Tenure and Investment in Southern Africa

Sugar, Mining, Monitoring and Expectations

Tenure disputes in Southern Africa have created financial and reputational damage for the companies and investors involved. Sectors like sugar and mining have struggled to engage local peoples effectively and to manage local expectations associated with their projects. Disputes in Southern Africa are particularly likely to lead to materially significant events, like work stoppages. They are also more likely to be violent than in any other region in the world, which is a considerable deterrent for foreign direct investment (FDI).

This paper examines recent case studies of tenure-related dispute in Southern Africa to help companies, investors, governments, and CSOs to avoid and resolve them more effectively. It compares these recent cases to historical and global trends to provide a current and representative picture of the way that tenure risk impacts investment in the sub-region.

Our investigation suggests that both the mining and sugar sectors in Southern African need to improve their engagement with local peoples so that they can gather vital information and foster trust. Failure by companies—and by their counterparties in government—to facilitate inclusive and substantive engagement can create risks for projects and in some cases the growth of sectors as a whole.

1. Tenure Dispute in Southern Africa

This paper investigates the causes and effects of tenure-related dispute in Southern Africa. It is designed to help companies, investors, governments, and civil society organizations (CSOs) understand and respond to tenure issues at both the local and national levels. The investigation focuses on sugar and mining, which drive the vast majority of recent disputes in Southern Africa.[1]

In the sugar sector, this paper compares the financial and operational risks of tenure-related conflict in a plantation model relative to a supplier-based approach. It concludes that many investors will prefer direct acquisition rather than the smallholder and outgrower schemes which, on the face of it, are preferable for local peoples.[2] But according to Natasha Schwarzbach (PepsiCo), opportunities for plantations are diminishing. Governments in Southern Africa are in a strong position to push companies towards supplier models.

Introducing greater traceability into supply chains will be key to resolving this tension between investor preference for clear-cut plantations and a wider societal preference for production models that do not displace local peoples from their customary lands. International investors committed to high standards require this visibility to expand supplier models significantly to drive regional growth in the sector. Developing this transparency at reasonable cost will require more participatory monitoring and facilitation from the public and CSO sectors.

Better engagement with, and information-gathering from, local communities is also crucial in the mining sector. Modern mines, like modern sugar plantations, create few local jobs and even fewer of a high quality. According to Suleiman Kiggundu (CDC), this can be difficult for local peoples to accept when they see the scale of capital pouring into the project, and the damage it does to traditional livelihoods like farming as well as emerging sources of employment like tourism.

Project developers often need to do more to understand local perceptions of their activities, how they are aligned with actual impacts, and therefore how to design compensation and resettlement packages. Doing this effectively requires the cooperation and support of local and national government actors. If this support is not forthcoming, the mining sector in Southern Africa loses competitiveness to places like Australia as well as countries like Ghana and Tanzania, which are working to improve performance on tenure issues.

---

[1] Of 11 recent cases identified and analysed in Southern Africa, five related to mining and six to agriculture.

[2] A growing body of evidence has problematized each of the 'plantation,' 'contract,' and 'commercial' farming models, and highlighted that outgrower schemes may cause significant challenges for local peoples. See, for example, Smalley, 2013 (http://www.fao.org/uploads/media/FAC_Working_Paper_055.pdf), and ActionAid, 2015 (http://www.actionaid.org/sites/files/actionaid/contract_farming.pdf).

Key Recommendations

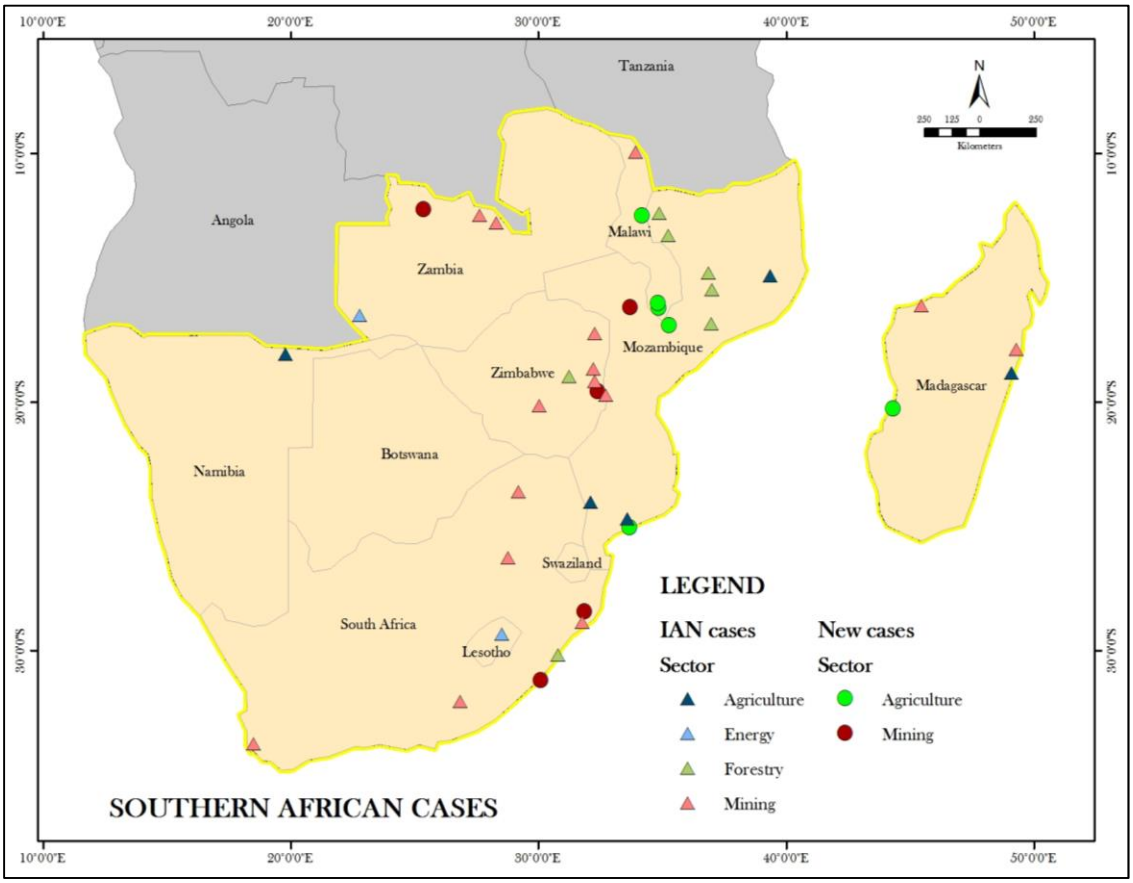
Despite operational differences, there are remarkable similarities in tenure-related disputes in the sugar and mining sectors in Southern Africa. Both sectors exhibit a very high risk of violence and work stoppages, with similar risks around displacement. In both cases, a key challenge appears to be managing expectations, particularly around local job creation. These similarities suggest a number of key lessons for doing business in Southern Africa, which are discussed at greater length at the end of this document.

1. **Perceived collusion between companies and local elites inflames dispute.** In the sugar cases we profiled, problems with local suppliers created reputational headaches and potential market access issues for Illovo. In our South African mining cases, local elites were accused of failing to represent the interests of local communities, highlighting the importance of identifying legitimate intermediaries. Any sense that local communities are being cut out of the deal can create unnecessary financial risks for a project.
2. **Managing local expectations—positive and negative—is key.** If large investments are being made, companies and investors may find it necessary to manage assumptions about the benefits to local communities. Similarly, it is important to find credible intermediaries, like independent CSOs, who can help address perceptions of negative project impacts. But governments and companies should also place higher priority on avoiding resettlement and providing adequate compensation and benefit sharing, especially where local livelihoods are being permanently altered or destroyed. Failure to meet local expectations can lead to violent local reactions, which acts as a deterrent for any investment near the dispute site or even within the country.
3. **In agriculture, direct acquisitions or large leases are attractive to investors but increase tenure risks. Data will be key to unlocking a prosperous future.** Plantations are increasingly being driven to areas that are environmentally unsuitable, relatively densely populated, or experiencing legacy land issues. At the same time, supplier models are often preferable for local communities and their political representatives. Governments, CSOs, and companies must work together to improve data collection processes and data management standards if they are to provide the visibility required to verify high performance on tenure across these models.

Trends in Tenure Risk

This paper is based on 11 recent cases of dispute, of which four come from the sugar sector and five come from mining (see map overleaf for locations of cases). These recent cases were analyzed and compared to a global database of 362 disputes to assess current issues in Southern Africa and how they compare to other regions of Africa and the world. We looked at factors causing and driving disputes as reported in publicly available sources. In addition, we conduct

geospatial analysis of the environmental, social, and governance factors around the sites of dispute.



The most notable finding of this analysis is that violence is significantly more likely in Southern Africa than in the other sub-regions of Africa. Surprisingly, these outbursts do not seem to be related to historical instances of violence and appear to occur in areas with comparatively low levels of poverty. Southern Africa also has a higher rate of work stoppage that any other part of the world apart from East Africa.

The main difference is that work stoppages in East Africa are often caused by legal action, while in Southern Africa they are caused by direct popular action. Tenure disputes in Southern Africa therefore create higher financial, and in some cases reputational, risk than other investment areas. Few factors deter investment in long-term land projects more reliably than violent conflict.

Displacement is the primary driver of dispute in Southern Africa, featuring more heavily than in any other part of the world. This finding underlines the attractiveness of outgrower models in sugar. The result is, however, somewhat surprising given that population density around project sites is lower than in other parts of Africa. This is probably explained by the fact that water risk is particularly high for projects in this region, highlighting the relationship between water and

land rights. While there may be more hectares of land per capita, the pressure on productive land and resource rights more broadly may be more significant.[3]

Although compensation does not feature as a primary driver in any of our new cases, it is the most common secondary driver of dispute. This supports the hypothesis that local communities are resistant to investment on their customary lands, but may be persuaded to support projects through promises of reward (often combined with coercion), and then become frustrated when promised benefits don't materialize.

In addition, projects in this sub-region as a group are located in areas with particularly high rates of poverty, and especially severe poverty. Many affected communities have nothing left to lose if it becomes clear there is little to be gained through either resettlement or new employment. When livelihoods derive largely or solely from subsistence or small-scale farming, and official rights to land are absent, displacement is more likely to be central to disputes.

[3] These contextual trends are described in more detailed in Annex I.

2. Sugar: Production Models and Tenure Risk

Sugar mills represent major investments that must have consistently high supply to remain viable. To guarantee this supply, most companies and investors want to establish large cane plantations. But there is rarely enough suitable land available at a reasonable price to supply a mill's needs directly. One alternative is to establish supplier models, which are very common in Southern Africa.

Supplier models can help avoid displacement of local communities and other tenure risks associated with the establishment of a plantation.[4] However, in addition to greater uncertainty over supply, lack of traceability can ultimately expose millers and buyers to significant reputational risk from tenure issues further along the supply chain. This is particularly true of major corporates that dominate the sugar supply chain in Southern Africa—including Coca-Cola, PepsiCo, and Mondelez—who have made public commitments to a zero-tolerance approach to tenure abuse.

In the absence of better supply chain traceability, it is hard to categorically prove or disprove whether a supply chain is tainted by tenure disputes and abuses. At present, most buyers can't be certain where much of their sugar comes from and are therefore not in a position to meet their commitments. These actors and many of their major suppliers are now working hard to improve supply chain mapping and performance standards.

The response of Illovo in Malawi provides a good example of a producer that has, according to Dave Bledsoe (Landesa), responded to pressure by significantly increasing its capacity to identify and address tenure disputes. But Illovo's operations depend heavily on local suppliers and evidence suggests that some of these actors are not compliant with the requirements of Illovo's buyers. The case study below emphasizes some of the challenges with local suppliers that Illovo's operations have faced in the past, and why the increased capacity to address tenure disputes among these groups is so critical.

Case Study Focus: Illovo in Malawi

Illovo's disputes with local communities over tenure rights and legacy land issues as well as their response have been well documented by Landesa and others.[5] This analysis highlights the necessity and the difficulty of effective stakeholder engagement. It also addresses the difficulties created by a diversity of investment types and the complications of supply chain management.

[4] The dispute we looked at around a plantation in Madagascar (see Annex II for details) provides a good example of how these risks can impact a project.

[5] http://www.landesa.org/wp-content/uploads/Malawi-Case-Study-FINAL-10.6.15.pdf

In March 2015, Illovo declared a zero-tolerance approach to tenure abuse in their operations, which provides a clear indication of the progress they have made on social performance standards.[6] According to Kate Mathias (Illovo), they have also attempted to develop supplier models with a greater focus on social issues. There has been a concerted effort to improve practice at both of Illovo's major estates, Nchalo and Dwangwa, and across its supply chains. But current supply chain management practices do not provide the granular and consistent monitoring required to ensure that their sugar is not associated with tenure abuse.

Introducing this level of traceability in a plantation is possible, and there are examples of effective monitoring in these contexts across Africa.[7] Unfortunately, according to Kevin Ogorzalek (Bonsucro), the transaction costs and challenges of monitoring smallholders or local companies are often seen as too high. This helps to explain the preference for direct acquisition even in regions where displacement might jeopardize social license to operate.[8] Expanding supplier models can, in particular, provide incentives for domestic elites to expropriate land.

For example, PLAAS profiled a case in which a former politician allegedly colluded with the chief of the Ngowe peoples to acquire land for a plantation that would supply the Illovo mill.[9] Locals only became aware of this when surveys started, leading to widespread opposition and protest, including by local church leaders. They also sought CSO help and filed a lawsuit, which they won in 2012.[10]

Similarly, outgrower schemes established by the Dwangwa Cane Growers Trust in Nkhotakota District faced local opposition after they attempted to coerce farmers into participating in the schemes. Relations eroded further when police allegedly threatened local peoples with lethal force. At least 137 families lost their existing livelihoods to tractors hired from Illovo. At the time of the PLAAS investigation, no one had been compensated despite a series of court rulings in the farmers' favor.[11]

Any further cases of this sort would do significant damage to Illovo's reputation but, as noted, their current arrangements give them limited control and visibility over these issues. Coverage of

---

[6] https://www.illovosugar.co.za/UserContent/documents/group-gov/2016/RoadMaponLandRightsEnglishAndPortugueseVersion_25May16.pdf

[7] The SUSFARMS schemes in South Africa provide one example.

[8] For example, while Illovo's "Road Map on Land Rights" (November 2015) lays out a timeline for self-assessments of tenure issues but these are only compulsory on Illovo's own land, and only carried out in outgrower lands "to the extent possible and appropriate given the circumstances." This leaves a broad scope for ducking difficult or unflattering assessments. (https://www.illovosugar.co.za/UserContent/documents/Announcements/Road-Map-on-Land-Rights-6Nov2015.pdf).

[9] PLAAS, the Institute for Poverty, Land and Agrarian studies, conducts research on the role of restructuring and contesting land holding systems on chronic poverty and structural inequality in Southern Africa. http://www.plaas.org.za/sites/default/files/publications-pdf/PLAAS_ADC%20policy%20brief_Malawi_Web.pdf

[10] http://www.times.mw/irrigation-displaces-14000-malawians/

[11] http://www.plaas.org.za/sites/default/files/publications-pdf/PLAAS_ADC%20policy%20brief_Malawi_Web.pdf

further allegations of land clearance in Nkhotakota in 2011 makes it clear that in spite of Illovo's insistence on their lack of direct involvement in land acquisition, local peoples and the media quickly "follow the money" in looking for causes of dispossession.[12]

[12] http://mwnation.com/land-tussle-leaves-villagers-landless/

3. Mining: The Expectations Game

The local impacts of mining projects are notorious enough for the reputation of the sector to precede it—miners are much less likely to find local peoples welcoming and may see organized opposition before they even start. The sector has a long history of driving tenure dispute in Southern Africa. Precisely for this reason, leading mining companies have generally developed significant capacity to engage local communities and reach effective agreements.[13]

Regardless of this capacity, mining companies often struggle to manage expectations around the project, both positive and negative. According to Lorenzo Cotula (IIED), when local communities hear of large quantities of capital being invested in their area, they naturally anticipate getting benefits for their communities. But mining projects are regularly working with thin margins—especially in today's depressed price environment—and well-run mines are not labor intensive. Thus, there may be less available for resettlement packages and compensation deals than local peoples expect.

This is particularly problematic because mining can have a deleterious effect on other sources of income in the area. The impact of mines on soil and water can create problems for local farmers. Mines can also curtail opportunities for tourism. Mines can therefore have significant impacts on traditional livelihoods as well as the eco-tourism that is particularly popular in the sub-region. This helps to explain why destruction of the environment is a significant primary driver of dispute in the sub-region.

These dynamics are particularly acute because of high rates of poverty in Southern Africa. Many of the mines in this region are also being developed and operated by smaller companies with a much more limited capacity to address tenure risk than major international companies. Local communities, using the limited information available to them to consider the opportunity costs associated with mining projects that they opposed in the first place, are a difficult set of stakeholders to engage. As we can see from numerous examples, many miners fail to manage this challenge effectively despite the financial stakes involved.

Case Study Focus: Mining in South Africa

Legacy land issues created during Apartheid and post-Apartheid eras continue to affect mining projects as the central government, local leaders, and community groups struggle to reach

[13] For example, Rio Tinto released very effective and detailed guidance this year on "Why Agreements Matter:" http://www.riotinto.com/documents/Rio_Tinto_Why_Agreements_Matter.pdf

effective agreements about the allocation of customary lands. For example, the Amadiba peoples affected by titanium mining in Xolobeni have always been staunchly opposed to the project.[14]

However, some rural elites and traditional leaders have used the ongoing land restitution process to consolidate their control of these lands and the investment opportunities associated with them. Some wealthy locals and traditional leaders are seen by the wider community and environmental groups as having been coopted by mineral exploration firms and mine operators. The awarding of directorships in Xolco provides a good example of the way these projects divide local community members and rural elites.

Xolco is the Black Economic Empowerment company which MRC (the Australian mining company providing the financial backing for exploration and operations in Xolobeni) requires in order to operate in South Africa.[15] Xolco was touted as a vehicle for the disbursal of mining revenue to trusts representing different interests in Xolobeni and the surrounding area, but prior to 2007 the directors were a senior ANC councilor and local business leader, and a lawyer from outside the area.[16] The local business leader in question, Zamile Qunya, was alleged to have put pressure on the local mayor—an associate of his—to cancel an eco-tourism investment in favor of the mining concession in 2003.[17]

This approach of focusing on local elites and excluding dissenting voices helps to explain why compensation has been such an important driver of tension and dispute in this case. Failure to register or address the concerns of dissenting groups, and an insistence on limiting the number of recognized stakeholders, has resulted in increasing local dissatisfaction. This can boil over into violence, particularly when one group feels that another—in this case local elites—is either coercing them or capturing all the compensation for themselves.

Once a dispute has become a violent conflict, antagonism solidifies and it becomes extremely difficult to negotiate a robust agreement. Violence also puts significant pressure on the reputation of the parties involved. In Xolobeni, headman Mandoda Ndovela was killed after his outspoken criticism of the mining development in 2003.[18] In 2007, villagers alleged that Xolco agents had used this killing as a scare tactic and the dispute continued unresolved for another nine years.[19] In March 2016, leading anti-mining advocate “Bazooka” Rhadebe was murdered after almost a

---

[14] In 2003, for example, a local headman was shot dead after his outspoken criticism of the proposed project, five years before it gained a license (http://www.dailymaverick.co.za/opinionista/2016-03-29-amadiba-a-community-enraged/#.V-0YXfArK00). Disputes continued from the revocation of that license in 2008 to further violence in 2016.

[15] The South African ‘Broad-Based Black Economic Empowerment’ law requires that companies above a certain size include a minim proportion of black people as employees and on management. See https://www.thedti.gov.za/news2014/Act46of2013BEE.pdf for details.

[16] http://mg.co.za/article/2007-05-04-bring-machines-and-we-will-fight

[17] https://www.environment.co.za/east-cape-wild-coast-south-africa/skulduggery-and-dune-mining-xolobeni.html

[18] http://amabhungane.co.za/article/2016-02-12-we-will-die-for-our-land-say-angry-xolobeni-villagers-as-dune-mining-looms

[19] http://mg.co.za/article/2007-05-04-bring-machines-and-we-will-fight

year of receiving death threats.[20] In July 2016, MRC announced it would sell its stake in the development.[21]

By the time a mine was proposed in Fuleni in 2014, the violence at Xolobeni was infamous. Developers also had to contend with the reputation of the nearby Somkhele coal mine, also adjacent to Africa's oldest nature reserve, the Hluhluwe-iMfolozi Park. The Somkhele operation was linked to involuntary resettlement of hundreds of people, negative health impacts, cultural abuse, and pollution of air, water, and land.[22]

Activists opposing Fuleni composed an open letter to the Minister for Mineral Resources explaining their grievances and continued opposition to the mine in 2016.[23] The importance of the nature reserve for the local economy, and local communities' dependence on natural resources like water, shaped their concerns.

This letter accompanied local peoples protesting and blockading a road to prevent the Regional Mining Development Environmental Committee visiting the site, as they felt that mining contributed to what they described as a devastating and ongoing drought. At the same time, opposition to Fuleni followed familiar patterns as local residents become frustrated following displacement and perceived lack of consultation from the central government and investors.

These issues of displacement, compensation, and environmental damage are particularly clear in the cases of Fuleni and Xolobeni, but similar dynamics are at play in other countries in Southern Africa, where long-standing mining industries are in the process of privatization. At the Kalumbila copper mine in Zambia, for example, local peoples feel that the mine simply hasn't created the numbers or quality of jobs they expected and that would make the impacts of the project worthwhile for them.[24] Their reactions included a roadblock, protests, and other activities that create operational losses and reputational risks for the private actors involved.[25]

---

[20] http://roape.net/2016/03/24/south-african-community-leader-murdered/

[21] http://www.financialmail.co.za/opinion/Betweenthechains/2016/07/21/between-the-chains-more-pondoland-strife

[22] Anti-mining activists cited the violence at Xolobeni alongside negative impacts in Fuleni and other mining affected communities in writing about their opposition to the development (https://ejatlas.org/conflict/fuleni-mine).

[23] The letter is available at https://ejatlas.org/conflict/fuleni-mine. Activists in this case clearly benefitted in the organization of their protest from strong civil society support, in which knowledge of other mining disputes was developed through field visits to other mining-affected communities (http://saveourwilderness.org/2016/09/12/the-fuleni-vs-ibutho-coal-matter-a-legal-perspective/).

[24] http://www.saccps.org/french/pdf/4-2/4-2_p41-62.pdf

[25] Not least of these reputational risks are those that stem from civil society organizations with significant media access, such as ActionAid, which released a number of reports on impacts at Kalumbila (see, for example, http://www.actionaid.org/zambia/news/community-impacted-kalumbila-trident-project-make-plea-government-resolve-outstanding-is, and http://www.actionaid.org/sites/files/actionaid/press_releases/impact_of_the_mining_industry_on_women_in_zambia_-_small.pdf).

4. Southern Africa: Key Lessons for Investment in Land

In the first section of this document we provided three key recommendations that were derived from our examination of the way disputes develop in Southern Africa as well as the specific operating environments of affected projects.

1. **Perceived collusion between companies and local elites inflames dispute.**
2. **Managing local expectations—positive and negative—is key**
3. **In agriculture, direct acquisitions or large leases are attractive to investors but increase tenure risks. Data will be key to unlocking a prosperous future**

The common thread through these recommendations is that engaging a diverse set of local stakeholders in meaningful consultation can create robust agreements at the start of successful investment processes. Perceived shortcuts to winning local consent, such as the cooption of local leaders in the Xolobeni case, are unreliable and can result in conflict, delay, and financial losses. Similarly, public or private actors willing to resort to misinformation to win an agreement pose a considerable liability to project development.

Private sector actors will often have to work hard with both governments and CSOs to dispel distrust, particularly in areas with legacy land issues where sectors like sugar and extractives have a history of driving tenure dispute. According to Mark Eckstein (CDC), addressing these long-standing grievances is vital to establishing stable and successful large projects like plantations and mines.

Companies and investors interested in establishing the means to engage broadly, let alone the capacity to resolve grievances, will require help from local intermediaries. These intermediaries are normally better recruited from local CSOs or cooperatives, rather than from the ranks of officials. According to Chris Anderson (Yirri Global, formerly Rio Tinto and Newmont), it can be challenging to establish and protect the credibility and legitimacy of these actors, but their support is vital to inform local people where projects are in their interests, and to garner this support not just at the start of the project but right through to decommissioning.

Essentially, local engagement facilitated by trusted intermediaries enables the exchange of information on project risks and impacts. This information can help companies and investors verify good performance on issues like tenure as well as financial and environmental priorities. Governments can develop a clearer sense of how projects contribute to the local and national economy. Finally, local communities get a more accurate sense of whether they are getting a square deal.

Given the fundamental importance of exchanging information between investors, companies, governments, CSOs, and ordinary people, it is surprising that the issue of data collection and management has not received greater priority. This investigation highlights the immense value of

this information for the private sector. Since host governments are often the guardians of key pieces of data on tenure as well as the productivity of different areas, they are in a position to make demands on what data is collected. They can also set standards for this process to ensure comparability and encourage data sharing. This is particularly important for data on issues like tenure where indicators and data management processes are typically immature.

Local peoples and their CSO partners are likely to play an increasingly important role in data collection and management as demand grows for more consistent and up-to-date information, even for quite small assets. This central role in participatory monitoring processes also allows local communities to make demands on data, such as prioritizing the process of mapping and formalizing tenure claims or of valuing ecosystem services.

In short, the increasing importance of data will put an even greater premium on effective cooperation between companies, governments, and people. Projects and countries that put themselves in a position to facilitate this cooperation are likely to enjoy a significant competitive advantage.

Annex I: Contextual Data

This annex provides the results of geospatial analysis of the case study sites. Specifically, we have pulled indicator values from the Ian Risk database for a 50km buffer zone around each set of project coordinates. These indicators include a range of leading environmental and social factors that are typically linked to tenure disputes such as the presence of people, the availability of water, and prevailing land use types.

The results of this analysis of Southern African cases has been compared with cases from East and Southern Africa, as well as from other regions like Latin America and Asia. Finally we have looked at the results in the context of global averages as a means of picking out trends that are distinctive to the sub-region.

This process helps us understand whether there are characteristic biophysical or social factors around problematic projects. But it also helps us understand the dynamics of dispute in Southern Africa. Some of the key trends have been picked out in the main body of the text. This Annex provides more detail on our analysis and on the data we have used.

Social

Population pressure

The average population count for the areas surrounding the new Southern African cases was 710,709 people, the lowest in the region, although still significantly above the average for the cases in the original Ian database (319,426). [26] There are extremely significant variations around this mean, however.

Taking the Southern African mining cases as a group, the population count is relatively low at 462,904. Taking only the South African mining cases, the population count is 700,642. These comparatively low figures tally with the observation that environmental issues have played a bigger role in the evolution of the South African mining cases. However, the remaining mining cases are all caused primarily by displacement, suggesting that population pressures alone cannot account for whether displacement will be a driving cause of dispute.

Looking at the agricultural cases, population pressures are above the average for the region at 917,212. But the really striking figure is for the Malawi sugar cases, in which we found 1,347,595 people living in proximity to the concessions, higher than any sub-group we found apart from the West African Bolloré palm oil cases (at 1,391,525 people). This certainly goes

[26] This counts the population in an area defined as a circle surrounding the location, with a 50km radius from the central point. For population data we used SEDAC's Gridded Population of the World, v4. http://sedac.ciesin.columbia.edu/data/collection/gpw-v4

some way towards explaining why Illovo are keen to make use of outgrower schemes rather than directly acquire land. It is also interesting to note in this light that shortage of resources was given as a primary driver in the Malawi sugar cases, whereas for the Bolloré cases the primary issue was exclusively displacement.

Conflict

Conflict risks are not obviously significant when looking at the cases as a group. However, when looking at particular cases, the conflict data can reveal site-specific risks that are worthy of note. The Social Conflict Analysis Database, for example, notes 22 instances of conflict in proximity to the Malawi sugar cases between 1990 and 2015.[27]

The average for the new cases is 6.03 instances of conflict (and for the cases in the Ian database, 9.06). Similarly, the UCDP dataset uncovers a recent history of organized violence in the areas around the South African mining cases, finding an extraordinary 129.5 cases on average between the two sites – 28 in proximity to the Xolobeni case, and 231 near the proposed Fuleni site.[28] The average for the new cases is 18, compared to 25 for the original Ian dataset.

Poverty

The average Index figure for the Southern African cases is 0.36, and the sub-region tends to hold the highest figures for almost every sub-indicator within the MPI. It is important to note, however, that these figures are skewed to some extent by missing information: South Africa does not provide comparable MPI data.[29] For this reason, we have not included the averages for the Southern African mining cases in the table below.

Because the MPI data captures the intensity of deprivation suffered by poor people in a country, it is revealing not only of how many people are affected by some level of poverty, but also of how many people are affected by severe poverty. In both senses, the areas affected by the investments in South Africa are worse off than their counterparts in other parts of Africa.

The only area in which the Southern African communities in our case studies are not the worst off is nutrition. 17% of people living near the South African cases suffer from being underweight, below the regional average of 21%, and behind the worst-off sub-region, East Africa (at 27%).

---

[27] The Social Conflict Analysis Database (SCAD) covers protests, riots, strikes, inter-communal conflict, government violence against civilians, and other forms of social conflict https://www.strausscenter.org/scad.html .

[28] The Uppsala Conflict Data Program's Georeferenced Dataset (http://www.pcr.uu.se/research/ucdp/datasets/ucdp_ged/) records location data on events of organized violence in which at least one person was killed, and covers Africa from 1989 to 2014.

[29] Instead, the South African statistical service produce the South African Multidimensional Poverty Indicators (SAMPI), which cover only three of the same indicators: http://www.statssa.gov.za/publications/Report-03-10-08/Report-03-10-082014.pdf

The differences between the mining and the agricultural cases in terms of either individual or overall MPI indicators are neither significant nor consistent. In some indicators one group is more deprived than the other, in others the reverse is true. In terms of the Multidimensional Poverty Index, for example, the mining cases score 0.35, while the agricultural cases score 0.36.[30]

		Original Ian cases	All new cases	Southern Africa cases	Malawi sugar cases	Southern Africa ag. cases
Percentage of population deprived in terms of access to:	**Electricity**	26.26	54.30	65.88	66.18	66.64
	Improved Sanitation	30.53	52.61	62.56	63.00	63.49
	Drinking water	19.64	36.60	42.75	35.84	40.35
	Floor	20.84	44.13	50.85	59.66	48.48
	Cooking Fuel	34.66	58.25	68.82	68.92	69.65
	Asset Ownership	19.68	33.42	42.79	39.25	43.27

Environmental

Water Risks

For water risk analysis, we used the Aqueduct dataset's assessment of water-related risks. A comparison of selected risks is highlighted in the table below.[31]

Indicator	Original Ian cases	All new cases	Southern Agri. cases	Malawi sugar cases	Southern Mining cases	South Africa mining cases
Access to water	3.04	4.55	4.49	4.16	3.96	2.79
Media coverage	2.55	3.62	3.78	3.86	3.27	2.60
Flood occurrence	2.91	2.74	2.96	3.16	2.87	3.03
Seasonal variability	2.54	2.90	3.63	3.80	2.99	1.91
Inter-annual variability	1.68	1.82	1.89	1.35	1.96	2.19
Drought severity	1.36	1.44	1.35	1.42	1.40	1.01

[30] The MPI Index combines the proportion of population in multidimensional poverty (East Africa: 58.84, Southern Africa: 68.8, West Africa 39.46) with the intensity of deprivation amongst the poor (East Africa: 49.70, Southern Africa: 50.67, West Africa: 51.68).

[31] Aqueduct's (https://www.wri.org/sites/default/files/aqueduct_water_risk_framework.pdf) classification of risks is as follows: 0-1: Low; 1-2: Low to medium; 2-3: Medium to high; 3-4: High; 4-5: Extremely high.

The Southern Africa data do not reveal a huge amount of variation from the mean scores of either the global dataset, or the new Sub-Saharan Africa cases. Water risks are generally above the average for the agricultural cases, but not significantly so in most cases. Interestingly, in spite of water issues being raised in relation to the South African mining cases, access to water is not shown as being especially precarious in these areas.

Land cover classifications

The second major source of data was on land type classifications, using GlobCover's land cover classification maps.[32] An interesting pattern emerges here, where the most significant land cover types in almost every case are either open woodland, closed to open shrubland, or a mosaic of grassland or shrubland with farmland. This is highly suggestive of the intrusion of new operations on the fringes of existing forest, shrubland and mixed-use lands, or the transformation of land for agriculture or mining which had previously been significantly 'undeveloped'.

Case / Country / Sector (Case No.)	GlobCover V 2.3 Description	Percent Coverage
Nsanje fruits / Malawi / Agriculture (S001)	Mosaic vegetation (grassland/shrubland/forest) (50-70%) / cropland (20-50%)	23.39%
	Open (15-40%) broadleaved deciduous forest/woodland (>5m)	21.02%
	Closed to open (>15%) (broadleaved or needleleaved, evergreen or deciduous) shrubland (<5m)	20.83%
	Closed (>40%) broadleaved deciduous forest (>5m)	14.29%
	Closed to open (>15%) herbaceous vegetation (grassland, savannas or lichens/mosses)	5.65%
	Mosaic cropland (50-70%) / vegetation (grassland/shrubland/forest) (20-50%)	5.31%
	Mosaic forest or shrubland (50-70%) / grassland (20-50%)	2.86%
	Rainfed croplands	2.51%
	Water bodies	1.50%
	Closed to open (>15%) broadleaved evergreen or semi-deciduous forest (>5m)	0.98%
	Open (15-40%) needleleaved deciduous or evergreen forest (>5m)	0.84%
	Mosaic grassland (50-70%) / forest or shrubland (20-50%)	0.71%
	Sparse (<15%) vegetation	0.10%
	Closed to open (>15%) mixed broadleaved and needleleaved forest (>5m)	0.01%
Xolobeni titanium	Closed to open (>15%) (broadleaved or needleleaved, evergreen or deciduous) shrubland (<5m)	31.18%

[32] http://due.esrin.esa.int/page_globcover.php

/ South Africa / Mining (S002)	Open (15-40%) broadleaved deciduous forest/woodland (>5m)	24.53%
	Mosaic vegetation (grassland/shrubland/forest) (50-70%) / cropland (20-50%)	17.02%
	Closed (>40%) broadleaved deciduous forest (>5m)	13.35%
	Closed to open (>15%) herbaceous vegetation (grassland, savannas or lichens/mosses)	3.64%
	Rainfed croplands	2.82%
	Mosaic forest or shrubland (50-70%) / grassland (20-50%)	2.25%
	Open (15-40%) needleleaved deciduous or evergreen forest (>5m)	1.96%
	Mosaic cropland (50-70%) / vegetation (grassland/shrubland/forest) (20-50%)	1.16%
	Closed to open (>15%) broadleaved evergreen or semi-deciduous forest (>5m)	1.04%
	Mosaic grassland (50-70%) / forest or shrubland (20-50%)	0.57%
	Sparse (<15%) vegetation	0.34%
	Water bodies	0.11%
	Bare areas	0.03%
Fuleni anthracite / South Africa / Mining (S003)	Closed to open (>15%) (broadleaved or needleleaved, evergreen or deciduous) shrubland (<5m)	23.57%
	Mosaic vegetation (grassland/shrubland/forest) (50-70%) / cropland (20-50%)	18.56%
	Open (15-40%) broadleaved deciduous forest/woodland (>5m)	18.22%
	Closed (>40%) broadleaved deciduous forest (>5m)	11.50%
	Closed to open (>15%) herbaceous vegetation (grassland, savannas or lichens/mosses)	8.43%
	Mosaic forest or shrubland (50-70%) / grassland (20-50%)	8.40%
	Mosaic cropland (50-70%) / vegetation (grassland/shrubland/forest) (20-50%)	3.51%
	Rainfed croplands	2.56%
	Mosaic grassland (50-70%) / forest or shrubland (20-50%)	2.45%
	Open (15-40%) needleleaved deciduous or evergreen forest (>5m)	1.15%
	Closed to open (>15%) broadleaved evergreen or semi-deciduous forest (>5m)	0.89%
	Water bodies	0.59%
	Sparse (<15%) vegetation	0.12%
	Artificial surfaces and associated areas (Urban areas >50%)	0.05%
	Bare areas	0.01%
Xai-xai rice	Open (15-40%) broadleaved deciduous forest/woodland (>5m)	24.47%

/ Mozambique / Agriculture (S004)	Mosaic vegetation (grassland/shrubland/forest) (50-70%) / cropland (20-50%)	20.68%
	Closed to open (>15%) (broadleaved or needleleaved, evergreen or deciduous) shrubland (<5m)	16.75%
	Closed (>40%) broadleaved deciduous forest (>5m)	15.14%
	Closed to open (>15%) herbaceous vegetation (grassland, savannas or lichens/mosses)	5.39%
	Mosaic forest or shrubland (50-70%) / grassland (20-50%)	5.21%
	Water bodies	5.06%
	Rainfed croplands	2.62%
	Mosaic grassland (50-70%) / forest or shrubland (20-50%)	2.29%
	Open (15-40%) needleleaved deciduous or evergreen forest (>5m)	0.89%
	Mosaic cropland (50-70%) / vegetation (grassland/shrubland/forest) (20-50%)	0.84%
	Sparse (<15%) vegetation	0.45%
	Bare areas	0.13%
	Closed to open (>15%) broadleaved evergreen or semi-deciduous forest (>5m)	0.06%
Tete coal / Mozambique / Mining (S005)	Open (15-40%) broadleaved deciduous forest/woodland (>5m)	25.25%
	Mosaic vegetation (grassland/shrubland/forest) (50-70%) / cropland (20-50%)	22.66%
	Closed to open (>15%) (broadleaved or needleleaved, evergreen or deciduous) shrubland (<5m)	21.39%
	Closed to open (>15%) herbaceous vegetation (grassland, savannas or lichens/mosses)	14.16%
	Mosaic forest or shrubland (50-70%) / grassland (20-50%)	7.68%
	Closed (>40%) broadleaved deciduous forest (>5m)	4.95%
	Mosaic grassland (50-70%) / forest or shrubland (20-50%)	2.38%
	Water bodies	0.83%
	Sparse (<15%) vegetation	0.63%
	Rainfed croplands	0.04%
	Mosaic cropland (50-70%) / vegetation (grassland/shrubland/forest) (20-50%)	0.04%
Dwangwa and Nchalo sugar / Malawi / Agriculture (S006)	Open (15-40%) broadleaved deciduous forest/woodland (>5m)	24.54%
	Closed to open (>15%) (broadleaved or needleleaved, evergreen or deciduous) shrubland (<5m)	22.42%
	Mosaic vegetation (grassland/shrubland/forest) (50-70%) / cropland (20-50%)	15.42%
	Closed (>40%) broadleaved deciduous forest (>5m)	13.14%

	Open (15-40%) needleleaved deciduous or evergreen forest (>5m)	12.95%
	Closed to open (>15%) broadleaved evergreen or semi-deciduous forest (>5m)	3.27%
	Rainfed croplands	2.77%
	Mosaic cropland (50-70%) / vegetation (grassland/shrubland/forest) (20-50%)	2.41%
	Closed to open (>15%) herbaceous vegetation (grassland, savannas or lichens/mosses)	2.01%
	Mosaic forest or shrubland (50-70%) / grassland (20-50%)	0.43%
	Mosaic grassland (50-70%) / forest or shrubland (20-50%)	0.33%
	Water bodies	0.26%
	Sparse (<15%) vegetation	0.03%
Chiadzwa diamonds / Zimbabwe / Mining (S007)	Mosaic vegetation (grassland/shrubland/forest) (50-70%) / cropland (20-50%)	26.34%
	Closed to open (>15%) (broadleaved or needleleaved, evergreen or deciduous) shrubland (<5m)	21.73%
	Open (15-40%) broadleaved deciduous forest/woodland (>5m)	19.54%
	Mosaic forest or shrubland (50-70%) / grassland (20-50%)	11.42%
	Closed to open (>15%) herbaceous vegetation (grassland, savannas or lichens/mosses)	11.38%
	Closed (>40%) broadleaved deciduous forest (>5m)	6.09%
	Mosaic grassland (50-70%) / forest or shrubland (20-50%)	2.41%
	Closed to open (>15%) broadleaved evergreen or semi-deciduous forest (>5m)	0.43%
	Water bodies	0.42%
	Open (15-40%) needleleaved deciduous or evergreen forest (>5m)	0.10%
	Mosaic cropland (50-70%) / vegetation (grassland/shrubland/forest) (20-50%)	0.07%
	Sparse (<15%) vegetation	0.02%
	Bare areas	0.02%
	Rainfed croplands	0.01%
Ngowe sugar / Malawi / Agriculture (S008)	Closed to open (>15%) (broadleaved or needleleaved, evergreen or deciduous) shrubland (<5m)	30.31%
	Open (15-40%) broadleaved deciduous forest/woodland (>5m)	22.32%
	Mosaic vegetation (grassland/shrubland/forest) (50-70%) / cropland (20-50%)	15.80%
	Closed (>40%) broadleaved deciduous forest (>5m)	14.86%
	Closed to open (>15%) herbaceous vegetation (grassland, savannas or lichens/mosses)	6.01%

	Mosaic cropland (50-70%) / vegetation (grassland/shrubland/forest) (20-50%)	3.10%
	Rainfed croplands	2.21%
	Mosaic grassland (50-70%) / forest or shrubland (20-50%)	2.15%
	Mosaic forest or shrubland (50-70%) / grassland (20-50%)	2.01%
	Water bodies	1.00%
	Closed to open (>15%) broadleaved evergreen or semi-deciduous forest (>5m)	0.17%
	Open (15-40%) needleleaved deciduous or evergreen forest (>5m)	0.03%
	Artificial surfaces and associated areas (Urban areas >50%)	0.03%
	Sparse (<15%) vegetation	0.01%
Morondava sugar / Madagascar / Agriculture (S009)	Mosaic grassland (50-70%) / forest or shrubland (20-50%)	33.21%
	Closed to open (>15%) (broadleaved or needleleaved, evergreen or deciduous) shrubland (<5m)	21.93%
	Closed to open (>15%) herbaceous vegetation (grassland, savannas or lichens/mosses)	18.58%
	Closed (>40%) broadleaved deciduous forest (>5m)	14.99%
	Mosaic vegetation (grassland/shrubland/forest) (50-70%) / cropland (20-50%)	3.87%
	Water bodies	2.87%
	Mosaic forest or shrubland (50-70%) / grassland (20-50%)	2.63%
	Closed (>40%) broadleaved forest or shrubland permanently flooded - Saline or brackish water	1.59%
	Closed to open (>15%) broadleaved evergreen or semi-deciduous forest (>5m)	0.32%
Nkhunga and Kazilila Dambo sugar / Malawi / Agriculture (S010)	Closed to open (>15%) (broadleaved or needleleaved, evergreen or deciduous) shrubland (<5m)	24.50%
	Open (15-40%) broadleaved deciduous forest/woodland (>5m)	21.28%
	Mosaic vegetation (grassland/shrubland/forest) (50-70%) / cropland (20-50%)	14.97%
	Closed (>40%) broadleaved deciduous forest (>5m)	14.14%
	Closed to open (>15%) herbaceous vegetation (grassland, savannas or lichens/mosses)	7.90%
	Mosaic forest or shrubland (50-70%) / grassland (20-50%)	6.36%
	Mosaic cropland (50-70%) / vegetation (grassland/shrubland/forest) (20-50%)	3.78%
	Mosaic grassland (50-70%) / forest or shrubland (20-50%)	2.83%
	Rainfed croplands	2.70%
	Water bodies	1.09%

	Closed to open (>15%) broadleaved evergreen or semi-deciduous forest (>5m)	0.38%
	Open (15-40%) needleleaved deciduous or evergreen forest (>5m)	0.05%
	Artificial surfaces and associated areas (Urban areas >50%)	0.01%
Solwezi copper and nickel / Zambia / Mining (S011)	Closed to open (>15%) (broadleaved or needleleaved, evergreen or deciduous) shrubland (<5m)	42.20%
	Open (15-40%) broadleaved deciduous forest/woodland (>5m)	39.44%
	Closed (>40%) broadleaved deciduous forest (>5m)	15.54%
	Mosaic vegetation (grassland/shrubland/forest) (50-70%) / cropland (20-50%)	2.16%
	Closed to open (>15%) herbaceous vegetation (grassland, savannas or lichens/mosses)	0.30%
	Mosaic forest or shrubland (50-70%) / grassland (20-50%)	0.28%
	Mosaic grassland (50-70%) / forest or shrubland (20-50%)	0.06%
	Closed to open (>15%) grassland or woody vegetation on regularly flooded or waterlogged soil - Fresh, brackish or saline water	0.03%

Governance

Governance indicators are limited to national-level statistics. We draw on two sources of data: the Corruptions Perceptions Index, and the World Bank's Worldwide Governance Indicators.[33]

The governance scores (shown in the table below) indicate a fairly wide range in the capacity and effectiveness of governments in the region. South Africa brings up the average, being the only country we've studied with positive scores in a number of governance indicators (the exception being Ghana, which scores positively on two indicators).

It is worth noting that partly (although not entirely) due to the influence of South Africa's scores, this part of Africa tends to have better governance than the region as a whole. It is also ahead of either the West of East African countries in which tenure disputes have occurred in this regard, except in terms of regulatory quality (where the East African countries score -0.40, compared to South Africa's average of -0.51).

This is, perhaps, somewhat puzzling, given that Southern African cases are the most violent of the cases we have encountered. We might assume that the recourse to violence occurs where trust in official channels of dispute resolution is low. However, we do not find this association between poor governance and violent disputes is supported by the evidence (the average

[33] [33] The CPI score (http://www.transparency.org/research/cpi/overview) is graded from 1 as the lowest and 100 as the highest. For the Worldwide Governance Indicators (http://info.worldbank.org/governance/wgi/index.aspx), the worst possible score is -2.5, with 2.5 as the best.

governance scores for the violent cases are actually slightly above the average for the new cases).[34]

	Ian cases	All new cases	New Southern African cases	Malawi	South Africa
CPI score (2014)	36.95	30.28	32.82	31	44
WGI: Voice and accountability	-0.16	-0.45	-0.26	-0.29	0.58
WGI: Political Stability and violence	-0.54	-0.60	-0.25	-0.27	-0.06
WGI: Governance Effectiveness	-0.23	-0.69	-0.52	-0.65	0.43
WGI: Reg. Quality	-0.16	-0.55	-0.51	-0.68	0.41
WGI: Rule of Law	-0.39	-0.74	-0.69	-0.85	0.13
WGI: Control of Corruption	-0.42	-0.84	-0.60	-0.65	-0.12

[34] A much stronger indicator of violence is poverty. For the violent cases, MPI scores for every indicator except nutrition were higher than any other subset of the data.

Annex II: Case studies

Case S001

Location: Nsanje District, Malawi

Sector and commodity: Agriculture, mango and banana

Start date: 2016

Total land size involved (hectares): 1,000

Parties involved: Nyasa Limited, Senior Chief Malemia

Violence: No

Minorities: No

Synopsis:

- This case presents an interesting example of how relations within a community, and the way in which preparations for an investment are carried out, can affect the ability of an investor to complete a deal.
- Local people appear to have first learned of the potential investment when seeing land being demarcated. They then learned of plans negotiated by their traditional leaders, including a Senior Chief, to sell customary land to an Indian investor.
- Local people described these negotiations as "conniving", and the deal did not go ahead.
- The local MP sided with the community, expressing concern that the process was top-down and at the expense of land users. The Senior Chief behind the deal claimed that the issue was being distorted by a third party.

Case S002

Location: Xolobeni, Pondoland, South Africa

Sector and commodity: Mining, titanium, ilmenite, rutile, zircon

Total land size involved (hectares): 3,000

Start date: 2008

Parties involved: Mineral Commodities Ltd (MRC), Transworld Energy and Minerals, Xolco, Amadiba Crisis Committee, Pondo nation

Violence: Yes

Minorities: Yes – Amadiba people

Synopsis:

- This case occurs in the context of South Africa's post-apartheid recovery. and many community members who were dispossessed of land during that period are now reclaiming their land. However, the government is making it difficult for locals to claim title.
- Local chiefs – seen by many as seeking power in the post-Apartheid political vaccum – side with mining companies while NGOs and communities oppose any extractive industries. The latter claims tourism should be the priority of Xolobeni, an area with high biodiversity.
- Leading anti-mining advocate "Bazooka" Rhadebe was murdered in March 2016 after almost a year of receiving death threats. He was the head of the Amadiba Crisis Committee (ACC), which organized communities against mining.
- In July 2016, Mineral Resources Company (MRC) of Australia sold its 56% stake in the project. However, this stake was picked up by Keysha Investments. The conflict continues because locals' concerns about grazing land, ancestral burial sites, and pollution have not been assuaged.

Case S003

Location: Fuleni, 20km south of Somkhele, near iMfolozi, KwaZuluNatal

Sector and commodity: Mining, anthracite

Total land size involved (hectares): 14,615

Start date: 2014

Parties involved: Ibutho Coal, Mfolozi Community Environmental Justice Organisation, Centre for Civil Society, Ocilwane community, iMfolozi Community and Wilderness Alliance

Violence: No

Minorities: No

Synopsis:

- This case is an example of clashes between existing land use allocation and proposed mineral development. The proposed open cast mine area lies within the oldest proclaimed nature reserve in Africa, the Hluhluwe-Imfolozi Park (HiP).
- The nature reserve has significant cultural, environmental and economic value to the communities. The draft Environmental Impact Report identifies 16,500 people who would be directly or indirectly affected during the life of the mine.
- Apart from feared impacts on wildlife and tourism, one main unresolved concern on potential environment impacts of the proposed mine is the issue of water. The Mfolozi River catchment is a highly water stressed area and for the communities, it is not an option for the proposed mine to draw water from the river. Rural people, their livestock, and wild animals depend on existing water resources.

- There is also a history of relocation of some residents in the area, which makes them particularly sensitive to any suggestion of displacement.
- The recent protest of over a thousand Fuleni residents in April 2016 was sparked by lack of water. The residents formed roadblocks and a human barricade to prevent a site visit from the Regional Mining Development Environmental Committee (RMDEC).
- As well as direct stoppage of work, lawsuits have been employed to intervene in the case.

Case S004

Location: Xai-xai, Gaza Province, Mozambique

Sector and commodity: Agriculture, rice

Total land size involved (hectares): 20,000

Start date: 2011

Parties involved: Hubei Lianfeng, Wanbao Grain and Oil Investment Ltd., local NGOs (FONGA), local farmers

Violence: Yes

Minorities: Yes - Ndau and Tsonga people

Synopsis:

- The tenure of the land acquired by the Chinese investor, Wanbao, was highly insecure. There were a number of people who had settled on the idle government-owned land and been there for a number of years. Mozambican law states that working the land for ten years provides some legal status.
- Nevertheless, a number of inhabitants of the land were evicted, in some cases violently. The resentments formed in this process continued to simmer, with local NGOs alleging a huge scale of displacements, as well as voicing concerns about water usage.
- These tensions came to a head when a group of 400 demonstrators brought activities on the farm to a halt in 2013, ultimately being broken up by the police. Additional impacts have included the theft of farm machinery.
- The company's perspective is that the local government failed to adequately inform local people about the project, and when asked to suggest locals to work with the company, selected friends and family of prominent officials.

Case S005

Location: Tete, Changara District, Tete Province

Sector and commodity: Mining, coal

Total land size involved (hectares): 6,000,000 (including licenses pending approval)

Start date: 2012

Parties involved: Vale, Rio Tinto, Government of Mozambique, International Coal Ventures Private Limited

Violence: Yes

Minorities: Yes – Sena and Ngungwe peoples

Synopsis:

- This is an example of risks that a company may incur even after compensation and resettlement have been settled with affected communities. It shows that the company's responsibility extends to post-resettlement periods.
- Reported conflicts occurred after resettlement because the locals were moved to areas with poor working conditions. As a result, the locals took direct action by blockading the railway connecting the coalmine to the port. Their protests were put down violently by police.
- In 2012 Mozambique took steps to improve living conditions in resettlement areas, but the government didn't consult the locals.
- In 2014, Rio Tinto sold the Benga mine and other projects in Teteto to International Coal Ventures Private Limited, following a $3bn asset impairment charge on its Mozambican coal division in 2013.

Case S006

Location: Dwangwa Estate, Central Malawi, and Nchalo Estate, South Malawi

Sector and commodity: Agriculture, sugar

Total land size involved (hectares): 33,000

Start date: 2008 (although legacy disputes reach back to at least 1983)

Parties involved: Illovo Sugar Ltd, Lonhro

Violence: Yes

Minorities: No

Synopsis:

- This case is an interesting example of the ways in which a new investor in an area engages with legacy land issues. Illovo sugar acquired land in 1997, subject to competing claims going back as far as 1965, when the government granted land to the previous operator.

- These legacy land issues continue to have strong resonance for affected local communities, and the involvement of local elites in buying land as part of the Smallholder Outgrower Scheme has made these issues even more salient and pressing. Two locals resisting seizure of land have been killed.
- The company has had a proactive approach, attempting to settle land issues in court, redraw boundaries, employ specialists, and develop guidelines to dealing with land tenure issues. A number of issues – such as women's rights and intra-household dynamics – require serious consideration and thoughtful responses, but it is clear that communication and community engagement also play a critical factor in enabling satisfactory conclusions to land tenure issues.

Case S007

Location: Chiadzwa, Marange District, n MutareWest Constituency, Manicaland Province, Zimbabwe

Sector and commodity: Mining, diamonds

Start date: 2008

Total land size involved (hectares): 120,000

Parties involved: Mbada Diamonds, Anjin Investments, Chiadzwa Community Development Trust, Zimbabwe Environmental Law Association, Zimbabwe Consolidation Diamond Company

Violence: Yes

Minorities: No

Synopsis:

- Following the discovery of diamonds in Marange in 2006, a significant artisanal mining industry arose in the region. The government was accused of massacring more than 200 miners in November 2008 in preparation for commercial mining operations.
- Local farmers were displaced by these commercial diamond mining operations, and claim not to have received promised compensation in the resettlement process.
- The diamond companies mining the field have since been asked to leave the country, with the government claiming they have been robbing national resources. The operations were taken over by a newly formed government-backed entity, the Zimbabwe Consolidation Diamond Company.

Case S008

Location: Ngowe, Chikwawa District, Malawi

Sector and commodity: Agriculture, sugar

Start date: 2011

Total land size involved (hectares): 10,000

Parties involved: Centre for Human Rights and Rehabilitation, Centre for the Development of People

Violence: No

Minorities: No

Synopsis:

- In 2011, Clement Khembo, a former Minister in the Government of Malawi, reportedly colluded with the Chief of Ngowe to acquire village land in order to develop a private sugarcane plantation. Traditional leaders, including a senior group village headman and community groups, opposed this effort.
- The community was first alerted to the deal when the project developer started surveying the area, prompting local church leaders and villagers to protest against the land deal.
- With assistance from academics of Chancellor College and civil society groups (namely the Centre for Human Rights and Rehabilitation and the Centre for the Development of People), the Chikwawa community filed and won a court case in 2012 against dispossession of their land, followed by later successes in the Supreme court and a dismissal of judicial review brought by Clement Khembo.
- Nevertheless, the Department of Lands and Valuation offered Khembo a 21-year lease of 1,584 hectares of land in Ngowe in July 2015

Case S009

Location: Morondova, Madagascar

Sector and commodity: Agriculture, sugar

Start date: 2009

Total land size involved (hectares): 6,500

Parties involved: Complant, Sucoma, local politicians

Violence: Yes

Minorities: No

Synopsis:

- In this case, the sugar plantation had been in existence for a number of years, with the Chinese-funded factory being completed in 1984.
- Relations between cane cutters and the sugar cane plantation operator soured during a period of political, social, and economic instability, with disputes triggered by changes in land use and unclear communication about tenure rights.
- The plantation operators had originally allowed the families of cane cutters to establish small farms on the peripheries of fields, and in places between the areas covered by the pivot irrigation system. Over time these groups invited families to also settle on the fringes of the plantation, bringing the population of 'squatters' from 500 to 5,000 between 2005 and 2012.
- When the operators wished to switch to a different irrigation system and reclaim the land, there was a significant backlash, resulting in protests which became riots. The police were called in to raid encampments, and the cutters responded by setting fire to the cane fields.
- After elections in 2013, the situation calmed down for a while, but in November 2014 some striking workers broke into the compound, injuring staff; the compound was later looted. The ensuing arrests prompted riots, which prompted fatal shootings of rioters, and a major looting of the complex, with widespread damage to the property and theft of over 1000t of sugar.
- The interaction of worker disputes with politicized and real grievances made the tenure issues particularly intractable; this case highlights the complex interactions of different drivers of conflict in rapidly changing political and social contexts.

Case S010

Location: Nkhotakota District, Malawi

Sector and commodity: Agriculture, sugar

Start date: 2006

Total land size involved (hectares): 1,402

Parties involved: Dwangwa Cane Growers Limited (arm of Dwangwa Cane Growers Trust),

Violence: No

Minorities: No

Synopsis:

- This is another case where the establishment of outgrower schemes has caused disputes. Dwangwa Cane Growers Limited (DCGL) is a company that buys inputs from Illovo and sells them to farmers on credit, and also provides land clearance, cane cutting, planting,

and marketing services on behalf of farmers. It was established in 2000 by the Dwangwa Cane Growers Trust (DCGT).

- 537 farmers in the Nkhunga and Kazilila dambo communities in Nkhotakota District are reported to have lost their land during the period from 2006 to 2008. Affected communities allege that DCGL forced many farmers to abandon their food crops and cultivate sugarcane on their land.
- Some lost their land in the process and had field crops destroyed. 137 of these affected families reportedly lost crops and houses following destruction by tractors hired by DCGL from Illovo. Additionally, in the process of land redistribution, police are reported to have threatened people's lives in enforcing a conversion to sugarcane farming.
- As of June 2015, no members of the affected communities had received compensation, despite court rulings in December 2007 and 2014 ordering that affected people must be compensated for the loss of their land during the period 2006–2008.

Case S011

Location: Solwezi District, Northwestern Province, Zambia

Sector and commodity: Mining, copper and nickel

Start date: 2013

Total land size involved (hectares): 50,000

Parties involved: Kalumbila Minerals Ltd. (KML, owned by First Quantum Minerals), ActionAid Zambia, Musele Nkisu Taskforce, Chief Musele, Zambia Environmental Management Agency (ZEMA)

Violence: Yes

Minorities: No

Synopsis:

- KML's mining and exploration activities resulted in the resettlement of the Wanyinwa community in two locations, and the threat of dislocation for the Kankozhi community from their traditional farmlands.
- In Kalumbila, ActionAid Zambia noted that the loss of land and livelihoods was particularly keenly felt, and that the burden of lost access to garden and farmland was borne especially by women.
- ZEMA ultimately responded to these concerns and issued a protection order to halt development of the mine.

- Grievances with employment opportunities offered by the mine appear to have played a significant part in driving hostilities. The project doesn't provide much employment for the local community because of a lack of the required skills, so most employees are "outsiders," but locals felt that they were entitled to employment. In March 25, 2015, job-seekers blocked the road, and locals clashed with job-seekers from other regions. Two people were injured and 18 were arrested.