
Indirect Dispossession: Domestic Power Imbalances and Foreign Access to Land in Mozambique

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ABSTRACT

Rather than treating the global land grab as a top-down phenomenon driven by global markets or foreign states, this article instead highlights the crucial mediating role played by the host state and domestic elites through a case study of Mozambique. I first introduce the domestic institutional framework, particularly the national Land Law and the institutions that determine the economic value of land. I then argue for an analysis of large-scale land acquisitions that brings into focus the effects of domestic power imbalances on determining the outcomes of foreign demand for land. I examine the ways in which domestic inequality may shape foreign land acquisitions through a typology of the sources of power that give domestic elites a privileged role in relation to foreign investors. The five sources of domestic power considered are: traditional authority, bureaucratic influence, historical accumulation, locally-based business knowledge and networks, and control over the development agenda. Finally, I conclude that the emphasis placed on the actions of the foreigner by both opponents (via framings of land acquisitions as neocolonialism or imperialism) and proponents (via solutions rooted in corporate codes of conduct) may obscure the ways in which pre-existing domestic inequality conditions the outcomes of these deals.

INTRODUCTION

‘... the history of the political economy of Mozambique should not be written as a narrative about a poor dependent country overrun by imperialism, globalism, capitalism, or any other “ism”’. Pitcher (2002: 14)

Media, activist, and other popular depictions of the ‘global land grab’ (GRAIN, 2008) have tended to portray it as a fundamentally top-down phenomenon. Though some present large-scale farmland investment as

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imperialism or neocolonialism (Blas, 2008; Rice, 2009) and others as a potential boon for investment-starved developing countries (von Braun and Meinzen-Dick, 2009), they are generally united in the view of land acquisitions as an impact of the foreign upon the domestic. The favoured narrative among opponents features a cast of characters that includes the panicky foreign government bent on safeguarding its food security at any cost and the rapacious global investor blind to anything but the bottom line. This narrative tends to gloss over the complicity of host states and the mess of actors and motivations that appears when domestic institutions are brought into focus. This article presents a preliminary examination of the mediating role played by national-level institutions and domestic class inequality in determining the actually existing outcomes of farmland investment through a case study of Mozambique. In taking this approach I in no way wish to minimize the importance of the panicky foreign government or the rapacious investor but rather to relegate them to the wings for a while to better explore the ways in which domestic actors and institutions may filter and amplify, or simply modify, their impact. Overall, this paper aims to clarify the terms of the debate over 'foreign farmland grabbing' by calling into question the centrality of the foreigner.

The allocation of land to foreigners is not a new phenomenon in Mozambique. Beginning with the Portuguese *prazo* system, large tracts of land have been granted to private companies or individuals, frequently foreign, in the hopes of stimulating agricultural production and economic development (Vail and White, 1980). Although all Mozambican land was nationalized after the country gained its independence in 1975, foreigners are still able to acquire land by requesting land use rights from the state. Over the last few years, Mozambique has experienced an unprecedented surge in demand for these use rights. Between 2004 and 2009, the Mozambican government received requests for 2.67 million ha of farmland (roughly half requested by foreigners) on behalf of 405 investment projects of greater than 1,000 ha (Deininger and Byerlee, 2010). In a number of cases, approved land requests have led to peasant dispossession in the wake of flawed or insufficient consultation processes or have given rise to conflicts between investors and local communities (FIAN, 2010; Hanlon, 2011; Matavel et al., 2011).

Although a detailed description of the Mozambican land grab is beyond the scope of this article (see Hanlon, 2011 for a thorough examination and list of known allocations) two divergences from the mainstream media portrayals of land grabbing bear mentioning. Firstly, the companies that have been acquiring the largest tracts of Mozambican land are primarily Swedish, Norwegian, British, South African and Portuguese. They are from Northern countries that have exercised power over Mozambican land either historically as colonial powers or currently as major donors. To a lesser extent, Canadian, Italian, Indian, Zimbabwean and Libyan investors are also involved. Contrary to hyperbolic claims in the international

media (Horta, 2008; Rubinstein, 2009), China's role in the Mozambican land grab is so far primarily indirect, operating via its demand for raw materials (see for instance MacKenzie, 2006). Secondly, the production of staple grain crops to ensure home country food security is not a major driver of Mozambican land deals. In terms of area, the largest deals are for timber, particularly plantation pine and eucalyptus for pulp, although some plantations also intend to produce higher value woods like teak. These expansive forestry plantations are concentrated towards Northern Mozambique, in Niassa, Nampula and Zambézia provinces. Due to heavy government support for biofuel production, a large number of allocated plots are destined for biofuel production from jatropha or sugarcane. Because it is promoted as a hardy and drought-tolerant crop, land acquisitions for jatropha have extended to the drier, less fertile Southern region, including Maputo, Inhambane and Gaza provinces. In comparison relatively few allocations to foreigners are intended for the production of food crops. Though this article focuses on agricultural concessions, there have also been major concessions for tourism and mining.

In this article, I argue that these land deals cannot be understood simply as global capital acting upon the landscape of a developing country, directly impacting the resource access of rural communities. Instead, these deals are filtered by domestic class inequality and shaped by the actions of Mozambicans with social power. Drawing on Ribot and Peluso (2003: 158), I argue that elites exercise 'access control' over Mozambican land, which may contribute to community dispossession despite a national legal framework that protects peasant land rights. Such a focus on the role of domestic inequality is important, in part, because it belies the 'win-win' narrative on large land deals currently being promoted by the World Bank among others (see for example von Braun and Meinzen-Dick, 2009; Deininger and Byerlee, 2010). The corporate codes of conduct central to this narrative not only conflict with the logic of the capitalist firm (Li, 2011) but gloss over the important mediating role played by domestic elites, ignoring the many ways in which smallholders and landless peasants may be marginalized within their own countries. In this narrative, the actions of well-intentioned corporations can have direct results for rural communities, effortlessly fulfilling deeply complex principles like 'consultation and participation' and 'social sustainability' (Deininger and Byerlee, 2010: xxvii). Where the mediating role played by domestic factors *is* acknowledged, it is generally in the form of bad domestic institutions or host state corruption which are to be remedied via the implementation of 'good governance' (Borras and Franco, 2010; Li, 2011). Li (2011: 292) adeptly deconstructs the good governance vision, arguing that it 'renders technical' a complex political economic problem the solution to which would really 'require the wholesale restructuring of the actually-existing power relations' in host countries. This paper aims to contribute to a more thorough discussion of how inequality within host countries may condition foreign access to land.

The focus on political and social elites does not imply that rural communities themselves lack agency in their interactions with foreign investors. Mozambican communities are already resisting and reshaping foreign land deals via uncontrolled burns in forest plantations, relocation of houses into areas destined for foreign projects in order to demand compensation, and vociferous complaints when firms fail to live up to their commitments. In addition, they may not oppose foreign projects. Mozambican peasants are highly differentiated, with many engaged in capitalist production and wage labour (Bowen, 2000; O’Laughlin, 2000). Many would likely choose to give up some of their land for jobs if given a *genuine* opportunity to negotiate with investors. In choosing to focus on the role of the state and relatively powerful Mozambicans, I am following the advice of Peters (2004: 306) who argues against an over-emphasis on negotiability and indeterminacy of outcomes in African land conflicts. She states that, in a time of increasing conflict over land resources, stories about ‘the ability of “small acts” and small people to out-manoeuvre the powerful must be complemented and modified by stories of differentiation, displacement, and exclusion’.

This article originated in eight weeks of dissertation research in Mozambique during September and October 2010. During that time I interviewed twenty-two key stakeholders from the government, civil society and the companies themselves all of whom were granted anonymity. Most of the empirical data contained in this article are drawn, however, from studies conducted by other organizations including the UN Food and Agriculture Organization (FAO), the Center for Judicial and Juridical Formation (CFJJ), the Mozambican environmental organization *Justiça Ambiental* (JÁ) and the Oakland Institute. The following section describes the domestic institutional framework for land governance, including both legal and decidedly extra-legal aspects. I then examine the ways in which domestic power imbalances may shape foreign land acquisitions, presenting a typology of the sources of social power that may enable domestic actors to articulate with foreign demand for land. The five sources of domestic power considered are: traditional authority, bureaucratic influence, historical accumulation, locally-based business knowledge and networks, and control over the development agenda. Finally, I conclude that the emphasis placed on the actions of foreign investors by both opponents (via framings of land acquisitions as neocolonialism or imperialism) and proponents (via solutions rooted in corporate social responsibility) may obscure the ways in which pre-existing domestic inequality conditions the outcomes of these deals.

NATIONAL INSTITUTIONS (IN THEORY AND IN PRACTICE)

The domestic institutional context within which foreign land acquisitions are taking place varies greatly between countries. This section demonstrates that the actions of the Mozambican state, past and present, are central to

determining the form of foreign land acquisitions. It also provides some necessary background information and introduces the institutional openings that make participation by Mozambican individuals in foreign land grabs possible or even necessary. The institutional framework surrounding land in Mozambique has two particularly salient aspects that create very different conditions for foreign investment. The first, Mozambique's Land Law, provides a measure of protection for community rights and thereby serves to prevent the unbridled scramble for land that might occur in its absence; the second, a lack of a formal land market or any meaningful land tax, creates incentives for just such a scramble.

The entire institutional framework described below is shaped and permeated by the most prominent Mozambican political institution of all: the Frelimo (Liberation Front of Mozambique) party. Mozambique is a democratic, predominant-party state (Hanlon and Smart, 2008). Though a second party, Renamo (Mozambican National Resistance), exists and regularly wins elections at the municipal level, it has yet to win the presidency or prime ministership. Renamo originated as the brutal opposition in the externally-funded Mozambican 'civil war' and has not yet managed to gain the legitimacy or resources of Frelimo. Because Frelimo has been in power since Mozambique gained independence, the boundary between the party and the state is not always clear (Bowen, 2000). Ideologically, Frelimo has undergone a major transformation, shedding its initial Marxist-Leninist orientation in order to become a poster child for IMF-led liberalization (Pitcher, 2002; Saul, 2011). And yet, throughout these transformations Frelimo has maintained an extraordinary degree of party unity, rarely expelling members and working to incorporate opponents where possible (Hanlon and Smart, 2008).

The 1997 Land Law: Putting Customary Land Rights Back on the Map

Wily (2011: 752) states that in African countries, the law can sometimes be the 'culpable handmaiden' of 'policies which foster capitalist transformation through conventional dispossessory routes'. She argues that fairer land laws are the only way to protect communities from having their land usurped by foreigners working in conjunction with their own government. In some African countries, land laws serve to legitimize the theft of customary lands while in others they act as an obstacle to peasant dispossession. In this sense, Mozambique, along with Tanzania, Uganda and Ghana, is among the fortunate few. The Mozambican Land Law,¹ created in 1997, is often lauded as one of the most progressive in Africa (Baleira and Samo, 2010; Nhanumbo and Salomão, 2010). The Law attempts the Herculean task of securing

1. Lei de terras (Law No. 19/97 of 1 October) and its accompanying regulation, the Regulamento da Lei de Terras (Decree No. 66/98 of 8 December) and the Technical Annex – Anexo Técnico (Ministerial Diploma of 7 December 1999).

community land rights whilst simultaneously facilitating private investment, all within the context of continued state land ownership. Although the state technically remains the sole owner, the law provides for secure property rights in the form of a single land tenure right known as the ‘land use and benefit right’— *direito de uso e aproveitamento da terra* (DUAT).

A DUAT may be acquired in one of three ways.² The first, traditional occupation, makes the ‘local community’ the basic, legal entity and recognizes its right to the land by virtue of its long-standing occupation and management. Registration is not necessary, but if a community wishes to formalize its DUAT and obtain official documentation, it may go through a community discussion and mapping process known as ‘delimitation’³ (Comissão Inter-Ministerial para a Revisão da Legislação de Terras, 2000) to receive a certificate stating its claim. The community may further formalize its right through ‘demarcation’⁴ of the area, after which it may apply for a land title (a word generally associated with private property but here signifying only the formalization of the use right). The community may manage its own land in accordance with its own ‘customary norms and practices’⁵ (Knight, 2011). The second means of acquiring a DUAT, good faith occupation for at least ten years, is very similar to the first but applies to individuals rather than communities. Both of these means of acquiring land rights are inheritable and neither requires documentation or is subject to taxation (Norfolk and Tanner, 2007).

A third path to acquiring the DUAT, and the only one open to foreigners, is land allocation by the state. In order to be granted land, foreign applicants must go through two parallel approval processes, submitting both an investment proposal to the national Investment Promotion Centre (CPI) and a request for land to the National Directorate for Lands and Forests (DNTF) (see ACIS, 2009 for a detailed description of the application process). Before submitting a land request, the investor must conduct consultations with any affected communities⁶ as well as posting an announcement of the planned project with the district administrator for thirty days to allow for broader public comment.⁷ Four parties are present at the community consultation⁸ — the applicant, the community, the District Administrator and representatives of the Provincial Services of Geography and Cadastre (SPGC). The meeting should cover the details of the proposed project and the community’s

2. Land Law, Article 12.

3. Technical Annex to the Land Law, Chapters 2 and 3.

4. Technical Annex to the Land Law, Chapter 4.

5. Land Law, Article 24

6. Land Law, Article 24 and Land Regulation, Article 27.

7. Land Regulation, Article 27.

8. The consultation process is not included in the Technical Annex to the Land Law, but is fully described in the ‘Community Land Delimitation Manual’ produced by the Inter-ministerial Committee for the Revision of the Land Law (Comissão Inter-Ministerial para a Revisão da Legislação de Terras, 2000).

rights in the situation as well as giving the community the opportunity to ask questions, demand changes in the project, or refuse permission entirely. The meeting minutes (*acta da consulta*), which include the commitments made by the investor, are signed by all four parties, and each receives a copy as a record of what was agreed upon (ACIS, 2009). Final approval on land concessions is granted by the provincial governor for areas under 1,000 ha, the Minister of Agriculture for areas between 1,000 and 10,000 ha, and the Council of Ministers for areas over 10,000 ha.⁹ The DUAT awarded via state allocation lasts for fifty years after which it is potentially renewable for another fifty years.¹⁰ All DUATs are provisional for the first few years (five in the case of Mozambicans, two in the case of foreigners) during which period they can be revoked if the development plan is not implemented.¹¹ Obtaining this type of DUAT requires going through the full delimitation and demarcation process, but the resulting right is identical to the right acquired through customary or good faith occupation even without formalization (Norfolk and Tanner, 2007).

The Land Law has probably served to tame the rush for Mozambican land that began a decade after its enactment. The extensive recognition it affords to peasant land rights has at least ensured that most foreign land concessions are accompanied by some kind of community consultation. However, several major problems exist. Firstly, community consultation minutes are vague and sometimes contradictory and the community may not even receive a copy for their records, making it impossible to ensure that investors keep their promises (Baleira and Samo, 2010; Tanner and Baleira, 2006). Secondly, the lack of a competent judiciary means that when conflicts over land allocations arise they are resolved on an ad hoc basis, often by the same district or provincial administrators who assigned the land to an investor in the first place — a clear conflict of interest (Tanner et al., 2006). Lastly, the lack of mandatory registration for community DUATs means that the vast majority remain undocumented and therefore easier to revoke (Norfolk and Tanner, 2007). This issue is discussed in more detail below.

‘A Terra Não Se Vende . . .’

A second set of domestic institutions with a bearing on how foreign land acquisitions take place are those relating to the purchase and rental price of land. Although all land is state property and its sale is therefore illegal, a land market does in fact exist, appearing through whatever channels present themselves (Negrão et al., 2004). As one interview participant told me, there is a well-known Mozambican saying: ‘*a terra não se vende, mas compra*

9. Land Law, Article 22.

10. Land Regulation, Article 18.

11. Land Law, Article 25.

se’ — ‘the land cannot be sold, but it can be bought’. The primary means by which land is bought and sold in Mozambique is through the transfer of ‘infrastructures, structures and improvements existing on the land’ whose sale is authorized in the Land Law (Knight, 2011). Another method for selling rural land is through the sale of the company (or shares in the company) that owns the DUAT to the land. Such was the case, for instance, when the Indian company Tata Chemical acquired the South African biofuels company Grown Energy Zambeze along with its 15,000 ha land concession (Hanlon, 2011). A third method to effect the ‘sale’ of rural land is through compensation to affected communities when their land is transferred to an investor. This is problematic both because its legal foundation is shaky — under the law compensation is only supposed to be paid when the state expropriates a land right in the public interest — and because the ‘price’ paid to communities is generally very low (Tanner and Baleira, 2006).

Although land rental, like its outright sale, is illegal in Mozambique, all DUATs acquired through state award are subject to a perfunctory annual land tax which can be considered a proxy for the rent paid by investors to the government (Hughes, 2005). This tax varies based on land location, citizenship of owner, and use, but it is always extremely low. Into 2010, most international investors in cropland paid a trifling US\$ 0.60 per hectare per year (Deininger and Byerlee, 2010). As Roberto Albino (2010), the Director of CEPAGRI, cogently put it at the World Bank Land Conference ‘The actual cost of one hectare is about one coffee. So the amount that you pay here [for] one coffee, you pay in Mozambique [for] one hectare lease per year. It’s about 60 to 80 cents a hectare per year. It’s nothing’. In other words, the rent paid on Mozambican farmland is grossly undervalued, a situation which creates incentives for speculation (Hughes, 2005). Not surprisingly, land privatization has been a recurrent theme in Mozambican politics due in part to pressure from foreign donors (Hanlon, 2011).

DOMESTIC ELITES AND FOREIGN LAND ACQUISITIONS

In recent work on large-scale land deals, two common themes emerge in relation to domestic political economy. The first is that host states often facilitate foreign land acquisitions by creating legal frameworks that enable peasant dispossession (Wily, 2011). The second theme is that the real land grabbers are actually profit-seeking local elites rather than foreigners (Hilhorst et al., 2011; O’Brien, 2011; Odendaal, 2011). Taking these observations as a starting point, this section examines five sources of domestic political-economic power that shape the outcomes of the Mozambican land grab. These sources of power are: 1) traditional authority, 2) bureaucratic influence, 3) historical accumulation, 4) locally-based business knowledge and networks, and 5) the power to set the development agenda.

An examination of these sources of elite power serves to complicate the popular image of land grabbing in which foreign governments or investors are the primary agents. It also helps to explain how a country with one of the most progressive Land Laws in Africa can also be raising some of the biggest concerns about peasant dispossession during the current land grab. In their 'theory of access', Ribot and Peluso (2003) diminish this apparent contradiction by explaining that people and institutions hold 'bundles of powers' which determine their actual access to resources, irrespective of official property rights. These powers may enable actors to gain access to resources for themselves or to mediate the access of others by exercising 'access control' (Ribot and Peluso, 2003: 158). Although Ribot and Peluso (*ibid.*: 162) propose several broad 'mechanisms of access' which give actors access to resources, they also stress the malleability and contingency of these mechanisms, saying that 'the categories are not comprehensive, nor are they fixed or unique'. The typology presented in this section is not a substitute for the mechanisms of access presented by Ribot and Peluso but rather an attempt to specify how certain bundles of power have coalesced in contemporary Mozambique in ways that favour elite actors. Due to the pervasive presence of the Frelimo party in Mozambican political and economic life, almost all of these categories somehow relate to the mechanism Ribot and Peluso term 'access to authority'. Meanwhile, because this examination focuses on the role of economic and political elites, the role of intra-community power imbalances stemming from gender, age and occupational group (Ribot and Peluso's 'access through social identity') is not considered, though this is also vital to determining who benefits from foreign land acquisitions at the community level.

Examining the sources of power that allow Mozambican elites to mediate foreign land acquisitions explains how it is that communities' legal *right* (in the form of the DUAT) to land *property* is not the primary determining factor in deciding who gets Mozambican land. Instead this right is often overridden by powerful actors who have *access* to land by virtue of their social *power*. It also reveals that the demand of foreign investors does not translate directly into effects on the landscape of rural Mozambique, but rather that it is mediated by Mozambicans whose power gives them access control over this landscape.

Traditional Authority

Growing pressure on land resources in Africa brings the role of traditional authorities to the fore, as they are often put in a position of mediating between demand for land by foreign investors and the needs of their community. The concept of 'traditional' or 'customary' authority must, of course, be treated with a good deal of care. Far from being a simple representation of an

authentically local, pre-colonial system of leadership, it is a complicated social construction (Mandani, 1996). This is certainly true in Mozambique where such authority has undergone frequent transformation (O’Laughlin, 2000; West and Kloeck-Jenson, 1999). Pre-colonial traditional leadership varied greatly between regions. The chief was generally male, although in the matrilineal North, the Makua also had female authorities (*pwiamweme*), which the Portuguese translated as ‘queen’ (*rainha*) (Harrison, 2002; Pitcher, 1998). During the colonial period, the Portuguese appointed local chiefs, which they called *régulos*, to be representatives of their political hierarchy within rural communities. The *régulos* were either selected from among existing traditional authorities, or were simply chosen and installed (Kyed and Buur, 2006; O’Laughlin, 2000; Pitcher, 1998). West and Kloeck-Jenson (1999) point out that the *régulo* is not accurately characterized by either the view that paints him as the corrupt instrument of the colonial administration (and now Frelimo) or as the representative of a ‘genuinely African’ pre-colonial leadership. Instead, they argue, *régulos* have long occupied a no man’s land between the people and the state, seen by each as the representative of the other. Immediately after independence, Frelimo attempted to do away with the *régulo* system altogether, replacing it with ‘dynamizing groups’ led by party secretaries (Kyed and Buur, 2006). Many *régulos* retained their legitimacy in the eyes of their communities (Alexander, 1997; Pitcher, 1998), however, and some researchers argue that this move added fuel to the fire of the civil war, as some *ex-régulos* leant their support to the Renamo insurgency (Geffray, 1990). In 2000 the Council of Ministers issued Decree 15/2000, which officially made ‘community authorities’ — often *régulos* — a part of the Mozambican state hierarchy (Kyed and Buur, 2006).

Evidence from the most recent wave of large-scale land acquisitions suggests that customary authorities often play a decisive role in the approval of land concessions. The access control they exercise stems from both their customary community leadership and their reinstated relationship with Frelimo. SPGC officials sometimes act under the assumption that reaching an agreement with the *régulo* or other authority figure is equivalent to a successful community consultation (Åkesson et al., 2009; Tanner and Baleira, 2006).¹² Only three to nine community member signatures are required on the *acta da consulta*, and the validity of a consultation has never yet been contested in court. There is considerable evidence of traditional authorities authorizing foreign projects and at times personally benefiting from the deal. One example is Chikweti Forests of Niassa, a pine and eucalyptus company with backing from Swedish and Norwegian churches and a

12. In fact, Decree 15/2000 created confusion about the meaning of the ‘local community’ in land governance. In the context of the Land Law, the local community is a private entity which is self-defined with reference to land occupation and use. The decree, on the other hand, uses a definition of ‘local community’ more akin to public administrative jurisdiction (Tanner and Baleira, 2006).

Dutch pension fund (Hanlon, 2011). Chikweti was granted 30,000 ha of land and had another 14,000 ha in the approval process, but an investigation by DNTF (2010) found that it was also illegally occupying almost 32,000 ha. In Lichinga district, some of the *régulos* had authorized the company to begin activities without a community consultation or DUAT (Åkesson et al. 2009; DNTF, 2010). The DNTF investigators were also told that the company had promised to build a house for the *régulo* in one community in Lichinga district and had given employment to community leaders in Sanga district (DNTF, 2010).

Reports that community authorities handed over land to foreign companies with little or no community consultation also exist in several other cases. One example is Energem, a Canadian-owned biofuels project which obtained 2,000 ha in Gaza province for jatropha production (Hanlon, 2011). Energem's community consultation took place primarily through the *régulo*, and community members reported that he had transferred the same plots of land to more than one investor and many believed him to be corrupt (Ribeiro and Matavel, 2009). ProCana, a London-based biofuel project which was eventually cancelled by the government due to a lack of progress, also reportedly conducted consultations with only community elites and elders (Borras et al., 2011; FIAN, 2010). Finally, members of a community in Gurué district, Zambézia perceived their *régulo* to have 'sold' community land to Tectona Forest of Zambézia (Matavel et al., 2011).

Traditional authorities may also intervene on behalf of communities. According to the DNTF (2010) report, Queen Nantima of Lago district, Niassa, raised complaints about Chikweti and demanded compensation for one of her community members. In their survey, Matavel et al. (2011) found that the part played by the traditional leader varied considerably throughout the country; while in the central provinces community members saw leaders as defending the interests of the company, in the Southern region it was reported that they generally represented the interests of the community, and in the North it was more evenly split.

Bureaucratic Influence

Ability to intervene in the bureaucracy of land allocation can be a source of social power whose exercise both shapes the ultimate form of the land acquisition and benefits the intermediaries. Baleira et al. (2010) found that local- and district-level administrators are able to manipulate the allocation of land in pursuit of private interests. Their research, which was not specific to foreign land allocations, revealed four key areas in which conflicts of interest affect land administration: administrators demanding unauthorized fees, obstruction and general lack of transparency of the application process, disappearance of paperwork, and lack of effective monitoring of the *intocávies* — the 'untouchable' elites with close ties to government.

This research shows that bureaucratic intervention may benefit two groups: the administrators themselves — those in direct contact with the bureaucratic process — and political elites whose connections give them sufficient clout to influence the actions of those administrators. Regarding the first group, my own fieldwork suggests that rent-seeking by land administrators may also apply to the recent wave of foreign acquisitions. An official at one foreign-owned company told me that his project had taken three years to get final approval in part because everyone was looking for some kind of ‘facilitation fee’. Meanwhile provincial-level SPGC officials cited ‘opportunism’ at lower levels of the administration as one of the biggest difficulties they encountered in allocating land to foreign investors.

The second group with power over the land allocation process, politically connected elites, is aided by a politicized land allocation process. The relevant authority for final land allocation approval varies with project size, as discussed above, but in all cases the decision lies with political appointees. The decision is in the hands of the administration rather than the state, which, in practice, means that it is firmly entrenched with the Frelimo party. In addition, one of the effects of Decree 15/2000¹³ is that the Frelimo administration now penetrates directly into rural communities (Knight, 2011). This potentially makes it even easier to call in political favours involving land allocations. Returning to the case of Chikweti, district authorities reported that decisions had come ‘from above’ (Siteo, 2009) in the form of orders from the Provincial Governor (DNTF, 2010). The Chikweti director even stated that ‘We only have the finalized DUAT and the remaining plantations are working simply because of the flexibility of the vision of former Governor Arnaldo Bimbe who gave us permission’ (Matavel et al., 2011: 51). Local officials also report that instructions came ‘from above’ in the case of Quifel Agrícola in Zambézia (Hanlon, 2011). The motivation of these elites in using their access control on behalf of foreign investors is unknown, but it demonstrates the power accessible to those with influence over the bureaucratic process.

Historical Accumulation

Historical processes of land accumulation shape the conditions under which current accumulation takes place. Some countries experience this in the form of a concentrated land ownership structure handed down from colonial times. Mozambique was fortunate in this regard, escaping from colonialism with a relatively low level of land concentration.¹⁴ However, Mozambican

13. Along with the Lei dos Órgãos Locais do Estado (Law on Local Organs of State) (Law No. 8/2003 of 19 May).

14. The Gini coefficient of land concentration per household in Mozambique is 0.45 (Jayne et al., 2003). However, Tanner (2010) suggests that if a Gini coefficient were calculated

elites have still been privileged historically in their ability to accumulate national land resources. As part of the economic liberalization of the 1980s, the Mozambican government initiated a process of state farm divestiture (Myers, 1994; West and Myers, 1996). Foreigners benefited from this process as British, Portuguese, South African and Mauritian companies were granted former state farm land (Pitcher, 2002). At the same time, however, another group was also benefiting from state farm divestiture — politically connected Mozambicans. In the scramble for the rapidly privatizing state farms, the government quickly allocated land to war veterans, ministers and other government officials (Bowen, 2000). The years immediately after the civil war ended in 1992 saw another round of allocation to politically connected elites as land was granted by the district, provincial and central levels of government and by several different ministries (Myers, 1994).

As a result of these historical processes, elite Mozambicans hold state-awarded DUATs to blocks of the country. This land is often not productively used but rather kept as a reserve of value (Albino, 2010). These land parcels act as an obstacle to genuine agricultural development but are difficult to revoke because of the political power of those who own them. One independent land specialist with privileged access to the National Cadastre told me that elites like President Armando Guebuza, Prime Minister Aires Ali and former first lady Graça Machel hold DUATs to large areas, saying of the Cadastre that ‘the *nomenklatura* are there, and they are there in spades’.¹⁵

Although these historically-accumulated elite DUATs constitute formal property rights, where several overlapping layers of property rights exist, as is often the case in Mozambique (Myers, 1994), powers of access come into play to determine whose property right takes precedence. The history of elite accumulation means that elite landholdings are in the National Cadastre and legible to both the state and to foreign investors, whereas community land rights generally are not. Though under the Land Law, all rural communities are the legitimate possessors of the DUAT for the land they occupy, only 12 per cent of community lands have undergone the delimitation process (Deininger and Byerlee, 2010) that would make these rights visible to outside observers (Norfolk and Tanner, 2007). Hypothetically this should not matter, as a formalized DUAT is no more legitimate than an unformalized DUAT, but in reality those that are legible to the state are likely to receive priority. Although little information is available on how these pre-existing land claims interact with the current wave of foreign investment, one possibility is that elites may use their rights as a bargaining chip in doing business

for only the best land in terms of location, fertility etc., the level of concentration would be found to be much higher.

15. The *nomenklatura* was the name for the group of Mozambican elites thought eligible for high administrative posts under the socialist government. It is now shorthand for the party’s privileged bureaucratic elite (Hanlon and Smart, 2008).

with investors. For example, Hanlon and Smart (2008) spoke with one foreign investor whose plans to establish a banana plantation were stymied by the demands of the land's elite DUAT-holder. The DUAT-holder would only grant permission to use the land if, in return, he was given a well-paid position in the investor's company. Alternatively, these pre-existing land claims could hinder foreign investment in Mozambique if elites choose to hold on to the land as a reserve of value rather than partner with investors to develop it. In either case, the outcome is unlikely to be beneficial for rural communities.

Locally-based Business Knowledge and Networks

Mozambicans with access to economic resources, professional networks, or business know-how specific to the Mozambican setting may be linked to foreign land acquisitions in a professional capacity. This is desirable from the perspective of national economic development insofar as it involves the transfer of money and skills to Mozambicans. Foreign investors also benefit from these collaborations because the lack of an official land market puts foreigners at a serious disadvantage when they try to acquire land by means other than state concessions. A Mozambican official at a donor-funded agribusiness promotion project explained to me that there are really two land markets, one for Mozambicans and one for foreigners:

When you come here and you see that the land is for free because the land belongs to the people according to our constitution, you immediately have a margin to play with. Why? Because you are used to buy land in your country for a huge amount of money If you come to me for that land I am not going to sell [it to] you at the same price that I got it. And I am not going to tell you that this is the land from the people, it's not from the people anymore, it's my land [now]. And you have to use the margin that you have and I know that you have in your pocket to deal with this.

Mozambicans with power in the form of business contacts and knowledge of local markets may therefore participate in foreign land acquisitions either in a rent-seeking capacity as described above, or as a partner who ensures that the foreign investors do not get scammed.

Elite Mozambicans with Frelimo connections, in their capacity as private business people, have been among those working with foreign investors. In Mozambique such political connections are also economic connections (Sumich, 2008). Domestic elites sometimes serve as partner or investor in foreign agricultural projects. The Environment Minister, Alcinda Abreu, who was also Foreign Minister from 2005 to 2008, is a part owner of the Libya-funded Bela Vista Rice Project (Hanlon, 2011). Meanwhile, a family company of ex-president Joaquim Chissano, MJ3 Lagoas, is linked to the South African company Deulco Holdings, which was granted a concession in Inhambane for jatropha production (Nhantumbo and Salomão, 2010), via co-ownership of a company called Deulco Sábie. Domestic elites

also participate in foreign land acquisitions through professional positions with foreign companies. For instance, the former Director of DNTF, Arlito Cuco, now serves as the Managing Director of Lúrio Green Resources, the Norwegian-owned timber project with 126,000 ha in Nampula. When current and former government officials serve as directors, board members, or partners on foreign-owned agricultural projects, they bring their political connections as well as a wealth of local knowledge about the national institutions governing access to land.

Foreign investors do not swoop in and acquire Mozambican land unassisted. Investor ignorance combined with the opacity of land markets necessitates the participation of Mozambicans with social power in the form of business experience or connections. How the economic participation of political elites should be interpreted is the point of some contestation. Saul (2011: 97) argues that political elites create investment conditions of low taxes and little government oversight in order to ‘clinch investment deals while also permitting government leaders to ingratiate themselves with investors, thereby laying the groundwork for such leaders, in their entrepreneurial capacity, to then seal lucrative private partnerships’. Hanlon and Mosse (2010), on the other hand, agree that Frelimo elites use their political connections to further their private businesses but argue that these businesses are becoming genuinely productive enterprises with the potential to contribute to national economic development.

Control over the Development Agenda

Political power may be used for personal advancement, but it can also be used to advance a vision for national development. National-level politicians shape the discourse surrounding development, and the policies they craft set a precedent for how agricultural investment and land rights are interpreted. Ribot and Peluso (2003: 169) emphasize the power of this role, arguing that ‘Discourse and the ability to shape discursive terms deeply influence entire frameworks of resource access’. Unfortunately, in Mozambique the precedent set at the national level has often been to marginalize community rights in order to attract foreign investment (Hanlon and Smart, 2008). Although the positive impact of the Land Law should not be underestimated, the central government has made a series of subtle changes in the wording and interpretation of national land rights that have diluted the potency of community land rights.

One shift occurred with the issuance of Decree 15/2000 (discussed above) which gave ‘community authorities’ power over some land use decisions, and integrated them into the Frelimo hierarchy (Kyed and Buur, 2006). A second shift occurred with the adoption of the 2004 Constitution. While the 1990 Constitution says that DUATs will be granted on the basis of ‘social purpose’, in the 2004 Constitution this was changed to ‘social or

economic purpose'. In addition, the 1990 Constitution contained a powerful clause stating that the allocation of DUATs would 'prioritize direct users and producers' and that 'The law shall not permit such rights to be used to favour situations of economic domination or privilege to the detriment of the majority of its citizens' (cited in Norfolk and Tanner, 2007). This clause was omitted from the 2004 Constitution.¹⁶ A third shift occurred in 2007, just as foreign investors were turning their gaze to Mozambican farmland in record numbers. The Council of Ministers issued a decree¹⁷ that amended Article 35 of the Land Law, subjecting community delimitations to ultimate approval by the same government bodies that must approve investor requests and requiring communities to submit a use plan for the land just as investors do during the demarcation process (Nhantumbo and Salomão, 2010; ORAM, 2010). With this amendment, the issuance of community land certificates promptly ground to a halt and scores of communities were left in administrative limbo, having completed the delimitation process but received no certificate (ORAM, 2010). This decree violated both the spirit and the actual content of the Land Law, which bases community DUATs on land occupancy regardless of whether the land is in active use. It made the land certificate, and therefore implicitly the DUAT itself, contingent on type of use and subject to government approval (Knight, 2011).

These efforts at reducing community land rights are part of a broader approach to development adopted by many within Frelimo. Since independence, Frelimo has espoused a modernist ideology that has remained even as its other ideological commitments have shifted from socialist to neoliberal. At times, and particularly in relation to the countryside, this modernism has even moved into the territory of Scott's (1998) 'high modernism', as with post-independence villagization efforts (Pitcher, 2002). At present, the government is employing a strategy for agricultural modernization that sees industrial, export-oriented agriculture catalysed by foreign direct investment as the best route to Mozambican agricultural development (Hanlon and Smart, 2008). Some within the Guebuza administration are dismissive of peasant agriculture as a potential engine of growth and consequently see community delimitations and consultations as obstacles to progress. One senior party member I interviewed expressed the opinion that all community consultations should be conducted in advance based on the hypothetical (and presumably very vague) investments that their land was zoned for. This way, if investors did become interested in the land, they would not have to go through the arduous process of explaining their actual project to communities and negotiating with them. This attitude toward community consultations is likely to influence the approach taken by foreign investors;

16. These changes applied to Article 47 of the 1990 Constitution and Article 110 of the 2004 Constitution.

17. Decree No. 50/1997 of 16 October and its simultaneously issued interpretation — Circular 009/DNTF/09.

one of the company officials I spoke with, for instance, repeatedly dismissed them pejoratively as ‘bureaucracy’.

However, as in the case of traditional authority, the power to define the meaning of development in Mozambique can also be used to defend the rights of smallholders against dispossession. Hanlon and Smart (2008) argue that, while many within Frelimo subscribe to the ‘cargo cult’ that foreign investment is the only way to achieve development, a minority believe in development based on the promotion of smallholder agriculture. Several changes in 2010 and 2011 suggest that this second group may be winning ground. Firstly, in August 2010, the Council of Ministers approved changes to the consultation process which will mean that each consultation should now consist of two meetings rather than just one (Hanlon, 2011). This will hopefully give communities a chance to deliberate and will create a space for women and other non-elite community members to make their opinions known even though they may not participate fully in formal consultations. Secondly, in September 2010 a new national-level body called the Land Consultative Forum was created to allow civil society organizations and other stakeholders to debate and provide input on land policies (Canalmoz, 2010). Thirdly, in October 2010, in response to pressure from Mozambican civil society organizations and donor agencies, DNTF issued a new interpretation¹⁸ of the problematic amendment to Article 35 of the Land Law, allowing community delimitations to resume as before. And finally, in January 2011, land taxes were raised. They now come to US\$ 1.37 per hectare per year for normal cropland (Hanlon, 2011) — still a pittance but certainly a step in the right direction in terms of preventing speculation by both foreigners and domestic elites.

CONCLUSION

Though the increase in foreign demand for land is the ultimate cause of the ‘land rush’ across the African continent and the world, a closer look at the case of Mozambique reveals the importance of domestic institutions and actors in shaping the land acquisition process. Though companies hailing from Portugal, Sweden, Norway, South Africa, the United Kingdom and a handful of other countries are requesting large tracts of Mozambican land, their impact is shaped by domestic institutions of land governance — particularly the national Land Law and the practices that determine the purchase and rental price of land. In addition, domestic social inequality plays an important mediating role. Elite Mozambicans exercise access control over land resources through their ‘bundles of powers’ (Ribot and Peluso, 2003). These powers, whether they stem from previously acquired land holdings or

18. Circular No. 1/2010 of 1 October.

from legitimacy as a customary leader, from access to bureaucratic channels of land administration or from locally-based business knowledge, filter the impact of foreign demand for land upon rural landscapes. Examining these sources of power clarifies why peasant dispossession is occurring despite the fact that peasant land property rights are protected by law. On the other hand, where elites defend rural communities from being dispossessed or work towards creating a national development model that includes rural people as more than just workers on foreign plantations, their involvement may help to curb the land grab.

In addition change may come from the bottom up rather than the top down. Pitcher (2002) found that, since independence, Frelimo policies have been broadly shaped and altered by the friction, passivity, or resistance they encountered when applied on the ground. Mozambique has several vibrant civil society organizations that openly criticize Frelimo's land and agricultural policies and work to educate rural communities about their rights. In particular, domestic civil society organizations such as the National Peasant Union (UNAC), the Rural Association for Mutual Support (ORAM), and the environmental activist organization *Justiça Ambiental (JÁ)* are working hard to slow peasant dispossession either by demanding the formalization of peasant DUATs or by exposing the extent and consequences of foreign land deals. In addition, communities themselves find ways to resist foreign land concessions and in some cases have managed to renegotiate the conditions of the land deal. Such was the case with ProCana before it was cancelled (Nhantumbo and Salomão, 2010).

A theorization of global land grabbing as a form of neocolonialism, while compelling, may obscure as much as it illuminates. We are undoubtedly witnessing new configurations and strategies of global power as the economic emergence of China and other semi-peripheral countries coincides with increasingly uncertain global climate patterns and food prices. However, the case of Mozambique demonstrates that land grabbing may be as much the result of host state action and domestic power dynamics as of foreign pressure. The current land grab only resembles colonialism insofar as domestic elites were *always* intimately involved in facilitating foreign rule.¹⁹ Those who see corporate responsibility as a solution to land grabbing also minimize the importance of domestic power imbalances but reach the opposite conclusion. For them, holding investors to a few social and environmental principles (even supposing it possible) will translate directly into positive outcomes for rural communities. Where the mediating role of national-level institutions *is* considered, they are stripped of class politics and rendered neutral by the language of 'good governance' and technical fixes (Li, 2011). The current land rush can be examined through many lenses, and domestic inequality is only

19. Hanlon and Smart (2008) point out that it was Portuguese colonialism that gave rise to the concept of the 'comprador class' of domestic elites.

one, but it is one that deserves to be explored more fully. Further research into articulations between the foreign and the domestic actors involved in land grabbing will help to clarify its causes and hopefully even shed light on some solutions.

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