Research Report 50

Large-scale land acquisitions in Zambia: Evidence to inform policy

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Acronyms

AfDB	African Development Bank
CRS	Catholic Relief Services
CAADP	Comprehensive Africa Agriculture Development Programme
CSR	Corporate Social Responsibility
DMMU	Disaster Management and Mitigation Unit
SULTS	Enhancing Sustainable Livelihoods Through Land Tenure Security
EIS	Environmental Impact Statement
EIA	Environmental Impact Assessment
EITA	Extractive Industry Transparency Alliance
FAO	Food and Agriculture Organization
FIAN	Food First Information and Action Network
FQM	First Quantum Minerals
FDI	Foreign Direct Investment
GDP	Gross Domestic Product
GRZ	Government of the Republic of Zambia
KML	Kalumbila Minerals Limited
MP	Member of Parliament
MEWD	Ministry of Environment and Water Development
MNTF	Musele Nkisu Task Force
NAP	National Agriculture Policy
NAIP	National Agriculture Investment Plan
NIP	National Irrigation Policy
PRAI	Principles on Responsible Agricultural Investment
RAP	Resettlement Action Plan
SNDP	Sixth National Development Plan
TA	Traditional Authority
ZDA	Zambia Development Agency
ZEMA	Zambia Environmental Management Agency
ZLA	Zambia Land Alliance

Executive summary

Land in Zambia plays a vital role in sustaining livelihoods, ensuring food security and reducing poverty. If people are not able to access land (including communal interests, such as lands for grazing or access to water resources), they will be unable to secure rights over their land, participate in decisions over land that they occupy or use, or undertake diverse activities that improve their livelihoods, such as farming and fishing. This can contribute to increased poverty levels and may lead to food insecurity. Promoting good land governance in the process of allocating land for development and managing the different interests and competing claims to land is essential in protecting the livelihoods of many Zambians who depend on land.

Recently, Zambia has seen a rise in large-scale land acquisitions that have led to several communities around the country being displaced. These displacements pose risks to the food security, tenure security and sustainable livelihoods of the poor communities. The Zambia Land Alliance (ZLA) has undertaken this study with the aim of assessing the processes and procedures that guide large-scale land acquisitions, as well as understanding the social and economic impacts on the affected communities. In this research, a key factor in determining socio-economic impact has been to assess the role of participation by the affected communities in the processes of displacement. The research identified two case studies: One study was of The Big Concession farm block in Mumbwa District, Central Province, and the investment made by German-based Amatheon Agri Ltd,[1] and the other of a Canadian mining company, First Quantum Minerals (FQM) with its subsidiary Kalumbila Minerals Limited (KML) in Solwezi District. This research reveals that displacements remain the greatest fear for local communities. If the challenges and existing gaps are not addressed in the land administration system, it is anticipated that large-scale land acquisitions will continue. As the pressure on land rises, more incidences of displacement will occur.

Other research in Solwezi District has been conducted by organisations such as the Extractive Industry Transparency Alliance (EITA) and the Catholic Relief Services (CRS), working in conjunction with Caritas Zambia. The organisations have been active in mobilising local communities in the Musele area; in particular, EITA has been active in the KML case through working with the Musele Nkisu Task Force (MNTF) and supporting Chief Musele in building claims against KML.

This study is based on three main research methods: comprehensive literature analysis, key stakeholder interviews and community meetings. These methods are employed to complement each other through the triangulation of key facts and to consider the perspectives of each group. The key details and findings from both case studies are summarised below.

Case study evidence

In this investigation of two case studies of large-scale land acquisition, the cases of Mumbwa and Solwezi presented two different scenarios: one of agricultural investment in an area of statutory land, and one of a mining investment in an area of customary land. Both investors involved are large foreign companies, and both have attempted to incorporate corporate social responsibility (CSR) programmes into their operations. Investments such as these have been promoted and facilitated by Zambian government policies to contribute to economic development.

In the Amatheon Project, Amatheon has acquired 14 237ha of statutory land in the historical Big Concession farm block in Mumbwa District for a brownfield[2] agricultural project. In the Mumbwa case, communities expressed confusion over the land tenure status of those affected. Even with cases concerning statutory land, the land rights of local communities are not straightforwardly defined, and often work to the disadvantage of rural households.

FQM, through its subsidiary Kalumbila Minerals Limited (KML), has acquired the mineral rights for 60 000ha of land in Solwezi District for a greenfield[3] mining investment. Controversy remains over the manner in which it

1 Amatheon Agri Ltd will be shortened to 'Amatheon' for simplification in this report. It was also known originally in Zambia as the 'Big Concession Agriculture Ltd'.

2 'Brownfield' refers to developments that take place where there were previously commercial investments, and so dispossession took place further in the past.

3 'Greenfield' refers to developments where there were none before, and so are more likely to lead to dispossession of local people.

negotiated the land holdings from the local Chief, and there is uncertainty as to who presently holds the rights to the land.

Both cases saw communities displaced and resettled. In Mumbwa, those resettled amounted to three households, while in Solwezi up to 570 households are to be resettled. Amatheon has employed a principle of preventative displacement in an effort to minimise displacements but has still found it necessary to initiate resettlements.

In both cases, both investors have attempted to work closely with local district government bodies and traditional leaders in order to create resettlement action plans (RAPs) and compensation packages. Both investors also looked towards international guidelines, such as those from the World Bank (World Bank 2001). However, in Mumbwa, those affected were consulted over resettlement plans and therefore had a greater input into the design of the RAPs and compensation packages. Controversy remains over the resettlement process in Solwezi.

In neither case did the investors or government authorities refer to the provisions of the Food and Agriculture Organization's (FAO) Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests (2012) or the African Union's Guiding Principles on Large-Scale Land Based Investment in African Agriculture (2014).

This research sought to understand the relationship between the processes of investments in large-scale land acquisitions, particularly through the roles played by key stakeholders, and to understand the ways in which community participation and consultation can play a role in creating positive outcomes for communities. National government, local government and Traditional Authorities (TAs) play an equally important role as the investors in determining the terms and processes of investments, while communities lack representation in these negotiations. In particular, TAs have an important role as they are often expected to represent the interests of communities, and both of these cases demonstrate that this is not always evident.

The case studies also show the distinction between investments in and acquisition of statutory land (such as Amatheon in Mumbwa) versus investments that involve the acquisition and eventual conversion of customary land (as in the FQM, KML case in Solwezi). However, that is not to say that the conversion of land from customary to statutory ensures the greatest protection for smallholder farmers against investors, but rather the ways in which the current land administration system favours or grants more protections to statutory land. Customary land must be equally recognised with tenure security under Zambian land policy in order to address this imbalance.

Both cases also demonstrate the limitations of current resettlement frameworks, calling for the formulation of a wider National Resettlement Policy. Often, the diversity of livelihoods is not easily captured in resettlement packages, nor are the diverse viewpoints held by the affected communities. However, the process of conducting a RAP appeared to be most successful when it became a collaborative effort.

From these findings, there are two themes that emerge.

Spaces for participation

- The main areas in which the participation of local communities is lacking are during the process of land allocation, and in discussions on displacement and resettlement.
- The rights of communities not to be displaced are wrapped up in their land tenure security. Often in areas of statutory land, communities find themselves on the wrong side of the law as 'squatters', as their claims to usufruct rights are not recognised.
- Meanwhile, customary tenure, is not given equal security and authority as statutory land tenure, and thus communities have a weak, tenuous claim to their land.
- In both areas – under customary tenure, which has challenges of insecurity, and statutory tenure, which is secure – it was found that when the government and TAs give consent, investors are provided with a green light to displace communities.

- However, the onus for resettlement falls on the investors, as requirements for resettlement fall only under weakly enforced environmental regulation. In both cases, both investors dedicated large sums towards the resettlement process, but the main determinant for more successful outcomes of the resettlement process lay in the greater participation of affected communities; the more affected communities were able to participate in decisions to do with their resettlement, the more positive the outcomes were.

Policy responses

- In order to incorporate a participatory role for communities in decisions of land allocation, there is a need to re-evaluate Zambian land administration policies.

- While the 1995 Lands Act contributes to the recognition of customary land, it has several shortcomings concerning land conversion between statutory and customary land, and does not provide enough guidance or enforcement for community consultation in matters of lands allocations and conversions.

- Many of these shortcomings can be addressed through the formulation of a new Land Policy, through the recognition of the importance of land tenure security in other regulatory frameworks applied to investments, such as various environmental acts, and through the application of international guidelines, such as the FAO's Voluntary Guidelines.

- Lastly, there needs to be greater enforcement of such regulations, as well as greater transparency, monitoring and evaluation of land transactions in order to increase the capacity of various bodies (including government bodies,communities and traditional leaders), to encourage and enforce fair and just land deals.

These findings recognise that, if land deals are to continue, there is a need for greater awareness of the ways in which communities and TAs can be empowered to make decisions for the long-term interests of Zambian communities. If government and investors are able to do their part to strengthen, adhere and enforce regulations and monitoring of land deals, then communities will be able to participate more in ensuring their interests are considered. The many recommendations provided in this report highlight the multitude of ways in which the increased incidences of large-scale land acquisitions in Zambia can be harnessed to promote more inclusive growth.

1. Introduction

The world, and particularly sub-Saharan Africa, has witnessed a rise in the prevalence of large-scale land acquisitions. There is growing documentation of a number of cases whereby foreign investors are able to acquire large amounts of farmland, particularly those above 1 000ha and as high as several hundreds of thousands of hectares. A 2011 report by Oxfam calculated that the area of land that had been sold or leased in big land deals in developing countries was as much as 227 million hectares, a significant increase from the World Bank's previous estimate of 56 million hectares in 2009 (Oxfam 2011). These land transactions are considered by some to be 'land grabs', and while they may contribute to investment in African countries, they also pose a considerable risk to those who derive their livelihoods from the land.

Zambia is not exempt from this trend. The World Bank has cited Zambia as a case with a high 'yield gap' – a country with a large amount of land, yet with a low proportion of cultivated land and low population density (World Bank 2011). This categorisation is indicative of the ways in which Zambia is viewed as an agriculturally fertile country with abundant land. Since economic liberalisation, the Zambian government has pursued a path of investment promotion to boost economic development and to create employment opportunities. In particular, large amounts of land have been set aside for foreign investment in sectors such as mining, agriculture and tourism. The African Development Bank (AfDB) estimates that nearly five million hectares of land (about 6% of the country) alone has been set aside for mining exploration; they further estimate that 398 200ha of land has been targeted for agricultural production by foreign investment (AfDB 2011). These figures stand aside from further land that has been earmarked for development as farm blocks by the Zambia Development Agency (ZDA), which is estimated to be 947 000ha (Shawa 2010).

Efforts to centre economic development plans on land allocations rely on the notion of Zambia as a country of abundant land. Yet Zambia has a young, growing population that continues to struggle with food security and social development. It is estimated that Zambia will experience a 941% population growth between 2011 and 2100, forming the highest growth rate during this time period in the world (United Nations 2011). These growing pressures on Zambia's land will only be increased with time.

While Zambia's economic and population development will continue to place pressures on its land, it must also be recognised that the allocated lands may not only be in current use for residential and agricultural purposes, but may also serve as a communal resource for water, grazing and other informal agricultural and ecological uses for current and future generations. If not checked, these large-scale acquisitions can result in the alienation of communities from land as a result of the increase in land values, the propagation of land tenure insecurity and the increased vulnerability to food insecurity. In the face of all these challenges, displacements from land can be the final straw in removing the last safety net for the poor and vulnerable. The fine balance between the positive economic benefits and negative impacts of such land deals comes down to one factor: the ability for local communities to participate and be heard in the decision-making processes for such land deals.

In order to understand the ways in which communities are impacted by large-scale land acquisitions, this research seeks to ask:

1. What are the processes involved in the allocation of large-scale land investments and what scope has there been for consultation and participation by different stakeholders?

a) Who are the different stakeholders involved in the allocation of land and who are the social groups that are impacted by these land deals?

b) What are their roles and what is their ability to participate and influence deals?

c) In what form does consultation take place?

d) Are communities able to negotiate their interests in the allocation of land and within resettlement processes?

e) How can consultation and participation be improved?

2. What are the short-term and long-term socio-economic impacts of large-scale land investments to local communities, and in what ways can participation and consultation serve to mitigate negative impacts?

2. Methodology

The research for this report relied on three main methods: comprehensive literature analysis, key stakeholder interviews and community meetings. These three methods are meant to complement one another through the triangulation of key facts and to ensure the perspectives of each group are considered. However, there remains a number of limitations to the research, which are also discussed below.

Literature analysis was conducted in order to gather background information pertinent to the case. This included analysis of media sources and online materials, and information collection from key stakeholders. In addition, relevant literature to the wider and contextual issue, such as agricultural development in Zambia, was compiled. One of the limitations to this research, and a wider issue at the heart of large-scale land acquisitions, is the lack of transparency in official documents. Part of this is due to the poor record keeping and dissemination abilities of key institutions such as Zambia Environmental Management Agency (ZEMA) or ZDA. This appears to be true of key documents such as Environmental Impact Assessments (EIAs) and Resettlement Action Plans (RAPs), as well as project planning and guiding documentation as a whole.

Key stakeholder interviews were conducted with relevant authorities when available. Various representatives and staff from both investing companies, Amatheon and Kalumbila Minerals Ltd (KML), were willing to take part in the research and facilitated field research. Their willingness to take part in the research process not only facilitated gaining access to local communities, but also provided a positive gesture of cooperation. The research team was able to meet with a number of representatives from Amatheon, notably including their Corporate Social Responsibility (CSR) representatives, for both the company internationally and within Zambia.

The nature of the farm block settlements in Mumbwa made it difficult to conduct community meetings, as households within the farm block were widely dispersed. Amatheon was able to facilitate meetings with impacted households, including a number of the resettled community members. A total of 21 questionnaires were administered (eight females, thirteen males), primarily with community members within the farm block and adjacent to the farm block. In addition, community members who were among the designated 'project-affected people' were interviewed, which includes both resettled and to-be-resettled households.

In Solwezi, the short time frame of this research was a challenge in that not all institutions contacted were available for interviews. The research team did not have the chance to interview Chief Mumena due to logistical reasons, but research approval was provided via phone conversation. The long distances in Solwezi made meetings with affected communities a challenge. Meetings were conducted with several communities, including with representatives from the affected community of Wanyima. In addition, the research team was able to link up with current advocacy efforts already in place in Solwezi District, through ZLA's Enhancing Sustainable Livelihoods through Land Tenure Security (SULTS) programme. This afforded the research team the opportunity to meet with an additional community, to act as a 'control' group with which to compare the KML-affected community. Questionnaires were administered to both groups (eighteen to the affected community, twenty to the outside group; twenty men, eighteen women).

Enumerators from ZLA, its partner SULTS programme in Solwezi, as well as partners Lusaka District Land Alliance and Zambia Alliance for Women, administered the questionnaires for both case studies. Interviews were conducted in local languages when possible (e.g. Kaonde and Lunda in Solwezi) or in mutually intelligible languages (e.g. Bemba). A videographer was engaged to accompany the trip with photographs and video footage. Questionnaire results may not provide comprehensive evidence of trends or the experiences of all those affected. However, they do provide systematic insight into some of the challenges faced by those affected by the development of the mining projects.

3. Background

Agricultural investment projects in Zambia

Amatheon's agricultural investment is one of many projects being developed in Zambia that seeks to harness Zambia's agricultural potential for economic development. Under the mandate, government policies such as the Sixth National Development Plan (SNDP) 2011–2016, and National Vision 2030, agricultural investments are being promoted by the Government of the Republic of Zambia (GRZ), not only as a means for economic development and gross domestic product (GDP) growth, but also as a source of diversification of the economy away from mining that simultaneously impacts the lives of approximately 67% of the population, whose livelihoods are derived from the agriculture sector (CSO 2012).

Although the agricultural sector has been providing a share of the country's GDP (21%) and has been deemed a success by the government in recent years, Zambia has not seen the translation of the successes in the agricultural sector to rural poverty reduction. Rural poverty levels remain high and stagnant (CUTS 2013), while important human development indicators, such as in health and education, has only seen marginal gains.

Large-scale commercial agricultural projects have been present in Zambia since the colonial period and have long been a component of government efforts towards national food security and rural development (Mujenja and Wonani 2012; FAO 2013a). Since 1990, Zambia has pursued a strategy of the liberalisation of agricultural markets and trade. Thus, large-scale commercial agricultural projects continue to be featured as part of Zambia's agricultural development policy, as outlined in the National Agricultural Policy (NAP) 2004–2015, which emphasises the liberalisation and commmercialisation of agricultural markets, among other trends. See *Table 1* for the sector policy objectives.

In addition, Zambia is a signatory to the Comprehensive Africa Agriculture Development Programme (CAADP), which sets forth two goals for African agriculture, namely:

1. the pursuit of 6% average annual growth in the agricultural sector at national level; and
2. the allocation of 10% of national budgets to agriculture.

To help achieve these goals, the Zambian government, through the Ministry of Agriculture

Table 1: National Agricultural Policy 2004–2015, Agricultural Sector Policy Objectives

1. To ensure national and household food security through an all-year-round production and post-harvest management of adequate supplies of basic foodstuffs at competitive costs.
2. To contribute to sustainable industrial development by providing locally produced agro-based raw materials.
3. To increase agricultural exports, thereby enhancing the sector's contribution to the National Balance of Payments.
4. To generate income and employment through increased agriculture production and productivity.
5. To ensure that the existing agricultural resource base is maintained and improved upon.

Source: NAP, 2004.

and Livestock, are in the process of formulating the Zambia National Agricultural Investment Plan (NAIP) 2014–2018, which will align the NAP, the National Vision 2030, the SNDP and further National Development Plans (GRZ 2013).

An important facet of the NAP and other agricultural policy plans includes the promotion of irrigation development, with a focus on small-scale irrigation development, but not excluding the promotion of irrigation for large-scale use. It is believed that Zambia has an irrigation potential of 423 000ha, of which only 50 000ha is currently utilised (GRZ 2004). In addition, the expansion of irrigation also promotes year-round production. Much of this is summarised under the National Irrigation Policy (NIP) 2004, which promotes irrigation development for all levels of farming, from small-scale, to emergent, to commercial. To help harness these policies, the World Bank is currently funding $115 million USD towards a major project, titled the Irrigation Development Support Programme (2011–2018), which focuses on the development of irrigation infrastructure at three sites in the Copperbelt, Southern and Central Provinces, with four more sites planned (World Bank 2011).

It can therefore be seen that the policy environment favours the development of irrigation-based commercial agricultural projects. Although the emphasis is placed on finding means to benefit rural communities and smallholder farmers, such impacts are expected to be produced through the overall development of the commercialisation of agriculture, for which large-scale commercial farming plays a main role. Under this context, the Amatheon Project falls favourably under the current government policies, and indeed has received the support of various political figures, including local Members of Parliament (MPs).

Mining investment projects in Zambia

The mining industry, and in particular the copper industry, has long played a central role in the Zambian economy. Zambia contains the largest copper reserves on the African continent, and 4.4% of the world's total copper, making it the sixth-largest producer of copper in the world. In addition, it is the fourth-largest producer of cobalt, and has significant deposits of gold and gemstones (ZDA 2013). The British South Africa Company (BSAC) and the arrival of British colonialism, reoriented the Zambian economy towards that of mining and industry; this helped provide for economic opportunities in Zambia while international copper prices were favourable. But, as demonstrated by much of the 1970s and 1980s, when copper prices, and thus copper production, declined rapidly, so too did the fortunes of Zambian livelihoods (Ferguson 1999). However, in recent years Zambia has experienced positive economic growth and resurgence in investment in the mining sector. This interest in the mining sector has gone beyond re-investment in existing mines and has resulted in expansion in the mining sector, both in terms of investment and in terms of land devoted to mining. Although the GRZ has put in place measures to diversify the economy away from dependence on the mining sector, mining continues to lead in terms of foreign direct investment (FDI) (ZDA 2013). The question with regards to the mining sector is, therefore, how to ensure that its expansion does not negatively affect rural Zambian communities, and how the associated economic growth and investment in the mining sector can equally translate into positive growth for rural Zambians.

Activism on the mining sector in Zambia has been both concerned with labour and employment regimes (Human Rights Watch 2011; Fraser and Lungu 2011), as well as issues to do with extractive industries initiatives on trade, taxation and transparency (World Bank 2011). However, there has been less research conducted on the land issues that underpin communities' interactions with mining companies. While this includes an environmental aspect, there is also an important link between negative impacts of mining projects and land tenure insecurity, particularly with the growth of greenfield mining projects.

In recent years, the Zambian economy has seen a rise in fortunes, largely prompted by the resurgence of the mining sector. Copper prices have increased five-fold during 1998–2007, due to rising global demand. This has resulted in a wave of re-investment in Zambian mines, and has seen an increase in the number of brownfield sites receiving invest-

ment or new ownership, as well as the extension of the Copperbelt and mining investments towards Solwezi. Now dubbed the 'New Copperbelt', the recent investments in Solwezi District include the resurgence of the Kansanshi and Lumwana mines, as well as the coming of the new Trident Project.

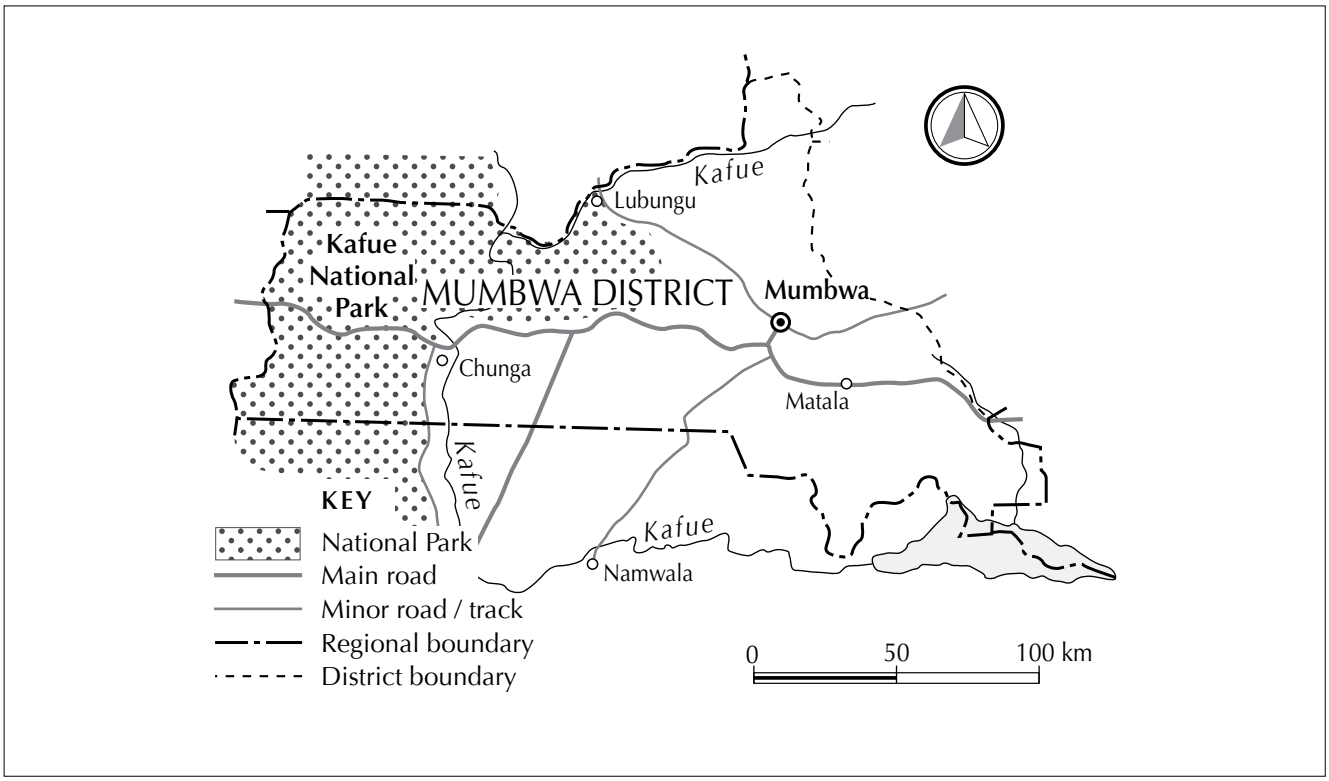
4. Case studies

Mumbwa District

The investment concerns (see *Map 1* below) a recent agricultural investment and acquisition of land by Amatheon, which had been reported by various news sources, as well as through anecdotal evidence. This case was selected to represent the recent wave of interest in agricultural investments in Zambia, which seek to rehabilitate 'brownfield' sites, sites designated as 'under-utilised' farmland. Many of the sites of these investments had been converted from customary land to state land during the colonial period, but whose agricultural potential has been considered unrealised by both the GRZ, and prospective and recent investors. These include areas such as the Mkushi farm block, as well as areas alongside the line of rail that extends from the Copperbelt region to Livingstone in the south. The Big Concession farm block, which consists of approximately 180 oooha of land, although off the line of rail, is one such area.

The Big Concession farm block itself consists of two wards (Kalwanyembe and Mpusu), with a projected population of 14 862 (based on 2010 census figures). The area is comprised mainly of Ila, Kaonde and Sala groups; however, there has been a recent influx of migrants from other areas of Zambia, with noticeable numbers of Tongas, Bembas and others arriving in Mumbwa. Although Mumbwa District remains relatively underdeveloped, it is slated for expansion with a number of notable developments in the near future. In 2011, Mumbwa and the Big Concession farm block were selected for expansion of the Rural Electrification Scheme (Zimba 2011). In addition to public investment, Mumbwa District has been the target of a number of other rumoured private investments, including a sugar plantation in Chief Shakumbila's area. and an attempt to acquire 20 oooha for game ranching in Chief Kaindu's area (*Lusaka Times* 2012; *Times of Zambia* 2012). Other recent developments include the Silver King,

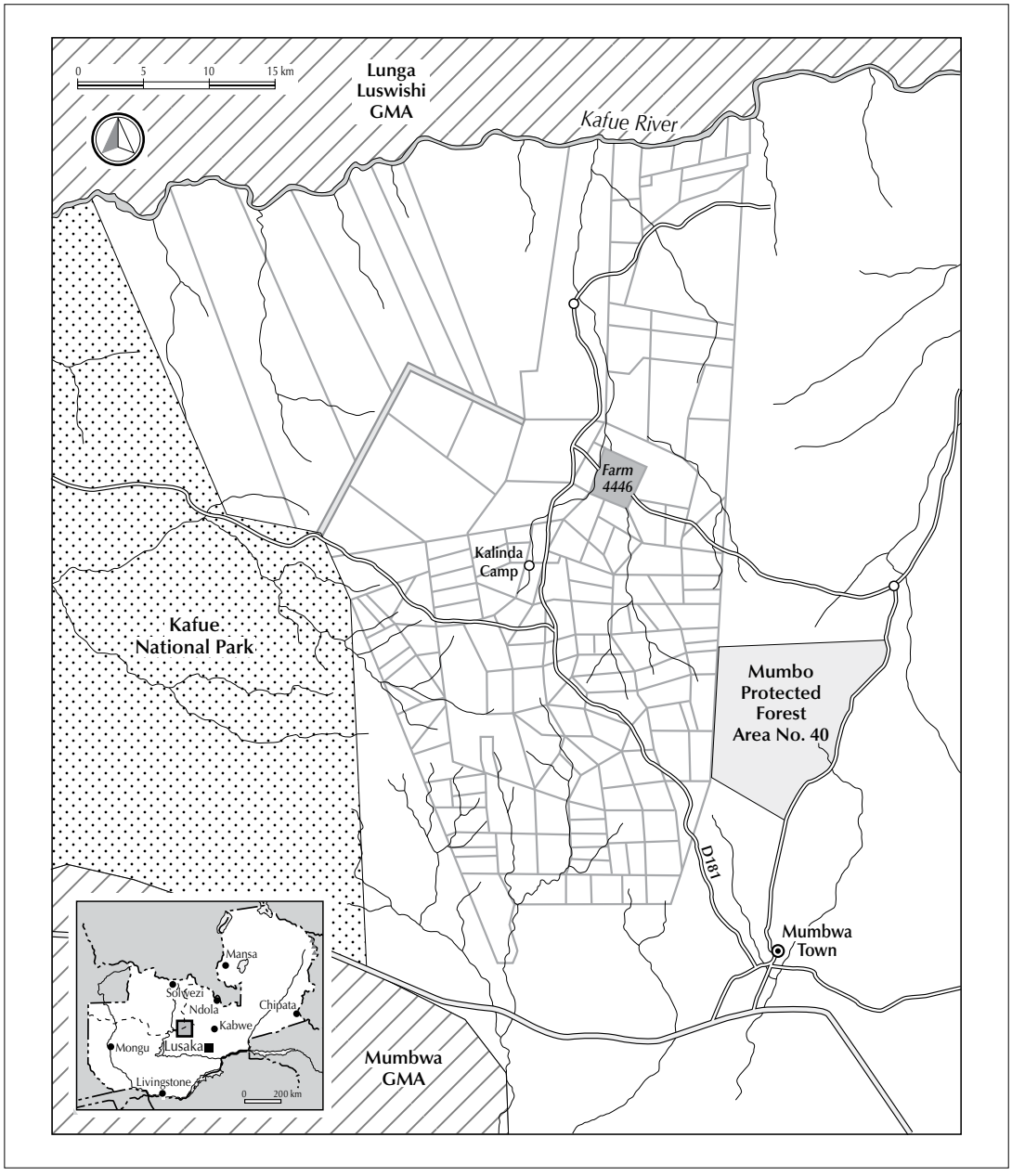
Map 1: The location of Mumbwa District within Zambia.



Lombwa BHP Billiton (conducting exploration activities), and the farming block includes other medium-scale commercial farms (over 20ha) such as Bush Velo, Zambia National Service (ZNS), Kalenda farm, Chituba Prison Services and Simba Milling (BCAL 2012).

Although the land within the Big Concession farmblock has been under private hands for a number of decades, it is located within a rural agrarian context whereby the majority of the local communities derive their livelihoods from small-scale farming. While Mumbwa District remains predominantly rural, its close proximity to Lusaka and its abundant natural resources make it an attractive destination for investments in mining, agriculture and tourism.

Map 2: Amatheon's Farm 4446, located within the Big Concession farm block.



Source: BCAL, 2012.

Amatheon has expressed interests in acquiring up to 60 000ha of land in the Big Concession farm block (Amatheon 2012). As of 2013, they reported to have successfully acquired 30 000ha, under willing-buyer, willing-seller agreements.[4] Amatheon hopes that, through its investment, it can contribute to Zambia's agricultural development and increasing demand for food (Amatheon 2012).

Amatheon is a European company, which comprises a UK-German investment fund (Sapinda UK Ltd., managed by Lars Windhorst) and the agricultural expertise of a German farm management company, Hofkontor Holding AG (BCAL 2012). They have offices in Berlin and Lusaka, with a dedicated team of managers and employees in both offices. Its Lusaka office is now located at their farm site (Farm 4446) in the Big Concession farm block.

The company has pledged $50 million USD over the span of 10 years (BCAL 2012); however, ZDA records their investment pledge at $243 million USD in 2012. In addition, they have created about 92 jobs, while they have also stated that they will create around 120 permanent jobs, 80% of which will derive from local communities (BCAL 2012). In addition, the company says it intends to create an extensive CSR programme, in order to contribute to the development of neighbouring rural areas.

Amatheon has the self-stated goal of creating 'shareholder value, community improvement and increased food production through the development of a new, large-scale irrigated commercial agriculture operation in Zambia' (Amatheon 2013). It has acquired a number of blocks of farm land, with the aim of amassing 60 000ha of contiguous land, from which it will develop approximately 10,000ha of irrigated cropping. This is within a total of 30 000ha of land developed for agriculture in total, and alongside the infrastructure needed (roads, water and power) for such an agricultural project (BCAL 2012). The development of the land has thus far been planned in two stages. Phase 1 includes the development of the initial farm area, Farm 4446, which includes 1 200ha. Amatheon submitted an Environmental Impact Statement (EIS) for Phase 1 and it was approved in 2012. Phase 2 includes the development of a further 13 037ha of land (Amatheon 2013), and an EIS was submitted to ZEMA for review in August 2013. The first five years of development will include the development of 10 000ha of land under centre-pivot irrigation for the production of wheat, maize, soya and barley, with the additional support infrastructure (such as boreholes, power, roads, accommodation and farm buildings, and storage facilities) (BCAL 2012).

The EIS submitted by Amatheon states that in Phase 1, three households (totaling 22 persons) have been found to reside within Farm 4446. The EIS states the loss of dwellings and agricultural land as one of the major social negative impacts anticipated for the project. Amatheon has documented its efforts at adequate and appropriate resettlement. However, there are very few, if any, legally enforceable mechanisms that ensure that such procedures are followed in the future. As of early 2015, it has succeeded in avoiding acquisition of heavily populated areas, but as the project expands, further displacements are expected.

Amatheon's goal is to have 10 000ha under centre-pivot irrigation. They hope to build two dams, for which they have applied for EIAs. They intend to grow soya, wheat and maize, all of which they also hope to process. All production is intended for the Zambian market, primarily the urban centres of Lusaka and the Copperbelt. In addition to crops, they are also investing in cattle production. Alongside their own production, they hope to put in place an out-grower scheme for soya and maize. They also intend to build up a supply of fertiliser, seeds and chemicals in a warehouse, so that they can better provide local smallholder farmers with access to inputs, without the need to travel to Mumbwa town. By supporting smallholder out-growers, they hope to expand the size of production to which they have access, to 15 000ha.

This case study provides an understanding of investments in areas of predominantly statutory land which was unutilised, hence encroachments from members of the communities who thought they were settling on customary land. The resulting effects were impacts to the wider local community, including those living in both statutory land areas and adjacent customary land areas. In this way, investments can be understood as contributing to increased land pressures even without

4 Personal communication with Amatheon representative.

displacement. This also occurs in cases where investments under statutory land, which provides greater protection to those selling the land, does not infringe on local surrounding communities. In addition, there is a question as to whether legal processes favour the acquisition of statutory land over customary land, and if there are loopholes that need to be addressed, policy-wise, in statutory land acquisitions. An associated problem with the transfer of statutory land is the problem of 'squatters', or incidences of land contestation and the question of usufruct rights to fallow statutory land.

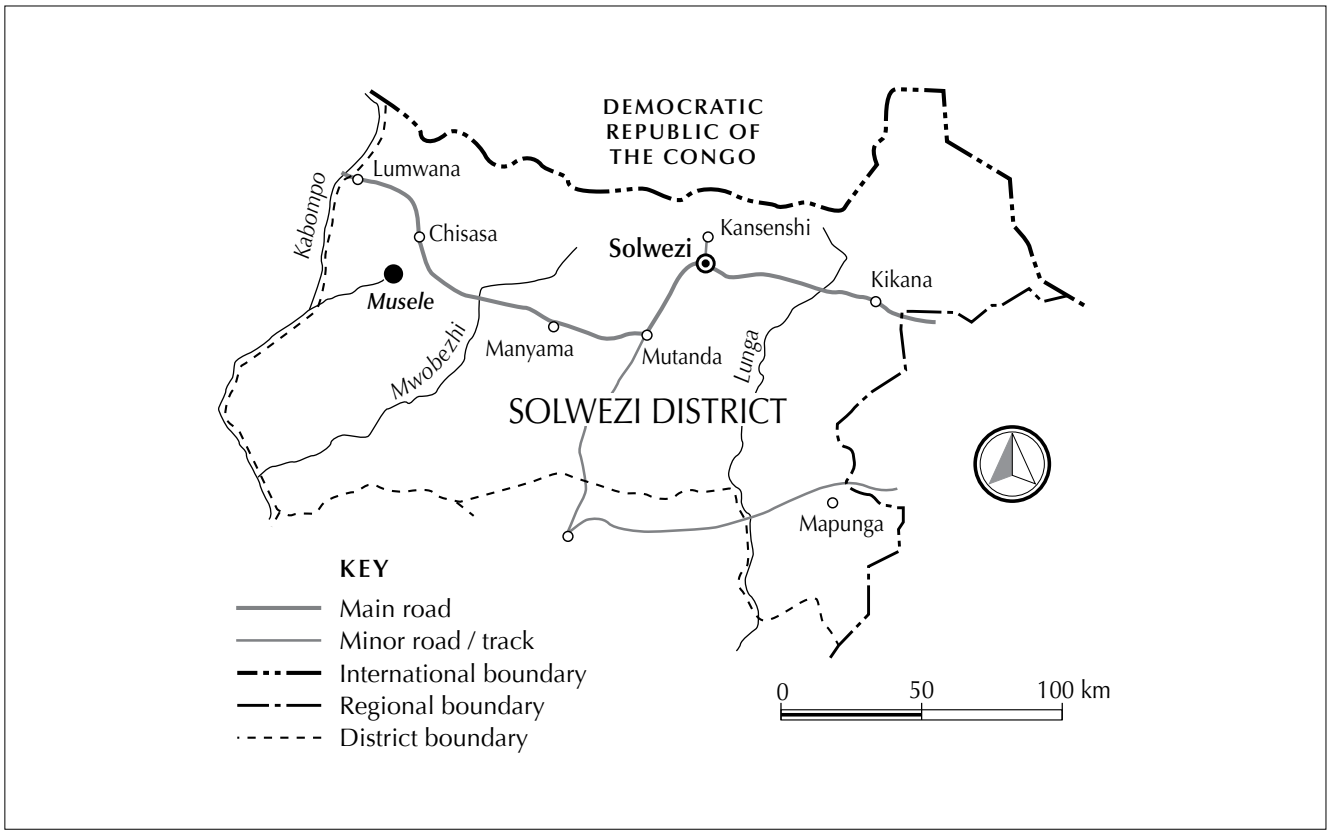
In order to understand the potential conflicts that could emerge from this agricultural investment, there are several questions that need to be asked about the local communities in the area. Are there local communities residing within the farm block? Are they aware of the land tenure status? Why have they chosen to move to this land and how have they been using such land? An understanding of the land pressures faced by the local communities provides important insight about the ways in which the acquisition of statutory land will impact their future livelihoods.

Solwezi District

The second case study concerns the proposed Trident Project in Solwezi District, Northwestern Province (see *Map 4* pg 14). Trident represents the second mining project in Solwezi by First Quantum Minerals (FQM), a Canadian-based mining company; their other holding is the Kansanshi Copper Mine. FQM, through their subsidiary, KML, have acquired an additional five large-scale prospecting licences in order to expand their operations for the Trident Project. The project consists of three different sites and deposits, of which the first and largest to be explored is the Sentinel deposit, while the other two are called Enterprise and Intrepid.

KML acquired the prospecting licence for the Trident Project in 2011 from a junior prospecting company, after one year of surveying and prospecting. Unlike the Kansanshi Project, this investment represents a greenfield

Map 3: The location of Solwezi District within Zambia.



Source: Wikipedia

investment.[5] As such, it was understood that the project would result in the displacement and resettlement of a number of households. Various bodies have been involved in working together to enact KML's Resettlement and Compensation Plan, including the support of various government bodies such as the Office of the Vice President's (OVP's) Department of Resettlement and Disaster Management and Mitigation Unit (DMMU). Despite this, there continues to be controversy over who has been displaced and who will be compensated.

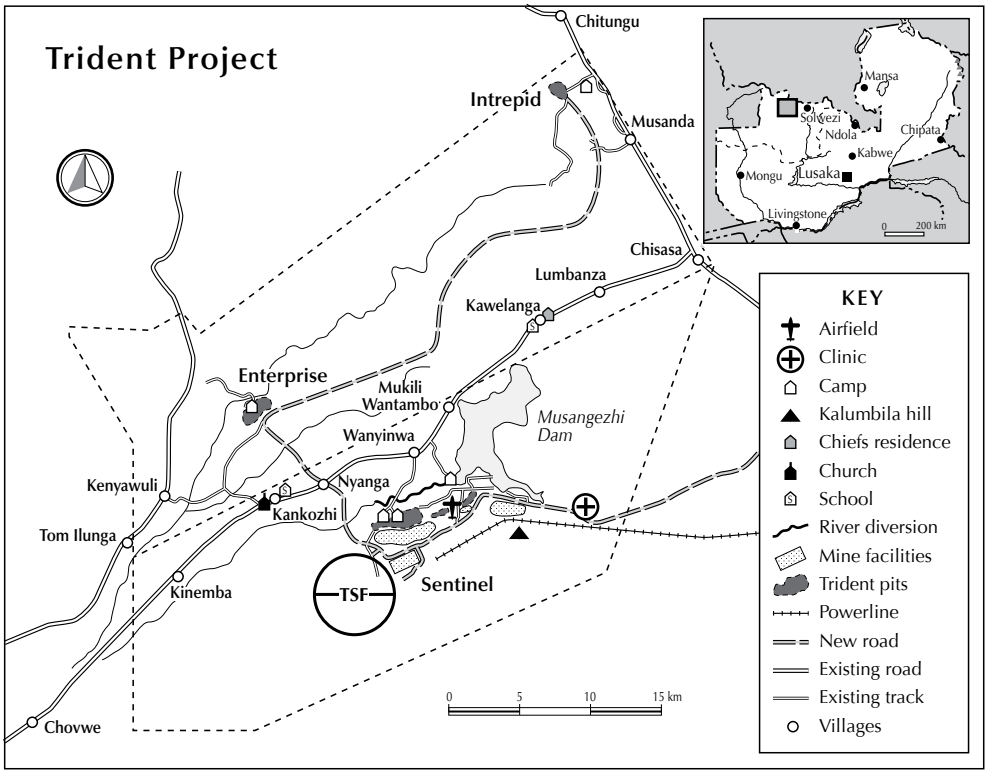
KML has stated that 570 households[6] will be displaced as a result of the Trident Project and have dedicated staff and funds (US $11 million) to work on the resettlement process (Sichone 2013). However, the resettlement process has been delayed, to the detriment of local communities who have been unable to continue with their agricultural livelihoods.

This case study builds on existing research that has sought to understand the various issues surrounding the legality of the processes of land acquisition; however, research conducted for this report focuses on what the spaces of participation are within these processes, as important lessons for future mining projects. This research seeks to investigate the processes of land-use decision making, such as: what are the processes followed by KML, and their parent company FQM, to make decisions on mine-related development issues (such as infrastructure development, building of structures and tailings ponds, etc.) and have these developments impacted the communities? How can communities provide their inputs in these processes? Other questions pertain to resettlement, such as what consultations were conducted regarding the processes and terms of resettlement processes? How have they proceeded with the resettlement and what are the issues that emerged from the resettlement process, from the perspective of the investors, government representatives and the community?

5 A Greenfield investment can be defined as a new project, on not-yet developed land. This is in contrast to FQM's other mining project in Solwezi, the Kansanshi mine, which is a redevelopment of an existing mining project.

6 This figure is often contested. For instance, KML report in their resettlement plan dated August 2012, that 597 households will be displaced. 570 Represents the number they are currently reporting as of September 2013. It is very possible that the circumstances of resettlement have changed, and therefore they are now reporting an updated figure.

Map 4: Map of KML's Trident Project in Solwezi District.



Source: CES, 2012.

5. Findings and discussion

Amatheon Agri Ltd

In Mumbwa, the District Commissioner reported a number of mining interests, as well as investors interested in sugar cane plantations. Several government representatives noted that they were initially concerned about the arrival of Amatheon, but became less concerned when they were informed that the company would be purchasing existing state land and not acquiring customary land. The research team was also informed that Amatheon had conducted several meetings with local government to ensure that communities found within their newly acquired property would be resettled with houses, farm land and be considered for employment opportunities in the area. The investment would also contribute to gaining access to inputs for smallholder farmers within the farm block. Other households within the farm block that were interviewed expressed that they were hesitant to build any permanent settlements, as they were unsure whether Amatheon would eventually acquire the land on which they reside and that they utilise. Many of those interviewed also said they were not among those who were able to acquire jobs from Amatheon, and expressed concern that local people were being paid much less than others brought in from elsewhere, although they were not able to specify what types of jobs they referred to. Overall, many of the community members were suspicious of those working closely with Amatheon, as these were also the people advising Amatheon on who owned the land.

Communities living in the areas of customary land adjacent to the farm block (Kaindu Village) appeared to be largely unaware of the arrival of Amatheon into the farm block and did not know if the land that Amatheon was purchasing was under title, but were surprised at how much land Amatheon was able to acquire. They compared Amatheon to a number of other investors present in Mumbwa, such as Simba Milling, a number of ranches and small mining companies, and felt that the companies had more power and authority than the Chief and the Headmen. In customary areas adjacent to the farm block, land tenure security continues to be a problem for many communities. They were interested in acquiring title deeds for their land, but were not aware of the processes for acquiring them. They were also unsure of the boundaries between the farm block and customary land. They reported, 'We believe investors can bring development if they come through the right channels and do not affect settlers here negatively'. Others expressed, 'We cannot blame the investors for all these problems'. The communities identified access to and improvements in basic facilities, such as high schools, a police post, a clinic, the building of houses for teachers at the school, the development of road sand access to clean and safe water as its main concerns for local development.

Our surveys helped provide insight into the demographic makeup of those affected. Within our study groups, the participants ranged from ages 22–77, with an average age of 41. The majority (eighteen) reported that farming was their main source of income, while other reported sources of income included livestock trading, shop owning, brewing and working as a labourer. The majority of respondents were Kaonde. Twelve people (57%) reported that they were migrants to the area, having arrived as adults (average age of arrival was twenty).

As an employer, Amatheon declared that they employed approximately 178 permanent staff and up to 1 200 casual workers for tasks such as bush clearing. The availability of skilled or semi-skilled employment in the area is low, particularly as there is little other commercial farming taking place. Communities noted that other employment available was working in mining projects, with general monthly wages ranging between KR200–500. Chief Kaindu reported that salaries paid at the Mushinga Game Ranch were KR200–300 per month.

More widely, Amatheon has made a number of commitments to be inclusive of smallholder farmers, including the creation of a central warehouse from which smallholders can more easily access inputs, as well as the creation of

out-grower schemes, and working with local stakeholders such as other NGOs in the agricultural sector. Amatheon has also pledged to provide a certain amount of employment to the area. However, it appears as if thus far, the majority of positions are for casual labour. Both the district government and Amatheon are concerned with the lack of skilled/semi-skilled labour from which Amatheon can draw upon for more permanent jobs. Casual jobs do not appear to be paying much more than the going rate for wage employment in the area, but appear to meet the basic minimum wage. It is perhaps too early to assess if such employment provision is contributing to the local economy.

Statutory land allocation and acquisitions

Mumbwa District presents an interesting case, as it is a predominantly rural district, but with a large portion of state land adjacent to customary land due to the presence of the Big Concession farm block. Amatheon has been acquiring state land in the farm block through the acquisition of land under 99-year leases. For much of the land acquired, Amatheon was able to obtain 'letters of offer', meaning that although the land had been alienated as state land, the previous occupiers did not always hold titles for the land for reasons such as not having up-kept ground rent payments or completed the process for the acquisition of title. Amatheon noted that for all the plots of land acquired, the boundaries for the land had not always been respected, which included a number of incidences of encroachment by households who were not titleholders. Amatheon representatives noted that the absence of clear land records made it difficult for local households to distinguish land ownership within the farm block and farm boundaries.

When surveyed on their land tenure situation, all the respondents replied that they had access to land. Eighty-six percent of respondents reported that they owned their land without title deeds, and respondents said that they were either allocated the land (65%), or inherited the land (35%). Land holding sizes ranged from 0.5ha to 20ha. Average reported area of land held by the respondents was 9ha. The majority of the respondents (81%) were reported to live on the land they held. However, there was a strong perception that land was becoming scarce, as 86% of respondents believed that there was no longer unallocated land available. The 81% of respondents also believed that title deeds were more desirable than customary land.

The farm block and the presence of historically-alienated statutory land continues to be a problem for land tenure security for rural communities, particularly in the absence of absentee landlords, and any sort of land audit or updated land registry in the local district. Land boundaries are still unclear, particularly for rural communities. While traditional leaders continue to allocate customary land, the problem of 'squatting' has emerged when communities are allocated land that they had thought to be under customary tenure, and come to find that it is not so. The presence of absentee landlords, underdeveloped and uncleared land over much of the history of the farm block, has meant that encroachment of individuals onto statutory land has become common. Individuals found occupying or encroaching on land for which they do not hold clear title are considered to be 'squatters' by the Lands Act, and thus hold no rights to the land and are liable for eviction by the land holders and government.

The problem of squatting in the farm block was widely acknowledged by a wide range of stakeholders in Mumbwa District. This problem was exacerbated by the arrival of new migrants, particularly coming from Southern Province. Often, those living within the farm block were unaware of their status as squatters. The land pressure in Mumbwa District is high, with the Chief claiming that there is not enough land for new settlers, in addition to the land alienated for national parks, forestry, tourism and game reserves. Chief Kaindu expressed concern over the fact that increasing investment in Mumbwa District was resulting in the growing alienation of customary land under his control. He said that not everyone in the community was happy with the investors. One example he provided was that investors ought to build new schools, not simply fix the old buildings.

Although land pressure continues to be an issue, the local government has been attempting to remedy the prevalence of 'squatting' through the allocation of land plots with land

repossessed from the farm block. The council secretary reported that a scheme had already been put into place on a small area of the southern portion of the farm block. Communities have also voiced that they desired title deeds for the land and preferred the security of statutory land. This is likely in the wake of increasing land pressures and the emergence of land conflicts in the area, as well as growing demographic pressures from increasing migration to the area. While the boundaries between state and customary land remain blurred, communities were also faced with increasing pressures from the alienation of customary land aside from the farm block, in the form of investments in tourism and mining. It would be a worthwhile exercise to evaluate how much land has in total been alienated from community use. Although the impacts of the alienation of land for the tourism and conservation economy (and associated land uses) was not studied directly during the research fieldwork, it was a topic that emerged continually throughout the duration of this research. The Amatheon EIS (BCAL 2012) references raises concerns over human-animal conflict resulting from already intense land use competition, as communities were found to have relocated throughout the farm block. It is assumed that land pressures will continue to increase and create further conflict on a dwindling amount of land available to rural communities.

Displacement, resettlement and compensation practices

The prevalence of incidences of 'squatting' and eviction has caused Amatheon to give special consideration to the question of displacement and resettlement. They have worked closely with government and Traditional Authority stakeholders to find an amenable solution, which has included first and foremost a principle of not acquiring land that was heavily occupied. When incidences of resettlement have been agreed upon with consultation from traditional leaders and local government, Amatheon resettlement and compensation packages have been formed using the World Bank Operational Policies, as well as the International Finance Corporation's Guidance Note 5. They have also relied upon the district government bodies (the Ministry of Agriculture and the Department of Works) to provide fair valuations for compensation packages. They have included the provision of title deeds as part of their packages, which has proven to be a key component, from the perspective of the resettled. However, it remains a general problem that those being displaced are still not included in the decisions for displacement, but rather consulted after the decision has been made.

For the resettlement processes in the Big Concession farm block, a resettlement committee has been formed, including representatives from the council, the local office of the Ministry of Agriculture, representatives from the Palace, Headmen and from Amatheon, which included an in-house surveyor. Resettlement is facilitated with community members through the local Headman, who liaised with the affected household. Those being resettled stated that their greatest priority after resettlement was stability, and to not be moved again. This was to include the granting of titled land.

Amatheon were able to provide insight into the case of squatters on their initial property, Farm 4446. It was reported that four families were found living within Farm 4446; rather than evicting the families prior to the land acquisition, Amatheon chose to acquire the land with the families in order to pursue resettlement themselves. Representatives from Amatheon acknowledged that the practice of resettlement served to favour the presence of squatters, rather than the communities on the customary land, by rewarding the act of 'squatting'. Therefore, while resettlement serves as a CSR practice, it does not necessarily contribute to addressing the wider problem of land pressure. Amatheon have also noted that some of the neighbouring plots of land, such as the Ulimi Cooperative, are functioning farms; they have no intention of acquiring any of the land that is currently being utilised, and plots that would require large amounts of resettlement.

A main concern of those working with smallholder farmers in the area was land tenure security, and the ability of smallholder farmers to invest in long-term crops and improvements to customary land within security of tenure. It was found that among the households that had been resettled, when

approached by Amatheon with regards to their encroachment, they were unaware of their status as squatters. Amatheon initiated a resettlement process mediated by the local Headman. Resettled individuals said they agreed to the process because Amatheon promised to include the provision of titles as part of the resettlement package, and allowed for both sides to consider the resettlement process a 'win-win'. The research team was shown copies of the signed contract and map for the resettlement process. The contract was also signed by Chief Kaindu, showing sufficient involvement of other key stakeholders. Amatheon committed to financing the subdivision and titling processes for the resettled households (with equivalent farm land sizes), as well as compensation for structures, the digging of boreholes and additional land for grazing. The households were also able to have a say on which land was allocated to them, and opted for land located closer to Mumbwa town.

Kalumbila Minerals Ltd.

This has included the conduction of an Environmental and Social Audit of the Musele community, training the Musele community in other areas of extractive industries concerns (particularly environmental impacts), and training the communities to ensure effective participation in consultative forums, such as in the EIA process. Recently, ActionAid has also taken an interest in the project (Carlucci 2013), by providing an outlet for national-based advocacy with regards to land allocation, resettlement and compensation. It was also recently reported that ActionAid is helping Chief Musele in the preparation of a legal suit against KML.

The ZLA research team were able to conduct two sets of community meetings, one with the community members directly affected by the KML case (Musele community), and another set of communities that lived in the adjacent Kapijimpanga community who, although not affected by the KML case, faced a number of challenges and were affected by FQM's other mine, the Kansanshi mine. The purpose of the comparison was to try to provide a 'control group', from which the general conditions and challenges faced by Solwezi communities might be elucidated, but also to determine what problems are faced by the community against the KML mine, and what problems are endemic to all communities in the area as mining interests expand.

Those surveyed in both communities demonstrated roughly similar demographic characteristics. In the Musele community, eighteen people were interviewed (seven men, eleven women), with an average age of 44 (ranging from 23–62). Eight reported to be the head of their households, only one of which was a woman; households averaged at twelve people per household. In the Kapijimpanga community, twenty people were interviewed (thirteen men, seven women), with an average age of 41 (range 20–69), thirteen reported being the head of their household (all male headed), with an average household size of seven. The majority from both communities reported farming as their main source of livelihood (34 out of 38 respondents), with others reporting informal business activities, piecework labour and housewives as other activities. Nine out of eighteen people from the Musele community reported an education beyond Grade seven, with eight out of twenty from the Kapijimpanga community. Of these seventeen from both Musele and Kapijimpanga communities, five were women.

All of the Musele and Kapijimpanga respondents reported having access to fields, citing customary ownership of land, either through inheritance or recent allocation. The results of the questionnaires on facets of the land held/utilised are inconclusive; however, there is a range of reported land holding sizes (between 0.025ha and 20ha) and an array of responses as to whether people resided on or near the land they farmed. It is clear that the areas affected pertain to a number of different kinds of communities and degrees of vulnerability; but, of course, for all of these communities, it is clear that they have much to lose by losing access to their land. When asked about the priority areas for community development among the Musele community, the most common answers were for improved roads to villages, improved health centres, improved access to clean and safe water, a high school, a community grain storage facility and fertiliser subsidies. The Kapijimpanga community similarly prioritised access roads, fertliser subsidies and health centres.

Customary land allocations and acquisitions

The KML case represents the acquisition of a large piece of customary land, as opposed to statutory land. KML purchased the project plans from Kiwara PLC, a UK-registered Junior Prospecting company, in 2010, with one year left on the five prospecting licences. Under such a licence, the project would have one year to finish prospecting and begin developments for the mining licence to be valid. KML were subsequently awarded five large-scale mining licences (15868-HQ-LML, 15869-HQ-LML, 15870-HQ-LML, 15871-HQ-LML and 15871-HQ-LML) in April 2011. KML have said that they proceeded with the engagement of ZDA with regards to acquiring land and acquiring the necessary permits; however, much of this process has been delayed. Agreements were conducted with Chief Musele himself, initially for the surface rights of an area of 750km², but reduced to its present size of 518km² (51 800ha).

Controversy emerged when it was made clear that KML did not hold title to the land in question, despite proceeding with construction of mining infrastructure. KML themselves appeared to be aware that they did not hold title (FQM Resettlement Staff, 19 July 2013), nor did they necessarily feel that they wanted the title to the land, as they believed that surface rights were adequate for the purposes of mining. With a 17–25-year time frame for the mining project and recognition of the customary land tenure status, it was felt that the conversion of the land to statutory would have longer-term detrimental impacts. However, for the purposes of construction and for the EIA process, the lack of title appears to be one of the areas that demonstrates the lack of proper processes and due diligence in the project.

The first EIA was submitted in February 2011 and received approval later that year (July 2011). However, in April 2012, KML submitted a further addendum for the Sentinel Project that included several additions to account for the building of new mining facilities and dam infrastructure (for the Chisola Dam), as well as the identification of a new host resettlement site for villages disturbed by the proposed mining activities (CES 2012). KML continued work, but controversy ensued when in May 2013, ZEMA issued an Environmental Protection Order to flag the project and halt construction of the Chisola Dam. It was also at this point that ZEMA claim to have raised bigger questions about the nature of the land allocations and the approvals that such a land allocation would have required.These issues only emerged in June 2013, when KML laid off 500 workers in response to the protection order, which halted construction.

The issues that emerged, both to do with the allocation of customary land and the controversy over environmental regulation, serve to highlight the lack of clear policy guidelines for such large-scale land based projects.

Displacement, resettlement and compensation practices

In addition to the EIAs, KML submitted an extensive Resettlement Action Plan (RAP) to ZEMA around October 2011 (KML Resettlement Staff, 19 July 2013). KML relied upon a Resettlement and Compensation Working Group, which consisted of the District Commissioner, the Chief, members of the community, KML and an outside consultant, to guide the process. A series of workshops and meetings were held to help guide questions of resettlement and compensation, through the opinions of the community. These are detailed in the RAP, but also in the EIA Addendum (CES, 2012). KML reported that they believed relations with the community were strong; they received a large amount of feedback with regards to the resettlement process, which resulted in a number of changes to the RAP, and they have used this to incorporate this feedback to guide the resettlement and compensation process (CES 2012).

As of 2012, and based on the consultations, KML decided to create two host sites for resettlement, which included Shinengene and the proposed Kalumbila town development. Shinengene was selected, according to KML, because of its proximity to existing farming areas and the ability for affected communities to re-form in the area, without the dominating presence of a host community. The EIA Addendum states that the total area designated for resettlement in Shinengene is approximately 2 600ha, allocated for 566 households (consisting of 381 from Wanyinwa, 84 from Kansazhi and 101 from Kimi-

kanga), and the following:

- 566 household plots of 50m by 50m;[7]
- approximately 15km of internal roads;
- approximately 34km access road and upgrade of existing 7km road to create a road from Kankonzhi village to the new haul road near the proposed Kalumbila town;
- one primary residential structure and one ventilated pit latrine for each displaced household on the 50m by 50m plot;
- six church buildings on six plots of 50m by 50m;
- three sports fields totalling approximately 3ha;
- one central primary school and six teachers' houses on approximately 2ha of land;
- one central market place on approximately 1ha of land;
- one communal waste dump area adjacent to the marketplace;
- sixteen hand pump water sources;
- five areas for cemeteries totalling approximately 5ha of land; and
- open areas for potential future civil services or corporate social responsibility projects of approximately 3ha.

(Source: CES, 2012).

A separate EIA was conducted for the construction of Kalumbila town (which is also referred to as the 'New Copperbelt'[8]) by a Zimbabwe-based consultancy firm Arup in June 2012.

This was in recognition of two sets of demographics within the displaced community: those who had been settled in the area for a number of generations, and those who had recently moved into the area, seeking potential jobs and benefits associated with the arrival of the mining companies. However, further demographic analysis during the EIA and RAP processes stated that it was thought that migration has been overstated anecdotally, and is not as evident coming out of the survey process (CES 2012).

KML reported that this process of displacement, compensation and resettlement had been proceeding smoothly as of 2012, with general cooperation from the communities during meetings. Caritas Solwezi and the KML Resettlement manager both reported that three to four households had been resettled in March 2013 into the Shinengene community, according to the resettlement plan, but upon their own initiative. However, both KML and Caritas Solwezi reported that there was a conflict between KML and the traditional leadership with regards to resettlement and compensation. Resistance emerged from the TAs and from the Musele Nkisu Task Force (MNTF), who they believed largely consisted of relatives of the Chief. There appeared to be disagreements between the Chief and KML as to the conditions of his own personal resettlement package. The issue appears to derive from the fact that the traditional leadership was not consulted with regards to the resettlement, although communities had been working closely with KML. KML staff reported that some of the disagreements arose because KML wished to resettle community members on titled land and to eventually provide titles to the resettlement community members, but this was contested by the TAs. However, focus group discussions with members from the Musele community revealed that community members themselves are impartial about the provision of titled deeds as part of the resettlement process, some preferring customary land as they wanted to maintain a status quo.

The issues with resettlement appear to be two-fold. While the terms and conditions of the resettlement packages appear to be amenable to the displaced populations, the problems arose in the speed and timing of resettlement. Processes were delayed resulting from the lack of approvals granted by ZEMA; meanwhile, not much has been revealed as to why ZEMA had delayed the process. It appears that these delays had an even greater impact on the local communities due to poor communication about the exclusion zones and the lack of alternatives for livelihoods afforded to communities during the resettlement process, aside from their normal farming incomes. With the creation of exclusion zones, communities took this to mean the cessation of all farming activities, even though this was not required of them.

7 Note: The number of total resettled households varies, depending on the reports, as noted earlier. These discrepancies are not unusual, as they may represent figures captured at different points in time, and do not vary drastically; in addition, such figures may be very sensitive, and continually contested by community members. Therefore, variations are to be expected.

8 Sang'andu, 2013

6. Lessons learned

Presently, Zambia is entering into land deals on a regular basis. As shown, although these investments are intentional, they can threaten existing local people's rights. This vulnerability derives from a history of inadequate land policies that have resulted in insecurity of tenure. Some of the complex land issues faced in Zambia are rooted in historical colonial patterns of ownership, such as the case in Mumbwa, which has denied or limited access to land and, by extension, associated economic opportunities to local communities. Efforts to correct existing imbalances in land ownership have been hindered by the lack of capacity for implementing policy reforms, inadequate information and land records, and national political considerations. The result has been that the poor are unable to secure land rights, and contestations are riddled by misunderstanding and tension, which increases the risk of conflicts.

The 1995 Lands Act served to vest all land in the President for and on behalf of all the Zambian people. While statutory land is administered in accordance with written laws, under government officials, customary land is administered by TAs based on unwritten, localised customary laws. The Act also provides mechanisms for the conversion of customary land to statutory land. However, there are no provisions for the reverse. The Act states that the President shall not alienate any land situated in a district or area where land is held under customary tenure without consulting the Chief or local authority, without consultation of other people whose interests might be affected, and if the applicant has not received prior approval from the Chief or local authority. However, in practice this does not always happen.

It is precisely in this participatory gap that investors have been able to acquire land in ways that serve to alienate local communities. Investors such as KML often work with government bodies, such as ZDA, to acquire land through the conversion of land to statutory land or with the consent of local authorities. These mechanisms have allowed for the transfer of large amounts of land into the hands of investors, without any consultation with local communities. Therefore, the problem must be addressed at two levels. First, attention needs to be given to finding ways for local communities to play a greater role in participating in land deals and, secondly, there needs to be consideration of the legal mechanisms and national policies that serve to create customary land tenure insecurity.

Spaces for participation

The surveys conducted sought to establish the levels of participation and understanding of the investment projects among affected communities. In Mumbwa, while all respondents were aware of the project, only four responded that they had been consulted about the project. Forty-three percent responded that they knew who to contact to voice any opinions about the project (primarily to Headmen, the Chief, the district council and NGOs), while almost half believed that someone was representing their interests (primarily the Chief). Over half the respondents said they believed that the project would bring development to the local area, while 67% believed the project would contribute to developing Zambia.

In Solwezi, all of the people surveyed from the Musele community demonstrated awareness of the investment, although the dates of origin of investment were variously reported at 2007, 2008, 2010 and 2011. Some of this confusion likely derives from the difficulty in distinguishing between junior prospecting mining companies and KML's arrival in 2011, but there does appear to be continuous knowledge of mining activities in the area prior to KML's arrival. However, only two people reported any sense of consultation. Thirty-five percent reported that they relied upon the MNTF to speak on their behalf. While the majority reported having attended meetings held by KML in either 2012 or 2013, only 15% reported that they felt positive about the potential for the project to bring investment and development to their community, and less than half overall thought the project would bring benefits to the wider Zambia. Similarly low levels of optimism were demonstrated in Kapijimpanga, where similar numbers (17%) believed

the project would contribute to local development, while 28% thought it would benefit Zambia more widely.

These numbers reinforce the concept that land deals are being made without adequate consultation from communities and, instead, TAs are relied upon to relay information. However, this relationship is not always able to account for the interests of the wider or whole community. This is particularly true at the stages of land allocation and during the processes of resettlement.

The Mumbwa case study presents an investor who followed good practices in agricultural investment, and who maintained a strong relationship with local government authorities, and, when possible, with the community. However, even with these good practices, a number of underlying issues in the District, that exacerbated the situation for the local communities, remain. The Mumbwa case represents a growing trend of agricultural investments that, while they do not contribute directly to a trend of large-scale land based displacement, are acquiring land in the face of increasing land pressures for the rural poor. While such investments can contribute to greater access to infrastructure, inputs, markets and wage labour, land tenure security continues to be a great threat to such communities, many of whom live at the boundaries between statutory land and customary land. In areas such as Mumbwa District, agricultural investments are not the only threat, as tourism and mining are also contributing to increased land pressures.

In Mumbwa District, sensitisation of local community members, both within and outside of the farm block, remains a challenge. Misinformation and confusion was reported by a number of interviewed community members, and was also evident from the responses from questionnaires. This pertains to both details about the Amatheon Project, as well as basic information about land tenure rights and the status of land in the area. The process of conducting a RAP appeared to be the most successful when it became a collaborative effort, including the consultation and participation of the investor, the government/council, the communities themselves and the traditional leaders. Delineating careful and achievable time frames also resulted in successful RAPs, and was best achieved by allowing enough time for the process.

Further research will need to be conducted in order to understand the longer-term impacts of investments to local food security and livelihoods. Employment scenarios appeared positive, as was the willingness of the investor in question to engage in corporate social responsibility projects. Thus, those directly engaged in the Amatheon Project appear to be able to benefit in the longer term. However, as the District overall experiences greater land pressures, it is anticipated that this will be a source of future land conflict as Amatheon consolidates land holdings while the local community, with increasing population levels, find themselves excluded from large areas of land for farming.

Lastly, ZLA found this research successful due to the willingness to engage by Amatheon. This created a positive research experience that allowed close scrutiny of the project and access. All interviewees were forthcoming and willing to discuss matters, and documents were made readily available. Lastly, it is hoped that this close engagement will allow for further follow-up research, successful engagement and sensitisation of communities in the Mumbwa District vulnerable to further displacement.

Consequently, the Solwezi case is of great concern because it demonstrates the ways in which current laws and policies are not adequate in protecting the interests of local communities. As mining interests continue to expand, more and more communities are at risk and vulnerable to decisions being made around them, either by the national or local government bodies, or even by traditional leaders. Even when the interests of the communities coincide with that of the investors, there are few mechanisms to ensure that the community interests can be heard and are respected. Importantly, the Solwezi case demonstrates that in the acquisition of customary land for a large-scale mining project, it is far from clear as to the procedures for the allocation and acquisition of the land. It is a cautionary tale of the inadequacies of current Zambian laws, with particular regard to land allocation and acquisition, as well as in displacement, resettlement and compensation. It appears that mistakes and misgiv-

ings occurred on all sides, from the investor to national and local government, and traditional leadership, but all to the detriment of the local community. It also appears that disagreements between KML (through FQM) and the national government have been somewhat resolved, as evidenced by a number of positive press stories from October 2013 onward, which have generally celebrated the Kalumbila Project.[9]

Questions remain about the effective participation of communities. While a number of meetings have been carefully documented and compiled by KML, it is apparent that community members are still unsure of the details of the project that affect their lives directly. The effectiveness of KML's community engagement is therefore questionable. There is a need for more effective communication (including the dissemination of notices), so that community members are clear about the decisions that affect their lives, and are able to take part in decision-making processes or community forums meant for airing grievances and concerns, such as part of the EIA process. Not all the community members appear to hold the same view, and it appears that they do not always agree with the traditional leaders, who are meant to speak on their behalf. This calls into question what constitutes meaningful participation. There is no clear process about how to proceed when a community might disagree with a Chief's decision.

Communities and TAs are at a disadvantage when engaging with investors. Proactive sensitisation should be undertaken so that when investors approach a local community, they are already aware of their rights and entitlements; a mechanism should also be put in place by government to enforce laws and policies on the investors. This is something that should also preclude any investment decisions or any awarding of licences by bodies such as the Ministry of Environment and Water Development (MEWD) or ZDA. This support should be paid for by the government or investors, and initiated with the help of civil society, under the name of Free Prior and Informed Consent. Such provisions should also be mandated under monitoring processes, such as investment licensing and EIA processes.

This case also demonstrates the limitations of the resettlement processes and guidelines that currently exist in Zambia. Investors are often urged to follow International Finance Corporation (IFC) guidelines, to which FQM have subscribed, but Zambia lacks any ability to ensure compliance to such principles. This is particularly important in the case of minimising displacements and in consultations. ZEMA thus far is the only agency which oversees RAP applications and processes; with a draft National Resettlement Policy, there should be greater attention to this process and clarity about how it will be integrated into understanding a National Resettlement Policy and it's enforcement. In addition, it is not really clear as to the guidelines that ZEMA uses to assess RAPs; this is also a problematic issue.

There appears to be little consensus as to the role of government bodies, such as ZEMA, MEWD and traditional leaders, and who has the ultimate authority for decisions and procedures initiated by the KML Project. This is particularly evident in the allocation of lands. While KML have hidden behind the defence that they were only following procedures of which they were notified, it seems unlikely that a large, multinational mining company could not afford the legal council to provide a clear picture as to the correct processes for the acquisition of farmland, particularly as they already hold mining ventures within Zambia. However, it is even more disconcerting that government departments themselves were not able to provide coordination to monitor these processes. ZEMA has already provided approval for the first EIA without flagging any irregularities in the land allocations process. Furthermore, it is clear that ZEMA hold little authority in enforcing their own regulations, as well as the capacity to properly conduct monitoring and evaluations on approved projects. Had KML not submitted a further Addendum, it is not entirely certain that ZEMA would have even been made aware of changes to the project and, anecdotally, it was reported that KML had proceeded with construction (such as with the Chisola Dam) without having yet received the proper approval.

Greater transparency is a pre-condition to further advocacy efforts and in demonstration of goodwill by the investor and the government. This is particularly true of key documentation such as investor agreements, EIAs and RAPs.

9 ibid

For instance, there should be clarity as to the reasons why ZEMA denied KML's second and updated EIA, and as to why there were delays with the approval of the RAP. The research and issues concerned in this report pertain mainly to land acquisitions and the resettlement processes; thus far, they have not investigated any issues pertaining to EITA compliance, and trade and taxation issues, particularly because the mine is not yet operational. However, this is a point for further work. In further projects, other options for the allocation of land should be explored, such as community consolidation of land and short-term rental of land by investors. This would help ensure greater benefits are afforded to the community. Traditional leaders may be seen as impediments to this process, but this can be assessed on a case-by-case scenario. It should not be seen that for all cases, the transfer of customary land to state land is a pre-condition for investment or for communities to benefit from investment.

At the heart of the conflict and miscommunication has been the livelihoods and general well-being of the affected communities. Their ability to affect decisions and to benefit from processes of resettlement and compensation, and corporate-social responsibility programmes appears to be limited. In addition, their ability to benefit from increased employment in the area also appears to be limited due to their low skill sets and educational levels. These underlying issues must be addressed before any of these benefits can be afforded to the community, and should be taken into account by those weighing the pros and cons of the mining development to the community. Lastly, the promises made by the investors and the government about benefits have created incredibly high expectations by the community, which has not helped any opportunities for conflict resolution.

While KML may be one of the bodies at fault in the miscommunications that have affected local communities, they have also been active in trying to resolve resettlement issues, and have devoted a large amount of funds towards CSR programmes. In addition, FQM's other mining project in Kansanshi has demonstrated FQM's general willingness to engage with researchers for the purposes of creating benefits and positive outcomes for local communities, and have engaged with Catholic Relief Services (CRS) among other organisations, in a Community-Company Assessment (Van Alstine and Ngosa 2011). While no such project is yet in the works for the Kalumbila Project, both Caritas Solwezi and KML's Resettlement and Community Engagement Team stated that upon resolution of the current conflicts, such an outcome is desirable.

Policy responses

At the core of exploring policy options to address and mitigate the negative impacts of large-scale land acquisitions is the question of governance. Econometric analysis conducted by Arezki et al (2012) suggests that there is a strong link between weak governance and attraction for investment. A possible explanation is that these are circumstances in which investors are able to acquire land quickly and at a low cost. There has been a great amount of attention (Oakland Institute 2011; Gumbo et al 2010 and German et al 2011) to the ways in which Zambia's tenure system has allowed for foreign and large-scale acquisition of land, particularly in the gap between the administration and allocation of customary and statutory land. Zambia, as with many other Sub-Saharan countries, operates with a dual land tenure system, i.e. land falls under either customary tenure or statutory tenure. However, less attention has been given to the question of what can be done to address these policy gaps (Machira 2011 and ZLA 2008). The summation of the policy advocacy hopes to reinvigorate the process of formulating a new land policy, particularly with the arrival of a new and receptive government in power.[10] This section of the paper seeks to build upon the critiques of customary land functioning and administration, and to link these to the lessons learned from the Mumbwa and Solwezi case studies, in order to suggest policy options to help mitigate the negative impacts from large-scale land acquisitions, such as displacements.

Some of the complex land issues faced in Zambia are rooted in past colonial patterns of ownership, which denied or limited access to land and, by extension, associated economic opportunities to large segments of the population. Efforts to correct existing imbalances in land ownership have been hindered

10 The results of the national elections in September 2011 saw the incumbent party, the Movement for Multi-party Democracy (MMD), lose to the Patriotic Front (PF). Michael Sata was sworn in as President in what has been lauded as a successful and peaceful transition of government.

by the lack of capacity for implementing policy reforms, inadequate information and national political considerations. The root of the present-day land system derives from the 1995 Lands Act, which served to vest all land in the President on behalf of all the Zambian people. It provides that land may be administered under two tenure systems: statutory and customary tenure. While statutory land is administered in accordance with written laws, under government officials, customary land is administered by traditional authorities based on unwritten, localised customary laws. The Act also provides mechanisms for the conversion of customary land to statutory land; however, there are no provisions for the reverse. The Act states that the President shall not alienate any land situated in a district or area where land is held under customary tenure without consulting the Chief or local authority, without consultation of other people whose interests might be affected, and if the applicant has not received prior approval from the Chief or local authority.

Efforts to address the shortcomings of the 1995 Lands Act rest in the process of creating a new Land Policy. Several recommendations have emerged, particularly from the experience of large-scale land acquisitions, which should be incorporated into the new Land Policy. First is the recognition of the importance of participatory and transparent measures in formulating the new policy. Second, more specific mechanisms, such as a process to re-transfer statutory to customary land, and greater recognition and legislature pertaining to the administration of customary land, should be enshrined in the new policy. Recognition of the role and legality of customary tenure exists within the Act; however, the security of tenure and the wider recognition is not satisfactorily designated within the Act. Conditions such as the recognition of customary land for the purposes of gaining loans, for instance, does not exist within Zambia, while rights against eviction and for compensation only exist for those on statutory land.

Some fundamental shortcomings of the 1995 Lands Act require updating through the form of a new Land Policy. However, while the creation of a Land Policy forms the first step in addressing gaps in the land administration, it alone is not enough. Such policies must be enforced and regulated, which has become another shortcoming in land administration in Zambia. Several important clauses do exist in practice in Zambian law, particularly pertaining to the aspect of displacement. The requirement for the completion of EIAs is enshrined in the Environmental Protection and Control Act (1999) and the newest Environmental Management Act (2011), which states 'a person shall not undertake any project that may have an effect on the environment without the written approval of the [Zambia Environmental Management] Agency…'

While environmental regulation remains one means for which land-based projects can be monitored and regulated, there are other systems that can also be applied, such as regulation and enforcement to prevent corruption. Studies by Transparency International (2011) have found that government departments responsible for the administration of land are among the most susceptible to bribes, making property and land one of the most susceptible sectors to bribery and corruption. The new government in Zambia, elected in 2011, has championed anti-corruption measures as central to their pledges; it is hoped that these efforts will be extended towards their treatment of land issues.

There is currently limited local capacity to access and analyse information on land, e.g. about the revenues that are likely to be generated by the investor projects or the legal conditions in which land is transferred. Little ability remains to estimate total land availability under each customary and statutory system, due to the lack of an updated land inventory. Statistics of land under customary tenure have not been properly updated since the colonial period. Therefore, a new land audit remains crucial for not only understanding the impacts of the amount of land that has been allocated to the government and to both individuals and companies, but also to prevent further cases of land contestations from confusion over the status of unused statutory land.

Finally, international organisations such as the United Nations Food and Agriculture Organization (FAO), the African Union and the

World Bank have attempted to create international guidelines to ensure such tenants as 'responsible investment in agriculture' are met. The key international documents are the FAO's 'Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security' (2012) and the African Union's Guiding Principles on Large-Scale Land Based Investments in African Agriculture (2014).

While other institutions, such as the World Bank, have promoted self-regulation by investors, such as through the Principles for Responsible Agricultural Investment (PRAI) that Respects Rights, Livelihoods and Resources (2010), key figures such as the United Nations Special Rapporteur on the Right to Food have pushed for a human rights-based approach to address incidences of large-scale land acquisitions. At the heart of Food First Information and Action Network (FIAN) critiques of the World Bank's PRAI is the continued endorsement of such land acquisition transactions, providing that those acquiring the land subject themselves to instruments of self-regulation. The lack of participation of the governments of the recipient countries, much less the communities impacted, is also cited as a flaw of the PRAI (FIAN 2010).

More specifically, from the experience of Zambia, there are several key tenants of the PRAI that are flawed. The first principle refers to the need to respect 'existing rights to land and associated natural resources' (2010). However, the question of land rights in Zambia, and the notion that land rights are fixed and uncontested, has already been shown to be untrue, with greater national policy measures to be changed to ensure that customary land rights are guaranteed. Principles 3 (regarding transparency) and 4 (consultation) are also difficult to guarantee; while they should be encouraged from the perspective of the investing body, the case of Zambia has shown that these continue to be challenges on behalf of host governments. Without the ability to ensure that these are guaranteed on behalf of the governments involved, there continues to be no mechanism to enforce such measures on the investors. Lastly, questions of social sustainability (Principle six) and environmental sustainability (Principle seven) continue to be struggles for the Zambian government to regularly enforce, let alone for new incidences of land acquisition. The FAO's Voluntary Guidelines have received more support internationally, particularly based on the process of participatory consultation alone. They provide a greater, nuanced interpretation of land rights in the form of the recognition of land tenure, and encourage participation at the state level. However, again, enforcement rests at the state level and, as demonstrated in the case of Zambia, at the state level there are pre-existing struggles to enforce and monitor questions of land administration. Such international guidelines are an acknowledgement of the detrimental impacts that large-scale land acquisitions may have; however, these are only effective in conjunction with the appropriate measures to address current policy shortcomings in the national context.

The ability to advocate on behalf of these issues is hindered by the lack of research available on the issue. For instance, there is currently limited local capacity to access and analyse information on land, little understanding about the revenues that are likely to be generated by the investor projects or about the legal conditions in which land is transferred. There is even less ability to estimate total land availability under each customary and statutory system, due to the lack of an updated land inventory. Statistics of land under customary tenure have not been properly updated since the colonial period. The gap in the policy and legal framework noted above also contributes to poor monitoring mechanisms in the sector. The need for thorough monitoring of land development is therefore critical.

In addition, there is little transfer of this information to local communities. This includes information about the major asymmetries in the negotiating power between investors and local people. As a result, unless local people are properly supported, there is a risk that they will not benefit from land deals and may be displaced without adequate compensation. There is also a need to understand the diverse legal nature and function of land acquisitions, which are not adequately monitored, as well as an inclusive debate in Zambia about land acquisition, based upon updated and correct information relating to land.

7. Conclusion

In this investigation of two case studies of large-scale land acquisition, the cases of Mumbwa and Solwezi presented two different scenarios: one of agricultural investment in an area of statutory land, and one of a mining investment in an area of customary land. Both investors involved are large, foreign companies, and both have attempted to incorporate CSR programmes into their operations. Investments such as these have been promoted and facilitated by the Zambian government policies to contribute to economic development.

This research sought to understand the relationship between the processes of investments in large-scale land acquisitions, particularly through the roles played by key stakeholders, and to understand the ways in which community participation and consultation can play a role in creating positive outcomes for communities. It is clear that the national government (and, by extension, local government representatives) and traditional authorities play an equally important role as the investors in dictating the terms and processes of investments, while communities were lacking in representation. In particular, TAs have a particularly important role as it is often looked to them to represent the interests of communities, and both of these cases demonstrate that this is not always evident.

The case studies also show the distinction between investments in and acquisition of statutory land (such as Amatheon in Mumbwa) versus investments that involve the acquisition and eventual conversion of customary land (as in the KML case in Solwezi). However, that is not to say that the conversion of land from customary to statutory ensures the greatest protection for smallholder farmers against investors, but rather the ways in which the current land administration system favours, or grants more protection to, statutory land. Customary land must be equally recognised with tenure security under Zambian land policy in order to address this imbalance.

The main arenas in which communities are lacking in representation are during the process of land allocation, and in discussions of displacement and resettlement. The rights of communities to not be displaced are wrapped up in their land tenure security; often in areas of statutory land, communities find themselves on the wrong side of the law as 'squatters', and therefore lose any claims to usufruct rights. Meanwhile, in areas of customary land, customary land tenure security is not given equal authority to statutory land tenure security, and thus communities have a weak, tenuous claim to their land.

Under both conditions, it was found that if the government and TAs give consent, investors are provided with a green light to displace communities. However, the onus for resettlement falls to the investors, as requirements for resettlement fall only under weakly enforced environmental regulation. In both circumstances, both investors dedicated large sums towards the resettlement process, but the main determinant for more successful outcomes of the resettlement process lay in the greater participation of affected communities; the more affected communities were able to participate in decisions to do with their resettlement, the more positive the outcomes were.

In order to incorporate a participatory role for communities in decisions of land allocation, there is a need to re-evaluate Zambian land administration policies. While the 1995 Lands Act contributes to the recognition of customary land, it has several shortcomings concerning land conversion between statutory and customary land, and does not provide enough guidance or enforcement for community consultation in matters of land allocations and conversions. Many of these shortcomings can be addressed through the formulation of a new Land Policy, through the recognition of the importance of land tenure security in other regulatory frameworks applied to investments, such as various environmental acts, and through the application of international guidelines, such as the FAO's Voluntary Guidelines.

Lastly, there needs to be greater enforcement of such regulations, as well as the encourage-

ment of greater transparency, monitoring and evaluation of land transactions in order to increase the capacity of various bodies, including government bodies, communities and traditional leaders, to enforce fair and just land deals.

All these findings point to the recognition that if land deals are to continue, there is a need for greater awareness of the ways in which communities and traditional leaders can be empowered to make decisions for the long-term interests of Zambian communities. If government and investors are able to do their part to strengthen, adhere and enforce regulations and monitoring of land deals, then communities will be able to participate more in ensuring that their interests are considered. The many recommendations provided in this report highlight the multitude of ways in which the increased incidences of large-scale land acquisitions in Zambia can be harnessed to promote more inclusive and equitable growth.

8. References

AfDB (2011). 'Case Study on Foreign Direct Investments (FDI) in Zambia.' Unpublished.

Amatheon Agri Ltd. (2012). 'Big Concession Farm 4446, Resettlement Action Plan', *made available by Amatheon Agri Ltd*.

Amatheon Agri Ltd. (2013). 'Proposed development of commercial irrigated agricultural scheme for food crops in the Big Concession area, Mumbwa District: Phase 2', *Environmental Impact statement, made available for review by the Zambia Environmental Management Agency,* 25 August 2013.

Amatheon Agri Ltd. Available at: http://www.amatheon-agri.com/company/company.html (accessed 1 November 2013).

Arezki, R., Deininger, K. and Selod, H., (2011). 'What drives the global land rush?' *IMF Working Paper 11:251.*

[BCAL] Big Concession Agriculture Ltd. (2012). 'Proposed Development of an Agricultural Irrigation Scheme for Food Crop Production in Big Concession Farming Block, Mumbwa District by Big Concession Agriculture Ltd.', *Environmental Impact Statement, made available by the Zambia Environmental Management Agency.*

Carlucci, P. (2013).'When companies meet communities: The Copper storm brewing in North-Western Zambia.' *Think Africa Press,* 17 October 2013, available at: http://thinkafricapress.com/zambia/when-companies-meet-communities-copper-storm-brewing-north-western-fqm-actionaid [accessed 1 November 2013].

Coastal and Environmental Services.(2011). *Final Environmental Impact Statement for the Trident Copper, Nickel Project, Zambia,* Grahamstown, CES. *Made available for review by the Zambia Environmental Management Agency,* 25 August 2013.

Coastal and Environmental Services (2012). *Sentinel Deposit, Northwestern Province Zambia – Draft Environmental Impact Statement – Addendum.* Grahamstown: CES, *made available for review by the Zambia Environmental Management Agency,* 25 August 2013.

[CSO] Central Statistics Office. (2010). 2010 Census of Population and Housing: Population Summary Report, Lusaka: Central Statistics Office.

CSO (2012). *Living Conditions Monitoring Survey Report 2006 and 2010,* Lusaka: Government Printers.

CUTS International, Lusaka. (2013). *An investigation into Zambia's agriculture development framework and its impact on smallholder farmers,* available at: http://www.cuts-international.org/ARC/Lusaka/pdf/Policy_Brief-An_Investigation_into_Zambias_Agriculture_Development_Framework_and_its_impact_on_smallholder_farmers.pdf [accessed 2 October 2013].

FAO (2012). *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security,* 9 March 2012, available at: http://www.fao.org/fileadmin/user_upload/nr/land_tenure/pdf/VG_en_Final_March_2012.pdf [accessed 4 April 2012].

FAO (2013a). *Trends and impacts of foreign investment in developing country agriculture: Evidence from case studies,* Rome: Food and Agriculture Organization of the United Nations.

FAO (2013b). *The gender and equity implications of land-related investments on land access, labour and income-generating opportunities: A case study of selected agricultural investments in Zambia,* Rome: Food and Agriculture Organization of the United Nations.

FIAN (2010). 'Why we oppose the principles for Responsible Agricultural Investment (RAI)' available at: http://www.landaction.org/spip/IMG/pdf/FINAL_Engl_Why_we_oppose_RAI.pdf [accessed 25 February 2012].

Ferguson, J. (1999). *Expectations of Modernity: Myths and Meanings of Urban Life on the Zambian Copperbelt.* Berkeley, Los Angeles and London: University of California Press.

Fraser, A. and Lungu, J. (2011). Civil Society Trade Network of Zambia, Catholic Centre for Justice, Development and Peace: Lusaka. *For Whom the Windfalls? Winners and Losers in the privatisation of Zambia's Copper Mines.*

[GRZ] Government of the Republic of Zambia. (2004). *National Agricultural Policy, 2004–2015,* Lusaka: Government Printers.

GRZ (2005). *Zambia Vision* 2030. Lusaka: Government Printers.

GRZ (2011). *Sixth National Development Plan*, 2011–2016, Lusaka: Government Printers.

GRZ (2013). Z*ambia National Agriculture Investment Plan (NAIP) 2014–2018,* Second draft.

German, L., Schoneveld, G. and Mwangi, E. (2011). 'Contemporary Processes of large-scale land acquisitions by investors: Case studies from Sub-Saharan Africa' *CIFOR Occasional Paper 68,* available at: http://www.cifor.org/publications/pdf_files/OccPapers/OP-68.pdf [accessed 5 February 2012].

Gumbo, D., Mudenda, C. and Machina, H., (2010). 'Land Acquisitions in Zambia: Social and Environmental Impacts.' Unpublished Report, Zambia Land Alliance.

Human Rights Watch. (2011). *'You'll be fired if you refuse': Labor abuses in Zambia's Chinese State-owned copper mines.* USA: Human Rights Watch.

[ILO] International Labour Organisation (2010). *The Impact of the Global Financial and Economic Crisis on Job Losses and Conditions of Work in the Mining Sector in Zambia.* Lusaka: ILO.

Lusaka Times. (2012). 'Government denies an individual investor 20 000ha given to him by a local chief.' *Lusaka Times, 19 February 2012,* available at: 'http://www.lusakatimes.com/2012/02/19/government-denies-individual-investor-20-000-hectares-local-chief/ [accessed 1 August 2013].

[MACO] Ministry of Agriculture and Cooperatives. (2006). 'Report on the Environmental Impact Assessment Carried out for the Development of Nansanga Farm Block in Serenje District'. Unpublished Report, available at: http://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/Nansanga%20Draft%20EIA%20Report_0.doc [accessed 25 February 2012].

Machira, S. (2011). 'Options for Strengthening Customary Land tenure and Administration in Zambia'. Presented to the Consultative Forum on Customary Land Administration in Zambia, 25 August 2010, Lusaka, Zambia.

Mujenja, F. and Wonani, C. (2012). *Long-term outcomes of agricultural investments: Lessons from Zambia.* London: International Institute for Environment and Development.

Oakland Institute. (2011). *Understanding land investment deals in Africa. Country Report: Zambia.* USA: Oakland Institute.

Oxfam (2011). 'Land and Power: the growing scandal surrounding the new wave of investments in land' available at: http://www.oxfam.org/en/grow/policy/land-and-power [accessed 21 November 2011];

Sang'andu, E. (2013). 'KK at FQM Minerals Sentinel Mine', *Times of Zambia*, 18 October 2013.

Shawa, J. (2010). 'Zambia's Investment Opportunities in Agriculture' Presentation, 26 January 2010, Pamodzi Hotel, Lusaka, Zambia, available at: http://www.eaz.org.zm/downloads/file/2010020103120 50.Invest%20ZDA%20presentation%20Agriculture.ppt [accessed 21 November 2011].

Sichone, C. (2013). 'A glimpse into KML resettlement package' Times of Zambia, September 2013, available at http://allafrica.com/stories/201310050077.html

Times of Zambia. (2012). 'Mumbwa Villagers, Headmen Petition Chief Over Sale of Land' *Times of Zambia, 23 January 2012,* available at: http://allafrica.com/stories/201201230748.html [accessed 1 August 2013].

Transparency International. (2011). 'Corruption in the Land Sector', Working Paper #4, available at: http://www.transparency.org/publications/publications/working_papers/wp_04_2011_corruption_in_the_land_sector [accessed 5 February 2012].

UNCTAD (2013). *The Principles for Responsible Agricultural Investment (PRAI),* available at: http://unctad.org/en/Pages/DIAE/G-20/PRAI.aspx [accessed 2 October 2013].

United Nations statistics (2011), available at: http://esa.un.org/unpd/wpp/Multiple-Figures/multiple-figures_1.htm [accessed 21 November 2011]. Also reported in: Smith, G. (2011). 'Population Growth in Zambia: A view from the slums.' *The Guardian* (UK), 24 October 2011, available at: http://www.guardian.co.uk/environment/2011/oct/24/population-growth-zambia-slums?INTCMP=SRCH [accessed 21 November 2011].

Van Alstine, J. and Ngosa, F. (2011). *Seeking Benefits and Avoiding Conflicts: A community-company assessment of copper mining in Solwezi, Zambia.* London: LSE.

World Bank (2011). *What would it take for Zambia's Copper Mining Industry to Achieve its Potential?* July 2011, World Bank and UKAID (DFID).

World Bank (2013) 'Operational Policy 4.12 - Involuntary Resettlement', World Bank Operational Manual. World Bank: Washington DC.

World Bank (2011) 'Rising global interest in farmland: can it yield sustainable and equitable benefits?' available at: http://go.worldbank.org/RU457KO5Vo [accessed 21 November 2011].

World Bank (2011). 'Irrigation Development and Support Project'. World Bank: Washington, available at: http://www.worldbank.org/projects/P102459/irrigation-development-support-project?lang=en&tab=overview (accessed 21 November 2011).

[ZDA] Zambia Development Agency (2012). '2012 Comprehensive pledged investments and employment'. Data made available by ZDA.

ZDA (2013). *Zambia's Investor Guide*, February 2013 Edition. Zambia: Government Printers.

Zambia Daily Mail (2012). '4 300 jobs set for new sugarcane plantation.' *Zambia Daily Mail,* 4 October 2012, available at: http://www.daily-mail.co.zm/?p=15941 [accessed 1 August 2013].

Zimba, M. 'Government intensifies rural electrification programme'. *Times of Zambia,* 15 March 2011, available at: http://allafrica.com/stories/201103151017.html [accessed 1 August 2013].

ZLA (2008). 'Land Policy Options for Development and Poverty Reduction: Civil society views for pro-poor land policies and laws in Zambia', January 2008, available at: http://www.sarpn.org/documents/d0002993/Land_policy_ZLA_Jan2008.pdf [accessed 25 February 2012].

Interviews and meetings

6 June 2013: Meeting with Amatheon Agri Ltd. representatives, Lusaka Office

11 June 2013: Meeting with Mumbwa District Commissioner

11 June 2013: Meeting with District Agricultural Coordinator, Senior Agricultural Officer

11 June 2013: Meeting with CSR Representative, Amatheon Agri Ltd.

11 June 2013: Meeting with Mumbwa Council Secretary

11 June 2013: Meeting with ZNFU, CFU, Mumbwa

12 June 2013: Meeting with Chief Kaindu

12 June 2013: Community Meeting, Big Concession Farm Block

12 June 2013: Meeting with Farm Manager, Amatheon Agri Ltd.

13 June 2013: Community Meeting, Big Concession Farm Block

18 June 2013: Meeting with District Commissioner, Solwezi

18 June 2013: Meeting with the Ministry of Agriculture, Solwezi

18 June 2013: Meeting with Ministry of Lands, Solwezi

18 June 2013: Meeting with Department of Resettlement, Solwezi

19 June 2013: Meeting with the Wanyinwa Community, Musele

19 June 2013: Meeting with KML Resettlement Representative

20 June 2013: Meeting with Chief Kapijimpanga

20 June 2013: Meeting with the Kapijimpanga Community

20 June 2013: Meeting with the Mbonge Community

9 July 2013: Meeting with CSR Representative, Amatheon Agri Ltd.

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