had gone wrong, again without detailing the mistakes. The article further states that the problems are handled and that the project is now on the right path. The article echoes the former leadership of GSFF, claiming that the heavy criticism was incorrect and highly exaggerated.²⁰⁰



4.4 Human rights analysis



The restructuring of the local economy, particularly in the districts of Lago, Sanga and Lichinga due to the introduction of large scale tree plantations, is already having considerable impacts on the enjoyment of human rights by the local population. The partial loss of access to land, forests and water as consequences of the operations of Chikweti Forests of Niassa impairs the enjoyment of the right to adequate food and the right to water of the peasant communities in the project area.

Given that almost all community members in the project area are peasant farmers that depend almost entirely on small-scale farming for their livelihood, the partial loss of access to land, water and forests due to the establishment of tree plantations deteriorates their direct availability of food through cultivation, hunting and gathering from the forests and puts them at risk of food insecurity. In several cases it has been reported that families have been forced to move onto lands of lesser quality and remote areas and were not able to feed themselves, depending thus on food aid. Moreover, in the mid- and long term, the environmental impacts of forest plantations in terms of soil fertility, water availability and quality and agro-biodiversity will put at risk farming activities for food production, with considerable impact on the right to adequate food. Although the province of Niassa so far has sufficient annual agricultural production, the province has known situations of food shortages, which in most cases have been consequences of natural disasters. However, chronic malnutrition is frequent in rural areas in Mozambique and in the province of Niassa.²⁰¹ The threat of food insecurity of peasant communities in the plantation areas is increased due to the size of the projects and the fact that they are prospected to be in place for at least 50 years. If plans are carried out, these large tree plantations will disrupt

and deeply change the entire local economy and social relationships in Niassa.

The fact that Chikweti will only occupy one per cent of Niassa and all plantation projects together only 4 per cent, as the company underlines, does not contradict this observation. It is not decisive how big the share of the projects is with respect to the size of Niassa, but rather that the plantations are being established in areas that are used for food production by local communities. In the same line, the company's claims that peasants in Niassa make use of unsustainable practices that lead to deforestation and soil degradation is not a justification for the establishment of plantations in these areas. These allegations should be further analyzed and, in case they turn out to be – at least partly – true, communities could be supported in developing more sustainable farming methods and livelihoods. It has to be underlined, however, that local people often have no choice. This applies particularly to the use of charcoal, which is the only available source of energy and thus essential to the livelihoods of the communities. More importantly, it has to be emphasized that the peasants are the legitimate land holders according to Mozambican law. It is very unfortunate that Chikweti attempts to delegitimize the legitimate right holders in order to justify its operations.

Local communities will depend on the market or other distribution systems to have access to food. However, it is not clear from which economic activity they will earn sufficient income to afford buying food. Employment created by the forestry activity is scarce, precarious and certainly insufficient to absorb the rural population who has lost – and will lose, in case the project is further expanded – their existing livelihoods. As described before, so far, only a relatively small

part of the areas dedicated to tree plantations is planted. Furthermore, until now, the planted trees are still relatively small in size. The loss of access to land and water, and the means of subsistence of local communities are very likely to increase during the next years.

The secure and equitable access to and use of land and water is a precondition for the enjoyment of the right to food of the rural population in countries such as Mozambique. Although the national legislation recognizes customary tenure rights of rural communities, the Mozambican state has failed to respect and protect these rights, and thus to comply with its obligations under international human rights law. Findings from the field show that tree plantations have been established on community lands in the most densely populated areas of Niassa. DUATs have thus been emitted to private enterprises on areas on which communities had existing rights. In addition, Chikweti has operated in some areas without DUATs and has invaded communities' lands. This has been confirmed by an investigation by the Mozambican government through DNTF and the Ministry of Agriculture. However, so far, no effective measures have been taken in order to revise the DUATs or to reconstitute lands illegally appropriated to communities. While the Mozambican government reportedly stopped the allocation of areas to investors of more than 1,000 hectares in late 2009, large-scale concessions have been taken up again in 2011.²⁰² Allocation of DUATs for areas of less than 1,000 hectares seems to have been carried on in any event.

The Mozambican Land Law and its regulation state that before DUATs are emitted to private investors, consultations have to be conducted with all interested parties, i.e. local communities, local leaders, representatives of district and provincial governments. Although the Mozambican legislation establishes that rural communities have to be consulted and recognizes the right to information,²⁰³ there has been no adequate consultation of all affected communities during the establishment of tree plantations. Studies conducted on the ground, including an investigation carried out by the Mozambican government through DNTF and the Ministry of Agriculture, agree on the fact that communities were not sufficiently informed about the project and its implications. Where communities allowed Chikweti to plant on their lands, they were not informed about the conditions under which they agreed to do so and the exact location of the land the company has requested remains unclear. Communities further have no written documentation on the consultations, which impedes them from claiming the respect of the agreements made. Testimonies from community members also indicate that complaints filed by the affected have not been investigated and adjudicated by the responsible authorities.²⁰⁴

The studies also found that the company started some of its operations before obtaining the DUATs and, in some cases, before carrying out the consultations with local communities. While Chikweti claims that it is not illegal to develop the land, even if it has not yet obtained the final DUAT titles, this makes meaningful and adequate participation of the affected communities impossible, given that they are confronted with a *fait accompli*.

The Mozambican state has the duty to ensure that regulations on consultations of individuals and communities affected by investment projects are in place, in order to allow their effective participation, as guaranteed by Mozambican legislation and under international human rights law. The criteria for consultation and participation of tenure rights holders have recently been spelled out in the FAO Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (3B6) as follows: States should engage with and seek

“the support of those who, having legitimate tenure rights, could be affected by decisions, prior to decisions being taken, and respond to their contributions; taking into consideration existing power imbalances between different parties and ensuring active, free, effective, meaningful and informed participation of individuals and groups in associated decision-making processes.”²⁰⁵

Moreover, paragraph 12.10 states that

“When investments involving large-scale transactions of tenure rights, including acquisitions and partnership agreements, are being considered, states should strive to make provisions for different parties to conduct prior independent assessments on the potential positive and negative impacts that those investments could have on tenure rights, food security and the progressive realization of the right to adequate food, livelihoods and the environment.”

The decision of the Council of Ministers from August 2010, according to which at least two meetings with affected communities have to be conducted, instead of just one, is not sufficient to ensure adequate consultation. First, the consultations are conducted by the companies interested in acquiring use rights themselves, putting thus into question the impartiality of the consultation. Second, there is no mechanism such as prior, independent assessments on the human rights and environmental impacts of the projects, which would ensure an active, free, effective, meaningful and informed participation of the affected population in the consultations.

In the case of Chikweti, it is not at all clear if prior, independent impact studies were conducted. While the company claims that at least a prior environmental impact assessment has been made, UNAC states that it was not possible to get access to this document. It is thus not clear whether this impact assessment was done by an independent institution and whether other than environmental impacts have been assessed. It has been reported that in some areas the company is operating without environmental license, although Chikweti states it has a valid license. Given the importance of the consultation of the local communities in granting DUATs to private companies according to Mozambican law, it remains to be clarified by courts whether the DUATs granted so far were properly issued.

Given the general context of high levels of food insecurity and rural poverty in Mozambique, and the fact that 80 per cent of the population depend on small-scale farming as their main source of livelihood, the promotion of large-scale tree plantations, which puts them at risk of losing access to the resources they depend on, is not in accordance with the state's obligations under human rights law. Findings from the field clearly show that there are not sufficient safeguards to protect people from losing access to these resources. Although an investigation of the government has confirmed the violations of rural communities' rights, the Mozambican state has maintained its support of large-scale forestry projects and especially of tree plantations of fast growing species, instead of looking for alternative models of production and investment that strengthen smallholders and do not result in the large-scale transfer of tenure rights to investors as recommended in paragraphs 12.2 and 12.6 of the FAO Tenure Guidelines.

The promotion of large-scale tree plantations in Niassa is particularly worrying since the province has fertile soils and sufficient water availability in order to produce enough food for the local population, as well as for the rest of the country. However, the establishment of large-scale tree plantations forecloses vast areas for present and future generations and entails the risk of destroying ecosystems and lands adapted for food production. Under these conditions, the Mozambican state must respect and protect the right of the rural population to feed themselves and has the obligation to support sustainable food systems controlled by small-scale farmers in order to improve overall food security in the country and guarantee the realization of the right to adequate food.

States' extraterritorial human rights obligations encompass inter alia obligations relating to the acts and omissions of a State, within or beyond its territory, that have effects on the enjoyment of human rights outside of that State's territory (ETO Maastricht Principle 8). A State has obligations to respect, protect and fulfil economic, social and cultural rights in situations, inter alia, over which State acts or omissions bring about foreseeable effects on the enjoyment

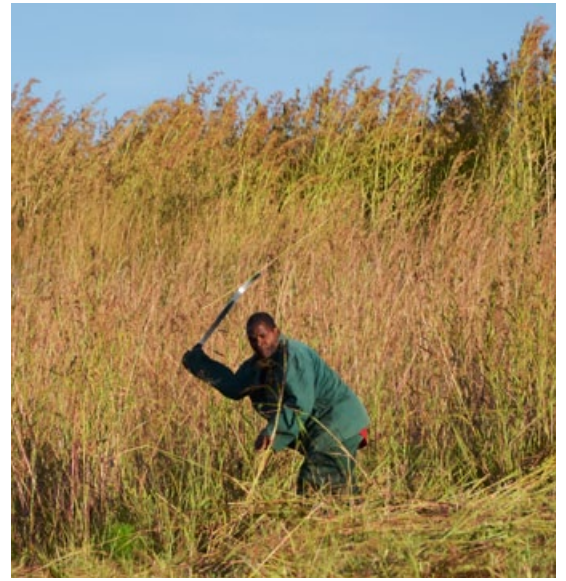


of economic, social and cultural rights, whether within or outside its territory; and in situations in which the State, acting separately or jointly, whether through its executive, legislative or judicial branches, is in a position to exercise decisive influence or to take measures to realize economic, social and cultural rights extraterritorially, in accordance with international law (ETO Maastricht Principle 9).

Sweden's extraterritorial obligations are involved here in three contexts: (1) As the promoter and first source of finance for this business model through Sida; (2) as the home state of GSFF; and (3) as the home state to investors in GSFF.

(1) The government of Sweden has been involved in promoting large-scale tree plantations in Niassa province through its development agency Sida and the Malonda Foundation. According to ETO Maastricht Principle 13, States must desist from acts and omissions that create a real risk of nullifying or impairing the enjoyment of economic, social and cultural rights extraterritorially. A proper human rights impact assessment – to which Sweden was obligated under ETO Maastricht Principle 14 – would most probably have revealed that the policy of promoting large-scale tree plantations in Niassa would create a real risk of impairing the enjoyment of the right to food and adequate standard of living of the population. To the extent that these impacts were foreseeable, Sweden breached its obligation to respect the human rights of the affected communities (under ETO Maastricht Principle 20, direct interference).

(2) As mentioned in chapter 4.3.1 the government of Sweden is aware of some of the problems caused by the large-scale forestry investments, since a study has been done for Sida in 2008. However, it has not taken sufficient and effective measures to regulate GSFF to respect and protect the land rights and the human rights – especially the right to adequate food – of the peasants in Lichinga, Sanga and Lago districts.



Chikweti Forests of Niassa is a company registered in Mozambique and is a subsidiary of the Sweden-based GSFF. For this matter Sweden must adopt and enforce measures to protect the ESCR of affected people in Mozambique (ETO Maastricht Principle 25c). These include administrative, legislative, investigative, adjudicatory and other measures (ETO Maastricht Principle 24). In the same line, paragraph 3.2 of the FAO Tenure Guidelines provides that States, in accordance with their international obligations,

“should provide access to effective judicial remedies for negative impacts on human rights and legitimate tenure rights by business enterprises. [...] States should take additional steps to protect against abuses of human rights and legitimate tenure rights by business enterprises that are owned or controlled by the state, or that receive substantial support and service from State agencies.”

So far, Sweden, as the home state of the GSFF, has not taken such steps in relation to the abuses committed by Chikweti Forests of Niassa and their impact on the human rights of the local population and has thus not complied with its extraterritorial obligations under international human rights law.

(3) The shareholders of GSFF are domiciled, inter alia, in Sweden, Norway and the Netherlands. Home states of investors must take necessary measures to ensure that those do not nullify or impair the enjoyment of economic, social and cultural rights (ETO Maastricht Principle 24 and 25 b, c). These share-holders are not the primary actors, but they may be complicit in these abuses, if they did know or could and should have known about these abuses and did not take appropriate steps to stop them. This applies equally to their home states, which are under an obligation to regulate them.

In the case of ABP, as mentioned before, the Dutch Secretary of State for Development argues that his government does not dictate policy to private investors. The point here, however, is not that the Netherlands should dictate policy to private investors such as ABP, but that the state has to ensure that ABP does not abuse human rights. This means setting limits to what private enterprises can do, which is nothing unusual for any state in the world.

It is important to stress in this context that ABP is part of a group of institutional investors that, in September 2011, launched a set of “Principles for Responsible Investment in Farmland,” or “Farmland Principles,” with, according to its promoters, “the goal of improving the sustainability, transparency and accountability of investments in farmland.”²⁰⁶ The principles, which the investors commit to implement in all farmland investments include, inter alia, the promotion of environmental sustainability (Principle 1); the respect of labor and human rights (Principle 2); and the respect of existing land and resource rights (Principle 3). From the prior analysis it is clear that GSFF’s plantation projects do not fulfill these criteria. The self-regulation of investors has not prevented human rights abuses. Moreover, it is the genuine obligation of states to ensure that business enterprises do not abuse human rights.

The share-holders’ governments (with the exception of Sweden) are not in a position to regulate GSFF. Nevertheless, they have to cooperate with Sweden to ensure that GSFF stops impairing the enjoyment of the economic, social and cultural rights of the affected communities (ETO Maastricht Principle 27). If the protection of the affected persons’ ESCR in Niassa cannot be reached by Sweden regulating GSFF or if Sweden does not take the necessary steps, the respective share-holders’ governments have to make sure that the respective investors disinvest from GSFF.

5. Recommendations

Based on the findings on the impacts of the project and the analysis, we make the following recommendations to the different actors involved:

A. Chikweti Forests of Niassa and its investors and shareholders

- Disclose information about the exact location of the DUATs currently acquired and applied for;
- Disclose information about the areas that have been planted;
- Disclose studies on impact assessments;
- Disclose information about creation of employment and employment conditions;
- Disclose information about the commitments made to the communities;
- Disclose the environmental license(s);
- Disclose the letter by the Mozambican government, in which, according to the company, the government withdraws all previous allegations and confirms that Chikweti holds DUATs for all areas on which it operates.

B. To Mozambique

- Ensure that lands that have been illegally occupied by Chikweti in the districts of Lago, Lichinga and Sanga are returned to the families/communities;
- Make accessible all relevant documents to the public (in accordance with Mozambican law), including the DUATs (attributed and in process) and the studies on impact assessments;
- Revise all DUATs granted to Chikweti; assess, in particular, whether all DUATs have been granted according to Mozambican law and investigate if the company is only operating on lands for which it holds DUAT titles;
- Guarantee areas for peasant farming and food production in each district and province in the country. Strongly support peasant food production. Support agro-forestry policies or sustainable use of forests by peasants/ and reforestation by the communities;
- In the case of supporting of tree plantations, clearly define zones for these projects and those guaranteed for farming;
- Revise Mozambican investment policies taking into account the provisions of the FAO Tenure Guidelines related to investments (prioritize smallholder investment, consider alternative models of production and investment which do not imply transfer or tenure of land and forests, put ceilings on the maximum amount of lands to be controlled by corporations, change the way approval of investment projects is done, define clear standards for an active, free, effective, meaningful and informed participation of all affected population in the consultations; guarantee prior and independent impact assessments, etc.);
- Introduce a complaint mechanism at district level for the population in cases of abuses by investors;
- Strengthen capacity of government authorities in charge of ensuring compliance of companies with the land, labor and environmental laws. Strengthen the capacity of national human rights institutions;
- Establish regulation on the distance of plantations to peoples' homes and fields as well as to water bodies;
- Freeze all concessions and DUATs in process so long as existing conflicts in Niassa have not been resolved.

C. To Sweden as the promoter and initiator of this project

- Investigate consequences of tree plantations on availability of water and develop a strategy on how to guarantee access to water of rural communities;
- Conduct a human rights impact assessment of the forest policy promoted by the Swedish ODA in Mozambique, and the Chikweti project in particular;
- Adopt effective measures to ensure cessation of violations of land rights and the right to food in Niassa as well as effective remedies.

D. To Sweden as the home state of GSFF

Sweden has to regulate GSFF²⁰⁷ to

- Disclose information about the exact location of the DUATs currently acquired and applied for;
- Disclose information about the areas that have been planted;
- Disclose studies on impact assessments;
- Disclose information about creation of employment and employment conditions;
- Disclose information about the commitments made to the communities;
- Compensate communities for the damages and losses suffered;
- Abide with Mozambican labor laws;
- Freeze further expansion as long as existing conflicts in Niassa have not been resolved;
- Introduce a complaint mechanism for the population to provide remedy in cases of abuses by GSFF.

E. To the home states of investors to the GSFF to

- Introduce a complaint mechanism to investigate human rights abuses of TNCs and other business enterprises;
- Introduce monitoring mechanisms in the respective embassies to track TNC activities – particularly in food insecure countries – and to receive complaints of local human rights defenders related to violations of legitimate tenure rights and human rights. In EU member states this monitoring mechanism could be introduced building upon the EU Guidelines on Human Rights Defenders;
- Introduce a reporting duty of companies and investors on activities that may affect human rights abroad;
- Request reports of the host states on the records of investors/companies abiding to local legislation and norms and respecting the human rights of the local population. Make domestic law (criminal or civil) applicable to extraterritorial human rights abuses (on the bases of companies and directors) and give foreign victims standing in national courts;
- Sanction culprits (for example by excluding them from state procurement, further limiting their range of business or (if possible) de-licensing them);
- Cooperate with Sweden to ensure that GSFF stops impairing the enjoyment of the economic, social and cultural rights of the affected communities;
- Make sure that the respective investors disinvest from GSFF in case that the protection of the rights of affected persons in Niassa cannot be reached by Sweden regulating GSFF or if Sweden does not take the necessary steps.

References

- Åkesson, Gunilla/Calengo, André/Tanner, Christopher, 2009, It's not a question of doing or not doing it – it's a question of how to do it. Study on Community Land Rights in Niassa Province, Mozambique, Rapporteur Institutionen för stad och land 6/2009.
- Borras Jr., Saturnino M./Carranza, Danilo/ Franco, Jennifer C./ Alano, Maria Lisa, 2011, Land grabbing and the contested notion of marginal lands: Insights from the Philippines, International Conference on Global Land Grabbing, University of Sussex 6-8 April 2011.
- Centro de Integridade Pública/AWEPA, 2011, Mozambique political process bulletin, Issue 48, February 2011.
- Concern Worldwide/ International Food Policy Research Institute (IFPRI)/Welthungerhilfe, 2011, Global Hunger Index 2011, Bonn, Washington, DC, Dublin, October 2011.
- Cossalter, Christian/ Pye-Smith, Charlie, 2003, Fast-Wood Forestry. Myths and Realities, Forest Perspectives, Center for International Forestry Research (CIFOR), Jakarta.
- Deininger, Klaus/Byerlee, Derek, 2011, Rising Global Interest in Farmland. Can It Yield Sustainable and Equitable Benefits?, World Bank, New York.
- Food and Agriculture Organization of the United Nations (FAO), 2010a, Global Forest Resources Assessment 2010. Country Report Mozambique, Rome.
- Food and Agriculture Organization of the United Nations (FAO), 2010b, Global Forest Resources Assessment 2010. Main report, FAO Forestry Paper 163, Rome 2010.
- Food and Agriculture Organization of the United Nations (FAO), 2005, Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, Rome.
- Forum Umwelt und Entwicklung, 2010, Waldschutz ist Klimaschutz. REDD-Info des Forum Umwelt & Entwicklung, August 2010.
- Framtiden i våre hender, 2012, Kirken innrømmer overtramp, 13 June 2012.
- Framtiden i våre hender, 2011, Sterk kritikk mot norsk kirkefond i Mosambik, 5 December 2011.
- General Comment No. 4, adopted by the UN Committee on Economic, Social and Cultural Rights in 1991 on the Right to Adequate Housing.
- General Comment No. 12, adopted by the UN Committee on Economic, Social and Cultural Rights in 1999 on the Right to Adequate Food.
- General Comment No. 15, adopted by the UN Committee on Economic, Social and Cultural Rights in 2002 on the Right to Water.
- Global Solidarity Forest Fund, 2007, Memorandum of Investment, February 2007.
- Hanlon, Joseph, 2011a, News Reports & Clippings. Mozambique 190, 5 December 2011.
- Hanlon, Joseph, 2011b, News Reports & Clippings. Mozambique 187, 23 November 2011.
- International Fund for Agricultural Development (IFAD), 2008, Habilitar os pobres rurais e superar a pobreza em Mocambique. Rome.
- Justiça Ambiental/União Nacional de Camponeses (UNAC), 2011, Lords of the Land. Preliminary Analysis of the Phenomenon of Land Grabbing in Mozambique, Maputo, March 2011.
- Kjellin, Lennart/Ling, Erik/Västerås stift, 2012, Vi tror på skogsprojektet i Mocambique, VLT, 31 January 2012.
- Lundberg, Lennart /Morén Kristoffer, 2012, Tallodling i Afrika får skarp kritik, Kyrkans Tidning, 19 April 2012.
- Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights, February 2012.
- Malonda Foundation, n.y., Strategic Plan. June 2010 – June 2013.
- Nalepa, Rachel, 2011, A question of scale: the construction of marginal lands and the limitations of global land classifications, International Conference on Global Land Grabbing, University of Sussex 6-8 April 2011.
- Netherlands Ministry of Foreign Affairs, 2012, Answers to questions from the members Omtzigt, Ferrier, Dijkers en Vermeij regarding the fact that ABP is involved in land grabbing in Mozambique, The Hague.
- NORAD, 2012, How to Support Women's Land Rights in Mozambique. Approaches and Lessons Learnt in the Work of Four Main Organizations, Oslo, March 2012.
- Oakland Institute, 2011, Understanding Land Investment Deals in Africa. Country Report Mozambique, Oakland, CA.
- Overbeek, W./Kröger, M./Gerber, J-F, 2012, An overview of industrial tree plantation conflicts in the global South.Conflicts, trends, and resistance struggles. EJOLT Report No. 3, June 2012.
- Overbeek, Winfridus, 2010, The Expansion of Tree Monocultures in Mozambique. Impacts on Local Peasant Communities in the Province of Niassa A field report, WRM Series on Tree Plantations no. 14, April 2010.
- PEM Consult, 2011, Estudo de gestão dos conflitos de terra entre comunidades e investidores em plantações florestais na provincia de Niassa, July 2011.
- Republic of Mozambique/Ministry of Planning and Development, 2010, Report on the Millennium Development Goals 2010, Maputo.
- República de Moçambique, 2006, Plano de Acção Para a Redução da Pobreza Absoluta 2006 – 2009 (PARPA II), May 2006.
- República de Moçambique/Ministério da Agricultura, 2011, Plano Estratégico de Desenvolvimento do Sector Agrário, PEDSA. 2011-2020, Maputo, May 2011.
- República de Moçambique/Ministério da Agricultura/Direcção Nacional de Terras e Florestas, 2010, Relatório de trabalho de campo realizado no âmbito do cumprimento das decisões de S. Excia. O Senhor Primeiro Ministro na sua visita à Província do Niassa, September 2010.
- República de Moçambique/Ministério da Agricultura/Direcção Nacional de Terras e Florestas, n.d., Estratégia para o Reflorestamento, Maputo.
- República de Moçambique/Província do Niassa, 2008, Plano Estratégico Provincial, Niassa 2017, January 2008.
- República de Moçambique/Secretariado Técnico de Segurança Alimentar e Nutricional (SETSAN), 2007a, Estudo de Base de Segurança Alimentar e Nutricional em Moçambique, Maputo.

República de Moçambique/Secretariado Técnico de Segurança Alimentar e Nutricional (SETSAN), 2007b, *Estratégia e Plano de Segurança Alimentar e Nutricional 2008-2015*, Maputo, September 2007.

República de Moçambique/Secretariado Técnico de Segurança Alimentar e Nutricional (SETSAN), 2005, *Food and Nutritional Security (FNS): Progress and Challenges in Mozambique*, Maputo.

Sale, Nurdine, 2008, *Estudo e Advocacia sobre Biocombustíveis e Segurança Alimentar em Mocambique*. Action Aid Mocambique.

Sida, 2012, *Annual report 2011*, Stockholm.

União Nacional de Camponeses (UNAC), 2012, *Estudo de Caso sobre o Impacto da Aquisição de Terras em Grande escala para a Produção de Monoculturas (Eucalipto e Pinho) pela Chikweti Forests of Niassa*, May 2012.

United Nations Development Programme (UNDP), 2010, *What Will It Take to Achieve the Millennium Development Goals? – An International Assessment*, New York, June 2010.

Västerås skog AB, 2012, *Årsredovisning 2011 – Annual report 2011*, June 2012.

Viana, Maurício Boratto, 2004, *O Eucalipto E Os Efeitos Ambientais Do Seu Plantio Em Escala*, April 2004.

Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, May 2012.

Waterhouse, Rachel/ Lauriciano, Gil/Norfolk, Simon, 2010, *Social analysis of selected projects –Issues Note & Case Studies. Large-Scale Land Acquisition for Agricultural Production. Mozambique, Draft 19 March 2010*.

Witteman, Jonathan, 2011a, *Ethisch project ABP loopt uit op landroof*, *De Volkskrant*, 03/12/11.

Witteman, Jonathan, 2011b, *Project pensioenfonds ABP in Mozambique mondt uit in landroof*, <http://www.volkskrant.nl> 03/12/11.

Notes

- General Comment No. 12, adopted by the UN Committee on Economic, Social and Cultural Rights in 1999 on the Right to Adequate Food, Art. 6, <http://daccess-ods.un.org/access.nsf/Get?Open&DS=E/C.12/1999/5&Lang=E>, accessed on July 12, 2012.
- Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, Guideline 8.1, <http://www.fao.org/righttofood/publi09/y9825e00.pdf>, accessed on July 15, 2012.
- Food and Agriculture Organization of the United Nations (FAO), 2005, *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security*, Rome 2005, Guideline 8.10, <http://www.fao.org/docrep/meeting/009/y9825e/y9825e00.htm>, accessed on July 12, 2012.
- Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, May 2012, <http://www.fao.org/docrep/016/i2801e/i2801e.pdf>, accessed on July 15, 2012.
- General Comment No. 4, adopted by the UN Committee on Economic, Social and Cultural Rights in 1991 on the Right to Adequate Housing, [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/469f4d91a9378221c12563ed0053547e?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/469f4d91a9378221c12563ed0053547e?OpenDocument), accessed on July 10, 2012.
- General Comment No. 15, adopted by the UN Committee on Economic, Social and Cultural Rights in 2002 on the Right to Water, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G03/402/29/PDF/G0340229.pdf?OpenElement>, July 10, 2012.
- This provision is contained in the ICESCR, art. 1.2, as well as in the ICCPR, art. 1.2.
- GC 15, par. 7.
- Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights, February 2012, <http://www.fian.org/resources/documents/others/maastricht-principles-on-extraterritorial-obligations-of-states/pdf>, accessed on July 13, 2012.
- Maastricht Principle 8.
- Maastricht Principle 12.
- Maastricht Principle 13.
- Maastricht Principle 14.
- Maastricht Principles 24 and 25.
- Constituição da República de Moçambique, Art. 11.
- Const., Art. 43.
- Const., Art. 18 (2).
- Const., Art. 109.
- Art. 110.
- Art. 111.
- Lei de Terras, Lei no. 19/97, 1 October 1997, Art. 24.
- The term “aproveitamento” is translated differently into English. Besides “benefit”, one also finds the terms “enjoyment”, “beneficial use”, or “development”.
- Lei no. 19/97, Art. 12.
- Lei no. 19/97, Art. 13-14.
- Decreto no. 66/98, 8 December 1998, Art. 25 (1).
- Decreto no. 66/98, Art. 27.
- Lei no. 19/97, Art. 13.
- Decreto no. 15/2000, 20 June 2000, Art. 6.
- Lei no. 10/99, 12 July, Art. 17.2.
- Lei no. 19/2007, 18 July 2007, Art. 22.
- Lei no. 19/2007, Art. 20.
- See Diploma Ministerial no. 29/2000. See also Oakland Institute, 2011, *Understanding Land Investment Deals in Africa. Country Report Mozambique*, Oakland, CA, p.18 (http://media.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI_country_report_mozambique_0.pdf, accessed on July 4, 2012).
- See Centro de Integridade Pública/AWEPA, 2011, *Mozambique political process bulletin*, Issue 48, February 2011, p. 4 (<http://www.open.ac.uk/technology/mozambique/pics/d128132.pdf>, accessed on July 4, 2012).
- See Oakland Institute, 2011, p. 23.
- Republic of Mozambique/Ministry of Planning and Development, 2010, *Report on the Millennium Development Goals 2010*, Maputo, p. 7 (<http://undp.org.mz/en/content/download/2548/11613/file/MDG%20Mozambique%20Report%202010.pdf>, accessed on July 10, 2012).
- Ibid., p. 6.
- HDI available at: <http://hdrstats.undp.org/en/countries/profiles/MOZ.html>, accessed on July 12, 2012.

38. Report on Millennium Development Goals, p. 9.
39. Sale, Nurdine, 2008, Estudo e Advocacia sobre Biocombustíveis e Segurança Alimentar em Moçambique. Action Aid Moçambique, p. 12.
40. República de Moçambique/Secretariado Técnico de Segurança Alimentar e Nutricional (SETSAN), 2007, Estratégia e Plano de Segurança Alimentar e Nutricional 2008-2015, Maputo, September 2007, p. 13 (http://www.fao.org/righttofood/inaction/countrylist/Mozambique/Mozambique_ESAN_IlePASAN.pdf, accessed on July 10, 2012).
41. See Concern Worldwide/International Food Policy Research Institute (IFPRI)/Welthungerhilfe, 2011, Global Hunger Index 2011, Bonn, Washington, DC, Dublin, October 2011 (<http://www.ifpri.org/sites/default/files/publications/ghi11.pdf>, accessed on July 10, 2012).
42. Report on the Millennium Development Goals 2010, p. 10.
43. International Fund for Agricultural Development (IFAD), 2008, Habilitar os pobres rurais e superar a pobreza em Moçambique, Rome (http://www.ifad.org/operations/projects/regions/Pf/factsheets/mozambique_p.pdf, accessed on July 10, 2012).
44. República de Moçambique, 2006, Plano de Acção Para a Redução da Pobreza Absoluta 2006 – 2009 (PARPA II), May 2006, p. 20 (http://www.pap.org.mz/downloads/parpa_ii_aprovado_pt.pdf, accessed on July 9, 2012).
45. República de Moçambique /Ministério da Agricultura, 2011, Plano Estratégico de Desenvolvimento do Sector Agrário, PEDSA. 2011-2020, Maputo, May 2011, p. 13 (<http://www.open.ac.uk/technology/mozambique/pics/d130876.pdf>, accessed on July 12, 2012).
46. Ibid., p. 125.
47. República de Moçambique, 2006, p. 33-34.
48. Deininger, Klaus/Byerlee, Derek, 2011, Rising Global Interest in Farmland. Can It Yield Sustainable and Equitable Benefits?, World Bank, New York, p. xxxii; table p. xxxiii (http://siteresources.worldbank.org/INTARD/Resources/ESW_Sept7_final_final.pdf, accessed on July 6, 2012).
49. Oakland Institute, 2011, p. 5.
50. Resolution 70/2008.
51. See *ibid.*, p. 15.
52. The land tax was increased by 150 per cent in January 2011, being now 37,50 Meticais (1,37 US dollars) per ha per year on normal farmland, and 5 Meticais (0,18 US dollars) per ha per year on grazing land and permanent crops. (See Oakland Institute, 2011, p. 24).
53. Deininger/Byerlee, 2011, p. xxxii.
54. República de Moçambique /Ministério da Agricultura, 2011, p. 25.
55. See Centro de Integridade Pública/AWEPA, 2011, p. 1. According to this source there were at that time two proposals for over 10,000 hectares pending before the Council of Ministers and about 15 proposals between 1,000 and 10,000 hectares waiting for approval by the Minister of Agriculture.
56. Ibid., p. 12. See also Oakland Institute, 2011, p. 22.
57. See Oakland Institute, 2011, p. 13-15.
58. Hanlon, Joseph, 2011b, News Reports & Clippings. Mozambique 187, 23 November 2011. (<http://www.open.ac.uk/technology/mozambique/pics/d133452.pdf>, accessed on July 7, 2012) The Global Solidarity Forest Fund (GSFF) that will be dealt with later on is reportedly one of the shareholders.
59. See Oakland Institute, 2011, p. 15.
60. Several coal reserves have been discovered in Mozambique, which are said to be among the biggest unexploited coal reserves worldwide.
61. Food and Agriculture Organization of the United Nations (FAO), 2010a, Global Forest Resources Assessment 2010. Country Report Mozambique, Rome, p. 11 (www.fao.org/docrep/013/al575E/al575e.pdf accessed on July 13, 2012). It has to be underlined that definitions on forests vary considerably and that the definition used by the FAO is not the same as the definition contained in the Mozambican Law on Forests and Wildlife. It has also to be stressed that, when talking about plantations, the FAO uses the term "planted forests" instead of "tree plantations".
62. República de Moçambique/Ministério da Agricultura/Direcção Nacional de Terras e Florestas, n.d., Estratégia para o Reflorestamento, Maputo, p. 6 (http://www.minag.gov.mz/images/stories/pdf_files/cb.pdf, accessed on July 12, 2012).
63. FAO, 2012a, p. 10.
64. 173,327 hectares in Zambézia province plus 220,000 hectares in the province of Manica for one of the biggest companies producing bleached eucalyptus kraft pulp, which is used to make paper for grocery bags, sacks, envelopes and other packaging (see Oakland Institute, 2011, p. 29).
65. Food and Agriculture Organization of the United Nations (FAO), 2010b, Global Forest Resources Assessment 2010. Main report, FAO Forestry Paper 163, Rome 2010, quoted in Overbeek, W./Kröger, M./Gerber J-F, 2012, An overview of industrial tree plantation conflicts in the global South. Conflicts, trends, and resistance struggles. EJOLT Report No. 3, June 2012, p. 14 (http://www.ejolt.org/wordpress/wp-content/uploads/2012/06/120607_EJOLT-3-plantations-lower.pdf, accessed on July 14, 2012).
66. See Overbeek/Kröger/Gerber, 2012, p. 83.
67. See Forum Umwelt und Entwicklung, Waldschutz ist Klimaschutz. REDD-Info des Forum Umwelt & Entwicklung, August 2010, http://www.forumue.de/fileadmin/userupload/publikationen/2010_reddinfo.pdf, accessed on July 10, 2012.
68. See Readiness Preparation Proposal (R-PP) for Mozambique, March 2012, http://www.forestcarbonpartnership.org/fcp/sites/forestcarbonpartnership.org/files/Documents/PDF/Mar2012/Mozambique_RPP_March07_2012rev2-FINAL.pdf, accessed on July 4, 2012. See also the resolution on Mozambique's R-PP of the FCPF's 11th Participant's Committee Meeting: [http://www.forestcarbonpartnership.org/files/Documents/PDF/Mar2012/Resolution%20%20Mozambique.pdf](http://www.forestcarbonpartnership.org/fcp/sites/forestcarbonpartnership.org/files/Documents/PDF/Mar2012/Resolution%20%20Mozambique.pdf), accessed on July 4, 2012.
69. República de Moçambique/Ministério da Agricultura/Direcção Nacional de Terras e Florestas, Estratégia para o Reflorestamento, n.d.
70. Ibid., p. 8-9.
71. Ibid., p. 35.
72. Ibid., p. 16-17.
73. República de Moçambique/Província do Niassa, 2008, Plano Estratégico Provincial, Niassa 2017, January 2008, p. 26 (http://www.malonda.co.mz/index.php?option=com_docman&task=cat_view&gid=97&Itemid=10&lang=pt, accessed on July 3, 2012).
74. Åkesson, Gunilla/Calengo, André/Tanner, Christopher, 2009, It's not a question of doing or not doing it – it's a question of how to do it. Study on Community Land Rights in Niassa Province, Mozambique, Rapporteur Institutionen för stad och land 6/2009, p. 16 (http://sidaenvironmenthelpdesk.se/wordpress/wp-content/uploads/2011/06/Final_published_med_bild_p%C3%A5_omslag_Community_Land_Rights_Niassa_report_6_20091.pdf, accessed on July 10, 2012).
75. Ibid.
76. See Fundação Malonda's website: http://www.malonda.co.mz/index.php?option=com_content&view=article&id=4&catid=54&Itemid=121&lang=pt, accessed on July 3, 2012.
77. Malonda Foundation, n.y., Strategic Plan. June 2010 – June 2013, p.1 (<http://www.swedenabroad.com/SelectImageX/202329/Appendix232ToRMalondaFoundation.pdf>, accessed on July 5, 2012).
78. See Sida, 2012, Annual report 2011, Stockholm (<http://www.sida.se/Svenska/Om-oss/Publikationsdatabas/Publikationer/2012/april/Sidas-229rsredovisning-2011>, accessed on July 16, 2012).
79. See presentation on "Niassa's Investment Potentials and Opportunities" on Fundação Malonda's website: <http://www.malonda.co.mz>.

- malonda.co.mz/index.php?option=com_docman&task=doc_download&gid=43&Itemid=10&lang=pt, accessed on July 3, 2012.
80. Presentation to the Government of Niassa, February 2012 (http://www.malonda.co.mz/index.php?option=com_docman&task=doc_download&gid=42&Itemid=10&lang=pt, accessed on July 5, 2012).
 81. República de Moçambique/Ministério da Agricultura/Direcção Nacional de Terras e Florestas, 2010, Relatório de trabalho de campo realizado no âmbito do cumprimento das decisões de S. Excia. O Senhor Primeiro Ministro na sua visita à Província do Niassa, September 2010, p. 12 (<http://www.open.ac.uk/technology/mozambique/pics/d128205.pdf>, accessed on July 3, 2012).
 82. Malonda Foundation, Strategic Plan, p. 5.
 83. GSFF website <http://gsff.se/en/>, accessed July 3, 2012.
 84. Global Solidarity Forest Fund, 2007, Memorandum of Investment, February 2007, p. 2 (<http://www.3ignet.org/resourcecenter/resourcePDFs/2007FebGSFFMemInv.pdf>, accessed on July 4, 2012).
 85. OVF website <http://www.ovf.no/Finansforvaltning/Etiske-investeringer/Etiske-positive-investeringer/Skogsinvesteringer-i-Mosambik>, accessed on July 4, 2012. According to OVF's website "OVF is an independent legal endowment holding its own real estate and financial capital. [...] In accordance with §106 of Norway's Constitution and with the OVF Act itself, the OVF has been set up to benefit the Church." The OVF has financial assets of NOK 1,692 million (224 million euro). (OVF annual report, 2010).
 86. Witteman, Jonathan, 2011a, Ethisch project ABP loopt uit op landroof, De Volkskrant, 03/12/11 (<http://www.volkskrant.nl/vk/nl/2844/Archief/archief/article/detail/3062452/2011/12/03/Ethisch-project-ABP-loopt-uit-op-landroof.dhtml>, accessed on July 6, 2012).
 87. Västerås skog AB, 2012, Årsredovisning 2011 – Annual report 2011, June 2012, p. 40 (http://www.vasterasstift.nu/PLT_%C3%A5rsred_2011_webb.pdf, accessed on August 29, 2012). In the report, the diocese states that despite its 5 per cent ownership, its voting right is 0 per cent. Västerås is one of thirteen dioceses of the Swedish church. The management of the diocese's assets is handled by the diocese of Västerås forest Ltd. The value of these assets, which consists mainly of forest properties in Sweden, was around 145 million euro in 2010. (Annual report for 2010, available (in Swedish) at: http://www.vasterasstift.nu/PDF/PLT_2010_webb.pdf). The investments are regulated by the highest decision making body of the Swedish church, the Church Assembly, which states that assets should be managed in an ethical way and in line with the fundamental values of the church. The central board of the church of Sweden is responsible for supervising the assets management. If the supervision notices serious flaws in the management the church board has to propose measures to the church assembly to address the mismanagement. (Church order, charter 46).
 88. GSFF website <http://gsff.se/en/investments/subsidiaries>, accessed July 3, 2012
 89. GSFF website <http://gsff.se/en/investments/subsidiaries>, accessed July 3, 2012. During a seminar held in Västerås, Sweden, in June 2012, the Chairman of the Boards of GSFF and Chikweti, Nils Grafström announced that in the future, GSFF will concentrate all its activity on Chikweti.
 90. GSFF, Memorandum of Investment, p.2. According to the Diocese of Västerås' annual report 2011, it owns 54.2 per cent of GSFI.
 91. Ibid.
 92. According to the Memorandum of Investment, p. 8, Chikweti makes up 30 million out of the total 52 million US dollars of developed investments.
 93. See Oakland Institute, 2011, p. 31.
 94. See *ibid.* and Hanlon, Joseph, 2011a, News Reports & Clippings. Mozambique 190, 5 December 2011, p. 2 (<http://www.open.ac.uk/technology/mozambique/pics/d133564.pdf>, accessed on July 7, 2012).
 95. GSFF, Memorandum of Investment, p.3.
 96. Malonda Foundation expects the first harvesting for 2015 (see presentation "Investment Opportunities in Niassa", see FN 79).
 97. GSFF, Memorandum of Investment.
 98. Justiça Ambiental/União Nacional de Camponeses (UNAC), 2011, Lords of the Land. Preliminary Analysis of the Phenomenon of Land Grabbing in Mozambique, Maputo, March 2011, p. 51 (<http://www.open.ac.uk/technology/mozambique/pics/d131619.pdf>, accessed on June 21, 2012).
 99. Written comment on the draft version of the present study by Chikweti and GSFF, received on September 5, 2012.
 100. Information provided by a Chikweti plantation manager during an interview in June 2012.
 101. Written comment on the draft version of the present study by Chikweti and the GSFF, received on September 5, 2012.
 102. Fundação Malonda, Apresentação ao Governo do Niassa, February 2012, p. 7 (see FN 80).
 103. GSFF, Memorandum of Investment, p. 6.
 104. See <http://gda.usaid.gov/alliances/detail.asp?s=SVHTWWJYBV BXPDSHGDMHRBQYLYTQYNT&id=483&t=>, accessed on July 9, 2012.
 105. GSFF, Memorandum of Investment, p. 6.
 106. União Nacional de Camponeses (UNAC), 2012, Estudo de Caso sobre o Impacto da Aquisição de Terras em Grande escala para a Produção de Monoculturas (Eucalipto e Pinho) pela Chikweti Forests of Niassa, May 2012, p. 16.
 107. According to a report by the Mozambican Ministry of Agriculture and the National Directorate of Lands and Forests (Direcção Nacional de Terras e Florestas, DNTF) from September 2010, Chikweti held DUATs for a surface of close to 30,000 hectares at that point in time. See República de Moçambique/Ministério da Agricultura/ Direcção Nacional de Terras e Florestas, 2010, p. 11.
 108. Written comment on the draft version of the present study by Chikweti and the GSFF, received on September 5, 2012.
 109. GSFF website <http://gsff.se/en/investments/subsidiaries>, accessed July 3, 2012.
 110. See UNAC, 2012, p. 16.
 111. Information provided by plantation manager of Chikweti during an interview in June 2012.
 112. Parts of the seminar have been filmed and are available at http://www.youtube.com/watch?feature=player_embedded&v=UU5BknB8qig (accessed on September 3, 2012).
 113. Instituto Nacional de Estatística (INE), 2007, III Recenseamento Geral da População e Habitação de 2007, Maputo, quoted in UNAC, 2012, p. 12.
 114. República de Moçambique/Ministério da Agricultura/ Direcção Nacional de Terras e Florestas, 2010, p. 32.
 115. *Ibid.*, p. 42.
 116. *Ibid.*, p. 41.
 117. República de Moçambique/Ministério da Agricultura/ Direcção Nacional de Terras e Florestas, 2010, p. 16. In a written comment on the draft version of the present study, received on September 5, 2012, Chikweti and the GSFF claim that the company holds a letter from the government stating that it is within its rights and that all its DUATs have been obtained legally, "proving that the companies [sic] Duats and Process are sound and legitimate, and provides the company with a clean bill of health."
 118. Many corporate investors use categories such as marginal, idle or degraded lands to justify large scale lands acquisition. These notions are, however, highly contentious. See e.g. Borras Jr., Saturnino M./Carranza, Danilo/ Franco, Jennifer C./Alano, Maria Lisa, 2011, Land grabbing and the contested notion of marginal lands: Insights from the Philippines, International Conference on Global Land Grabbing, University of Sussex 6-8 April 2011 (http://www.future-agricultures.org/papers-and-presentations/doc_download/1319-m-borras-jr--jennifer-c-franco--danilo

- [carranza-and-maria-lisa-alano](#), accessed on September 13, 2011) or Nalepa, Rachel, 2011, A question of scale: the construction of marginal lands and the limitations of global land classifications, International Conference on Global Land Grabbing, University of Sussex 6-8 April 2011 (http://www.future-agricultures.org/papers-and-presentations/doc_download/1291-a-question-of-scale-the-construction-of-marginal-lands-and-the-limitations-of-global-land-classific, accessed on September 13, 2012).
119. República de Moçambique/Ministério da Agricultura/ Direcção Nacional de Terras e Florestas, 2010, p. 26, 30.
 120. Justiça Ambiental/UNAC, 2011, p. 51.
 121. República de Moçambique/Ministério da Agricultura/Direcção Nacional de Terras e Florestas, 2010, p. 38, quoting a local official in the district of Sanga.
 122. Written comment on the draft version of the present study by Chikweti and the GSFF, received on September 5, 2012.
 123. República de Moçambique/Ministério da Agricultura/Direcção Nacional de Terras e Florestas, 2010, p. 32, 42.
 124. *Ibid.*, p. 41, 50.
 125. Jornal Faisca, 2011, Conflito de terra continua no distrito de Sanga, 16 June 2011 (<http://verdade.co.mz/nacional/20247-distrito-de-sanga-conflito-de-terra-tensao-mantem-se>, accessed on July 23, 2012).
 126. See UNAC, 2012, p. 22-23. In a written comment on the draft version of the present study, received on September 5, 2012, Chikweti and the GSFF claim that the described conflict was “the result of a community conflict and the company lands [have] become the bone of contention as result of external factors.” They further state that “the people were not arrested for the purported claim of customary land right[s] but rather the damage they caused to the company’s property and people,” and underline that it was the “company that facilitated the release of the people. A good company- community relationship was the motivation behind the company’s decision to file for the withdrawal of the case and pave way for the freedom of the people.”
 127. *Ibid.*, p. 30 Farmers are fined by having to work on the plantations without remuneration. See UNAC, 2012, p. 20.
 128. Besides the fines, peasants were until recently also rewarded through the payment of the so-called “fire money” of 5 US dollars per hectare that is not burnt. According to a written comment on a draft of the present study, GSFF and Chikweti state that the “fire money” system has been replaced by a social fund.
 129. Case of Abubacar Saide, Posto Administrativo de Maniamba. See box for reference.
 130. See República de Moçambique/Secretariado Técnico de Segurança Alimentar e Nutricional (SETSAN), 2007, Estudo de Base de Segurança Alimentar e Nutricional em Moçambique, Maputo.
 131. Sida, 2007, Um Perfil das Relações de Género. Para a Igualdade de Género em Moçambique, Edição Actualizada de 2006, January 2007, quoted in UNAC, 2012, p. 28.
 132. Although Mozambique has large natural gas reserves that are exploited for export, people – with the exception of the population in the main cities – largely depend on firewood and/or charcoal as a source of energy.
 133. República de Moçambique/Ministério da Agricultura/ Direcção Nacional de Terras e Florestas, 2010, p. 30, 41. In a written comment on the draft version of the present study, received on September 5, 2012, Chikweti and the GSFF, the company claims that “Even under the principles of FSC a small amount of conversion can take place when plantations are developed.” It further states that the company has carried out an investigation “and found that no more than 500 ha of forest could have been affected in all its operations, or less than 0.1% of its land holding.”
 134. *Ibid.*, p. 37.
 135. See Presentation by Malonda Foundation Presentation “Investment Opportunities in Niassa” (see FN 79) and Centro de Integridade Pública/AWEPA, 2011, p. 9.
 136. Testimony quoted from UNAC, 2012, p. 20-21. See also Justiça Ambiental/UNAC, 2011, p. 53-54.
 137. República de Moçambique/Ministério da Agricultura/Direcção Nacional de Terras e Florestas, 2010, p. 28, 39.
 138. *Ibid.*, p. 32.
 139. *Ibid.*, p. 39.
 140. See PEM Consult, 2011, Estudo de gestão dos conflitos de terra entre comunidades e investidores em plantações florestais na provincia de Niassa, July 2011, p. 27.
 141. Written comment on the draft version of the present study by Chikweti and the GSFF, received on September 5, 2012.
 142. Suizane Rafael, 2012, Jornal Faisca. Semanário independente, Edição 568, Lichinga, 3 February 2012, quoted by UNAC, 2012, p. 17. See also Fundação Malonda, Apresentação ao Governo do Niassa, Fevereiro 2012, p. 7 (http://www.malonda.co.mz/index.php?option=com_docman&task=doc_download&gid=42&Itemid=10&lang=en, accessed on July 3, 2012).
 143. See Overbeek/Kröger/Gerber, 2012, p. 26.
 144. See Cossalter, Christian/ Pye-Smith, Charlie, 2003, Fast-Wood Forestry. Myths and Realities, Forest Perspectives, Center for International Forestry Research (CIFOR), Jakarta, p. 32 (http://www.cifor.org/publications/pdf_files/Books/ForestPerspective.pdf, accessed on July 20, 2012).
Viana, Maurício Boratto, 2004, O Eucalipto E Os Efeitos Ambientais Do Seu Plantio Em Escala, April 2004, p. 10 indicates that on eucalyptus plantations on average one worker is required per 15 hectares, while the same area cultivated for traditional agriculture employs 30 people. (Available under http://bd.camara.gov.br/bd/bitstream/handle/bdcamara/1162/eucalipto_efeitos_boratto.pdf, accessed on July 12, 2012).
 145. See Justiça Ambiental/UNAC, 2012, p. 53.
 146. See UNAC, 2012, p. 26.
 147. Waterhouse, Rachel/ Lauriciano, Gil/Norfolk, Simon, 2010, Social analysis of selected projects –Issues Note & Case Studies. Large-Scale Land Acquisition for Agricultural Production. Mozambique, Draft 19 March 2010, p. 33 (<http://www.open.ac.uk/technology/mozambique/pics/d128185.pdf>, accessed on July 11, 2012).
 148. Deininger/Byerlee, 2011, p. 65.
 149. Waterhouse/Lauriciano/Norfolk, 2010, p. 28.
 150. Overbeek/Kröger/Gerber, 2012, p. 31.
 151. Overbeek/Kröger/Gerber, 2012, p. 30.
 152. Overbeek, Winfridus, 2010, The Expansion of Tree Monocultures in Mozambique. Impacts on Local Peasant Communities in the Province of Niassa A field report, WRM Series on Tree Plantations no. 14, April 2010, p. 20 (<http://www.wrm.org.uy/countries/Mozambique/book.pdf>, accessed on July 3, 2012).
 153. Written comment on the draft version of the present study, received on September 5, 2012.
 154. Justiça Ambiental/UNAC, 2011, p. 53.
 155. Overbeek/Kröger/Gerber, 2012, p. 31.
 156. República de Moçambique/Ministério da Agricultura/Direcção Nacional de Terras e Florestas, 2010, p. 30, 41.
 157. Cossalter/Pye-Smith, 2003, p. 22.
 158. Céspedes-Payret, C./Pineiro G./Achkar, M./Gutierrez, O./Panario, D., 2009, The irruption of new agro-industrial technologies in Uruguay and their environmental impacts on soil, water supply and biodiversity: a review, International Journal of Environment and Health, 3, 175-97, quoted in Overbeek/Kröger/Gerber, 2012, p. 32.
 159. Cossalter/Pye-Smith, 2003, p. 22, Overbeek/Kröger/Gerber, 2012, p. 32.
 160. República de Moçambique/Ministério da Agricultura/Direcção Nacional de Terras e Florestas, 2010, p. 49. Written comment on the draft version of the present study, received on September 5, 2012
 161. UNAC, 2012, p. 23. The case of the bridge is also contained in República de Moçambique/Ministério da Agricultura/Direcção Nacional de Terras e Florestas, 2010, p. 35. In a written comment on the draft version of the present study, received on September 5,

- 2012, GSFF and Chikweti claim that the company had constructed the bridge according to the agreement.
162. Ibid., p. 31.
 163. Ibid., p. 26-27.
 164. Ibid., p. 28.
 165. UNAC, 2012, p. 22.
 166. Ibid., p. 22.
 167. República de Moçambique/Ministério da Agricultura/Direcção Nacional de Terras e Florestas, 2010, p. 27.
 168. Ibid., p. 27, 35, 39
 169. Ibid., p. 30.
 170. UNAC, 2012, p. 23.
 171. República de Moçambique/Ministério da Agricultura/Direcção Nacional de Terras e Florestas, 2010, p. 38.
 172. NORAD, 2012, How to Support Women's Land Rights in Mozambique. Approaches and Lessons Learnt in the Work of Four Main Organizations, Oslo, March 2012, p. 40-41 (http://www.norad.no/en/tools-and-publications/publications/norad-reports/publication/_attachment/390190?download=true&_ts=13662e22376, accessed on July 15, 2012).
 173. Waterhouse/Lauriciano/Norfolk, 2010, p. 15.
 174. República de Moçambique/Ministério da Agricultura/Direcção Nacional de Terras e Florestas, 2010, p. 28, 49, 52-53.
 175. Ibid., p. 52-53.
 176. Ibid., p. 1.
 177. Ibid.
 178. See chapter 3.1.
 179. Åkesson/Calengo/Tanner, 2009, p. 12.
 180. Ibid., p. 3.
 181. All quotations from ibid., p. 4.
 182. All recommendations and quotes from ibid., p. 77-82.
 183. Fundação Malonda, Strategic Plan 2010 – 2013, p. ii.
 184. Netherlands Ministry of Foreign Affairs, 2012, Answers to questions from the members Omtzigt, Ferrier, Dijkers en Vermeij regarding the fact that ABP is involved in land grabbing in Mozambique, The Hague.
 185. Witteman, Jonathan, 2011b, Project pensioenfond ABP in Mozambique mondt uit in landroof, 03/12/11, <http://www.volkskrant.nl/vk/nl/2668/Buitenland/article/detail/3062074/2011/12/03/Projectpensioenfond-ABP-in-Mozambique-mondt-uit-in-landroof.dhtml>, accessed on July 5, 2012.
 186. See Chikweti's statement at http://wrm.org.uy/countries/Mozambique/carta_Chikweti.pdf, accessed on July 3, 2012.
 187. Witteman, Jonathan, 2011a, Ethisch project ABP loopt uit op landroof, De Volkskrant, 03/12/11 (<http://www.volkskrant.nl/vk/nl/2844/Archief/archief/article/detail/3062452/2011/12/03/Ethisch-project-ABP-loopt-uit-op-landroof.dhtml>, accessed on July 6, 2012).
 188. Statement by GSFF, <http://gsff.se/en/response-to-articles-in-de-volkskrant>, accessed on July 3, 2012.
 189. All quotations from GSFF's statement, <http://gsff.se/en/response-to-articles-in-de-volkskrant>, accessed on July 3, 2012.
 190. GSFF website, <http://gsff.se/en/home/gsffs-process-of-change>, accessed on July 3, 2012.
 191. The Diocese of Västerås had to write off 25% of the value of their investment in GSFF in the annual report for 2010, see Annual report for 2010 available (in swedish) at http://www.vasterasstift.nu/PDF/PLT_2010_webb.pdf, accessed on July 8, 2012.
 192. Lundberg, Lennart /Morén Kristoffer, 2012, Tallodling i Afrika får skarp kritik, Kyrkans Tidning, 19 April 2012 (<http://www.kyrkanstidning.se/inrikes/tallodling-i-afrika-far-skarp-kritik>, accessed on July 8, 2012).
 193. Chikweti and the GSFF did not provide a copy of this letter.
 194. All quotations from a written comment on the draft version of the present study by GSFF and Chikweti, received on September 5, 2012.
 195. ABP neemt aantijgingen Mozambikaanse bosbouw serieus, press release, 3 December 2011 (<http://www.abp.nl/over-abp/nieuws/2011/abp-neemt-aantijgingen-mozambikaanse-bosbouw-serieus.asp>, accessed on July 5, 2012). See also Witteman, Jonathan, 2011b.
 196. Framtiden i våre hender, 2011, Sterk kritikk mot norsk kirkefond i Mosambik, 5 December 2011 (<http://www.framtiden.no/201112045373/aktuelt/etiske-investeringer/sterk-kritikk-mot-norsk-kirkefond-i-mosambik.html>, accessed on July 8, 2012).
 197. Framtiden i våre hender, 2012, Kirken innrømmer overtramp, 13 June 2012, <http://www.framtiden.no/201206135657/aktuelt/etiske-investeringer/kirken-innrømmer-overtramp.html>, accessed on July 8, 2012).
 198. Filter no. 25, April/May 2012.
 199. Det som blivit fel ska rättas till, press release by the Bishop of Västerås, Thomas Söderberg, 27 April 2012, www.svenskakyrkan.se/default.aspx?id=885910&ptid=48063, accessed on July 9, 2012. In a reaction to the same article in Filter, the Swedish Church made clear that the Diocese of Västerås was an investor behind Chikweti but that this had nothing to do with the international work of the Swedish Church. See Kritiserat investeringsprojekt har inget med Svenska kyrkans internationella arbete att göra, press release by the Swedish Church, 23 March 2012, <http://www.svenskakyrkan.se/default.aspx?id=874302>, accessed on July 8, 2012.
 200. Lennart Kjellin/Erik Ling, Västerås stift: Vi tror på skogsprojektet i Mocambique, VLT, 31 January 2012, <http://vlt.se/asikt/debatt/11525803-vasteras-stift-vi-tror-pa-skogsprojektet-i-mocambique>, accessed on July 8, 2012.
 201. República de Moçambique/Secretariado Técnico de Segurança Alimentar e Nutricional (SETSAN), 2005, Food and Nutritional Security (FNS): Progress and Challenges in Mozambique, Maputo.
 202. Hanlon, 2011a.
 203. Constituição da República de Moçambique, Art. 48.1.
 204. See, for example, the testimony from the community of Maniamba in chapter 4.2.1.
 205. Para. 3B6.
 206. ABP, 2011, Press Release of 6 September 2011 (http://www.abp.nl/images/01.0024.11_tcm160-130234.pdf, accessed on September 13, 2012). The "Principles for Responsible Investment in Farmland" are available at http://www.unpri.org/commodities/Farmland%20Principles_Sept2011_final.pdf, accessed on September 13, 2012).
 207. Under ETO Maastricht Principle 25.

Websites

- <http://gda.usaid.gov/alliances/detail.asp?s=SVHTWWJYBVBXBPDSHGDMHRBQYLYTQYNT&id=483&t>
- <http://gsff.se/en/>
- <http://hdrstats.undp.org/en/countries/profiles/MOZ.html>
- <http://wrm.org.uy>
- <http://www.abp.nl>
- http://www.forestcarbonpartnership.org/fcp/sites/forestcarbonpartnership.org/files/Documents/PDF/Mar2012/Mozambique_RPP_March07_2012rev2-FINAL.pdf
- <http://www.malonda.co.mz>
- <http://www.ovf.no>
- <http://www.vasterasstift.nu>



FIAN INTERNATIONAL

Willy-Brandt-Platz 5
69115 Heidelberg, Germany
Tel.: +49 6221 65300 30
Fax: +49 6221 65300 33
E-Mail: contact@fian.org
www.fian.org