Laura Gerken

# Piercing the Fog

## Transcalar Social Mobilization around Large-Scale Land Acquisitions in Mozambique

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Studies on the Social and Political Constitution of the Economy

## Abstract

Global interest in land as a commodity on the world market increased in the mid-2000s in the form of large-scale land acquisitions (LSLA). Potential harmful effects and the opacity that characterizes these land deals provoke resistance from social movements. At the same time, land is increasingly regulated in multilevel governance, which offers opportunity structures to activists. By tracing the development of land regulations, I argue in my dissertation that a *land norm* emerged as a result of activists pushing for the adoption of land governance and because of the salience of the topic due to rising LSLA. The dissertation further explores strategies of transcalar social mobilization in situations of lacking information. In a comparative case study of the resistance to two large-scale land investments in Mozambique, I trace how repertoires unfold and activists perceive different political and legal opportunity structures to unveil information and call for transparency; in this context, I identify the legal opportunity structure of *co-authoring* legal instruments. Last, drawing on models of transnational social mobilization, my study reveals how information about a target of social mobilization is generated in the first place. The findings show that activists deploy three repertoires to address the lack of information: *research* and *assessment* to better understand the project at hand, *networking* to use and create relations to access information, and *community training* to disseminate generated knowledge.

## About the author

Laura Gerken was a doctoral researcher at the IMPRS-SPCE
from 2017 to 2021.

Studies on the Social and Political Constitution of the Economy

Piercing the Fog.

Transcalar Social Mobilization around Large-Scale Land Acquisitions in Mozambique.


Von der Fakultät für Gesellschaftswissenschaften der Universität Duisburg-Essen zur Erlangung des akademischen Grades


Dr. phil.


genehmigte Dissertation


von


Gerken, Laura


aus


Herdecke


1. Gutachterin: Prof. Dr., Quack, Sigrid

2. Gutachter: Prof. Dr., Margulis, Matias


Tag der Disputation: 22.07.2022

# Contents

## Acknowledgements

After four years of working on and writing this thesis, it is time to thank all the people that accompanied me along the way. I would like to thank my supervisor Sigrid Quack. Her support adapted to the different stages of my doctoral studies and respective needs: From guidance while growing and developing an idea, input when revising early drafts and engaging with the findings of my fieldwork, to feedback and encouragement to finish the final manuscript. I appreciated this support at every stage of this journey, which substantially shaped and helped developing my thesis.

Also many thanks to my second supervisor Matias Margulis for the useful comments that helped to closer connect the different parts of my thesis. In the same regard, I would like to thank Sabrina Zajak and Martin Höpner for their thought-provoking impulses during the advisory committee meetings.

I am grateful that the Max Planck Institute for the Study of Societies and the University of Duisburg-Essen accepted me at the IMPRS and enabled pursuing my doctorate. The intellectually stimulating environment and the collegiality at the MPIfG contributed largely to the wonderful experiences I made while writing this thesis. I would like to thank the colleagues from my cohort, Elifcan Çelebi, Andrés López Rivera, and Hannah Pool, for their companionship throughout the time. In the same regard, I am grateful for having met Guadalupe Moreno, Monica Bolelli, Ece Özbey, Alina Marktanner, Sandhya AS, and Laura Einhorn at the IMPRS. I would also like to thank the staff, building the backbone of the institute, especially Gudrun Löhrer, Susanne Berger, Christiane Wenz-Miebach, Astrid Dünkelmann, and the library team.

The Centre for Global Cooperation Research/ KHK at the University of Duisburg Essen became my institutional home over the last years. Many thanks especially to Katja Freistein and Christine Unrau. By welcoming me with open arms in their research group, they made me a member of the Centre. Thanks to all the colleagues of the whole team and for the exchange with so many inspiring fellows.

I am grateful for the useful feedback I received so many times during the colloquium of the chair for comparative sociology at the University of Duisburg-Essen. Thanks, Glaucia Peres da Silva, Konstantin Hondros, Laurens Lauer, Patrick Witzak, Jenny Preunkert, and

# Abbreviations

| | |
|---|---|
| AU | African Union |
| CETIM | Centre Europe-Tiers Monde |
| CFM | Portos e Caminhos de Ferro de Moçambique |
| CFS | Committee on World Food Security |
| CSO | Civil Society Organization |
| DUAT | Direito de Uso e Aproveitamento da Terra |
| FIAN | Food First Information and Action Network |
| FDI | Foreign Direct Investment |
| FPIC | Free, Prior and Informed Consent |
| Frelimo | Frente de Liberação de Moçambique |
| Ha | Hectares |
| HLMO | Hubei Lianfend Mozambique Co Ltd. |
| IFAD | International Fund for Agricultural Development |
| ILO | International Labour Organization |
| INGO | International Non-Governmental Organization |
| LSLA | Large-Scale Land Acquisition |
| LVC | La Via Campesina |
| MASA | Ministério de Agricultura e Segurança Alimentar |
| MDGs | Millennium Development Goals |
| MDM | Movimento Democrático de Moçambique |
| NGO | Non-Governmental Organization |
| ORAM | Associação Rural de Ajua Mútual |
| PPT | Political Process Theory |
| PRE | Programa de Reabilitação Economica |
| Prodecer | Programa de Cooperação de Cooperação Japão-Brasil para o Desenvolvimento dos Cerrados |
| ProSavana | Program of Triangular Cooperation for Developing Agriculture in the Tropical Savannahs of Mozambique |
| RAI | Responsible Agricultural Investment |
| Renamo | Resistência Nacional Moçambicana |

| | |
|---|---|
| RBL | Regiado do Baixo Limpopo |
| SDGs | Goals of Sustainable Development |
| TAN | Transnational Advocacy Network |
| UN | United Nations |
| UNAC | União Nacional de Camponeses |
| UNDRIP | United Nations Declaration on the Rights of Indigenous Peoples |
| UNDROP | United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas |
| VGGT | Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of Food Security |

# Figures, Tables, and Maps

# 1  Introduction

In the mid-2000s investments in land increased on a global scale. A report of the non-governmental organization (NGO) GRAIN in 2008 put this development into the focus of social movements, describing it as distinct from land takings throughout history. Driven by the world food crisis and the financial crisis, different types of investors sought new sources for the production of food crops or the newly emerging trend of biofuels. Countries with apparent vast stretches of available land, often in the Global South[1], experienced an increase of such large-scale land investments (LSLA[2]). In reality the land is often actually used by small-scale farmers who then faced dispossession and displacement.

As a reaction, resistance formed in several instances and activists struggled against these projects domestically and through transnational networks. However, much is unclear about LSLA. Different types of investments can be understood as LSLA, such as Foreign Direct Investments (FDIs), South-South cooperation, or other types of development projects, to name just a few. The variety of types of LSLA is one reason why it is hard to get reliable facts about ongoing large-scale projects. Additionally, investment plans or development programs are not always publicly shared during the planning phase, which makes not only the general assessment of the global development, but also individual projects' intentions and plans opaque.

Parallel to the rise of LSLA, multilevel rights and regulations are increasingly governing the access to land and tenure. While in the early 2000s land was often neglected or a sidenote in development agendas, it moved into the focus and, not coincidentally, several multilevel governance instruments put a spotlight onto land rights and sustainable investments to ensure that the livelihoods of people are secured. Connecting these two developments, the rise of LSLA and the increase of multilevel governance of land sets the stage of this dissertation. Assuming that multilevel governance offers opportunity structures to social movements to advance claims, I

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[1] I am aware of the pitfalls of the term Global South. Whenever possible, I avoid using generalizations. For a lack of better terminology, I use the term "Global South" when describing LSLA and discussing my theoretical approach. For a deeper discussion, see Schneider 2017.

[2] Different terms exist to describe the phenomenon of large-scale land investments I am studying. Several are normatively loaded (such as land grabbing), so I refer to the more neutral large-scale land acquisitions (LSLA) in this thesis.

study how activists refer to such rights and regulations in their transcalar social mobilization to unveil information and oppose projects of LSLA.

The initial research of LSLA from 2007 to 2012 discussed the phenomenon mainly through the lens of Marx' *primitive accumulation*, Harvey's *accumulation through dispossession,* and *enclosure* and explored the actors, drivers, and impacts of LSLA (Kanti Basu 2007, 1283; White et al. 2012, 627). Edelman, Oya, and Borras (2013) stated that the research of the rising land investments lacks more detailed insights into the dynamics of social movements mobilization around LSLA. So far, studies have shown that the reactions to land investments differ broadly depending on actors groups and the investment project itself (e.g., Borras and Franco 2013; McAllister 2015). Though some thematize the opacity of LSLA and the resulting problems on the local scale, little has been said about strategies of social movements to sidestep this blockage (Cotula et al. 2009, 70f.). My dissertation addresses this gap by studying social mobilization around LSLA with a focus on strategies to increase transparency.

Regarding multilevel governance of land, most legal instruments studied in the context of LSLA are looked at singularly (e.g., McKeon 2014). In the same regard, human rights are put into context with land investments in research about impacts (e.g., Künnemann and Monsalve Suárez 2014; Wickeri and Kalhan 2009, 2). Considering the increasing recognition of land as part of multilevel governance, the scholarly literature on norm emergence gives insights on transnational developments. While Finnemore and Sikkink (1998) theorize norm emergence in three phases, Wiener (2007; 2014) provides a more flexible approach. Referring to this literature, I trace the development of multilevel land governance in an interconnected way that addresses the issue of land and connects it with different norms, as well as the concept of free, prior and informed consent (FPIC), thus links information access and land rights.

As repeatedly mentioned, social movements acting around LSLA often find themselves in situations of lacking information about the project, its outline, plans, and details. To study how this environment shapes social mobilization, I look at opportunity structures and repertories of action. The way how activists perceive political or legal opportunity structures shapes how they advance claims and sidestep blockages (Della Porta and Diani 2006, 16; McAdam, Tarrow, and Tilly 2001, 43). The repertoires of action are

closely related to opportunity structures and refer to the different ways of contestation, chosen in a specific context (Caren 2007, 3457; Tilly 1986, 4). Several models of transnational social mobilization describe how activists strategically work in networks to sidestep blockages on the domestic scale (e.g., Keck and Sikkink boomerang effect 1998; or Zajak's pathways of influence 2017). While the context of LSLA is characterized by opacity, these models take information about a specific goal as given. In this research, I explore how the lack of transparency shapes social mobilization and activists strategize their activities to unveil information. To do so, this dissertation is guided by the following research questions:

*How did multilevel land governance develop and change over time and offer opportunity structures to social movements?*

*How do social movements in the context of LSLA refer to multilevel governance in their repertoires and how do they address situations of lacking information?*

I address these questions with a comparative case study of social mobilization around two large-scale land investments in Mozambique. First, the case of Wanbao, a Chinese private investment of a rice plantation, producing mainly for the domestic market. The project started in 2012 and only then, the public learned about the project because workers destroyed small-scale farms. The project provoked social mobilization on the local, provincial, and domestic scale. Second, the case of ProSavana, a trilateral development project of the governments of Mozambique, Japan, and Brazil, with the purpose to modernize the agricultural production of people living in the project area. In this case, the project intentions were announced in 2012. Still, due to the large size of the corridor in which it supposedly should be implemented, social mobilization happened on the transnational, domestic, provincial, and local scale.

This thesis is structured along six chapters. Chapter 2 presents the theoretical framework of the analysis by discussing social movement literature, models of transnational social mobilization and develops the research gap. In chapter 3, I trace the development of a *land norm* on the transnational level and explain its emergence with the struggle of social movements for land regulations and the increasing attention for land due to LSLA. In chapter 4, I approach my cases and by depicting the national and

legal context of Mozambique and describing the projects and the respective social mobilization before presenting my methods. The following chapter 5 presents the findings of my analysis. In brief, regarding political opportunities, blockages are perceived in the form of exclusionary processes and different forms of pressure. To sidestep those, activists enlarge their networks along different scales. Legal opportunity structures are perceived in form of different regulations of land and information access. The reference to multilevel governance is viewed as useful to legally embed claims. Social movements use three repertoires of action to specifically address the situation of lacking information, namely research and assessment, networking, and community trainings. In chapter 6, I present my main findings and reflect them with regard to the research questions.

## 2 Theories of Transcalar Social Mobilization

To study social mobilization in situations of lacking information, I will first define social movement and civil society. Afterwards, I present the concepts of opportunity structures and repertoires. This is followed by a brief discussion of the use of Northern concepts in Southern settings. Then, I depict various models of transnational social mobilization, on which I am drawing on and to which I want to contribute with my dissertation. As a lack of information often accompanies projects of LSLA, I investigate the role of information in these models. The chapter closes with a presentation of transparency in social mobilization.

### 2.1 Establishing a Movement and Taking Action

Before moving to the depiction of the concepts that constitute the conceptual frame of this study, it is necessary to explain the terminology and differences of social movements and civil society. After Tilly, a *social movement* is formed if

> "we are looking for times and places in which people making collective claims on authorities frequently form special-purpose associations or named coalitions, hold public meetings, communicate their programs to available media, stage processions, rallies, or demonstrations, and through all these activities offer concerted displays of worthiness, unity, numbers, and commitment. If the complex occurs together regularly outside of electoral campaigns and management-labor struggles, we will be more confident that the social movement has arrived on its own terms" (Tilly 2004, 29).

Taking a closer look at the actors involved in a social movement, Della Porta and Diani identify a field of several actors like groups, organizations, parties, or other social movements that can be allies or opponents, depending on the interests of the different actors (Della Porta and Diani 2006, 210f.). In this complex environment, social movements are „composed of networks of groups and activists, with an emerging identity, involved in conflictual issues, using mainly nonconventional forms of participation" (Della Porta 2005, 177 after Della Porta and Diani, 1999: ch. 1).

Social movements use three structural mechanisms through which they become a collective actor. First, they "are involved in conflictual relations with clearly identified opponents", second, they "are linked by dense informal networks", and third, they "share a distinct collective identity" (Della Porta and Diani 2006, 21). In other words, social movements are characterized by a conflictual relation to other actors while both groups want to define the case at hand according to their interests. They are not only related through formal organizations but also informal individual actors. Thus, activities not only need to be legitimized by organizations but in agreement with the individual actors. Last, the collective identity goes beyond single events or gatherings but is created through a "common purpose and shared commitment to a cause" (Della Porta and Diani 2006, 21). Such movements cannot only be found in domestic settings. If social movements are understood as transnational, groups of at least two states act together contesting against power-holders in at least one other state than their own, an international institution, or a multinational economic actor (Della Porta 2005 after Tarrow 2001).

*Civil Society* and social movements are often used as interchangeable terms. However, those alliances differ in the characteristics that are attributed to both, and are studied by two different research perspectives (Della Porta 2014, 138f.). Social movements are understood as more conflictual and/ or radical, in comparison to civil society organizations (CSOs), which are regarded as rather moderate and making use of less disruptive forms of action (Della Porta 2014, 139). To be more specific, instead of seeking conflicts with opponents, civil society groups look for consensus. To do so, goals are defined broadly enough to make them "acceptable (…) to large sectors of public opinion" (Della Porta 2014, 140; Della Porta and Diani 2011, 70). Another difference between the two types of associations is that social movements are rather described as grassroots organizations. In contrast, civil society is understood as a more formalized organization that is relatively rich in resources (Della Porta 2014, 139). Also, while a social movement is an object in a society that wants change through conflict, civil society studies rather see it as another sphere separated from the state and the market (Della Porta 2014, 137).

Looking at social movement theories, the *Political Process Theory (PPT)* focuses on politics and institutions. Also, the challenging relational aspect of social movements and actors in the polity is central in the PPT (Della Porta and Diani 2006, 16; Caren 2007). The great contribution of the PPT is that it recognizes social movements as political actors that mobilize to make a change in their interests and not only as irrational players outside of politics that want to disrupt institutional interaction. The PPT studies which political systems' characteristics lead to an increase in social mobilization (Della Porta and Diani 2006, 17; Aslanidis 2012, 7; Crossman 2019).

*Political opportunities* are shaped by the environment in which a social movement locates itself. Their perception and assessment are the conditions within a political system that facilitate or exacerbate the ability to make claims and influence policies, discourses, or institutions. They are context-dependent and impact the chances of a movement to work towards its goal. More precisely, they define "a social movement's prospects for (a) mobilizing, (b) advancing particular claims rather than others, (c) cultivating some alliances rather than others, (d) employing particular political strategies and tactics rather than others, and (e) affecting mainstream institutional politics and policy" (Meyer 2004, 126). Following McAdam et al. (1996), political opportunities are characterized by the open- or closedness of political institutions, the stability of the elite supporting polity, existing elite allies, and the state's tendency towards repression (Caren 2007, 3457; Della Porta and Diani 2006, 16). In other words, political opportunity structures describe the "set of characteristics of political institutions that determine the relative ability of (outside) groups to influence decision making within that institution" (Zajak 2017, 135). The perceived political opportunities influence how social mobilization unfolds and strategies are shaped (McCarthy 1996, 150).

Opportunities are mainly theorized in the context of political processes, but they may also play an important role in legal circumstances. As this dissertation deals with rights and regulations, the *legal opportunity structures* approach is likewise relevant. It assumes that social movements refer strategically to rules and regulations, such as legislation, norms, standards, access to courts, and judiciary receptivity, in shaping their goals. By referring to legal instruments, they increase their chances for success. In this regard, different types of regulations can offer essential benchmarks for social

movements to strengthen and legitimize their claims (Cummings 2017, 260; de Fazio 2012). Laws and regulations may also provide reference points for social movements if they want to point to the failings of legislation to advocate for improvement. To be clear, claiming repeatedly for specific rights, even if they were violated in the past may open up new legal opportunity structures that were closed before (Andersen 2008, 27; Vanhala 2012, 543, 548). Thus, referring to rights and regulations as legal opportunities may either support a claim or address the violation of a right. The characteristics of the legal opportunity structures identified and used by a movement shape the repertoires and strategies of the social movement (de Fazio 2012).

To be clear, opportunity structures are not objectively existing facts but must be "a) visible to potential challengers and b) perceived as an opportunity" to use them for social mobilization (McAdam, Tarrow, and Tilly 2001, 43). In the same regard, Della Porta and Tarrow stress that resources and opportunities are not static but "are perceived and constructed by the activists" (Della Porta and Tarrow 2005a, 13). Moreover, the use of political opportunities depends not only on whether they are perceived as such, "but they are also created by social actors", if they impact and shape the constitution or a political system (Sikkink 2005, 170).

Tarrow's and Della Porta's (2005) description of transnational opportunity structures "challenge[s] traditional, state-centered conceptions of political opportunities" (Giugni 2011, 273). Following their conceptualization, social movements move increasingly to the transnational scale, which opens new resources for contestation. To be clear, the opportunity structures perceived on a transnational scale are not entirely different ones from the national scale. Rather, by using opportunity structures on the transnational scale, activists may sidestep domestic blockages. Consequently, even when moving transnational, domestic networks and experiences remain important resources. At the same time, the connection with other movements on the transnational scale enables access to further opportunity structures (Tarrow and Della Porta 2005, 242).

The *contentious repertoires* comprise all activities a movement may use to work towards its goal (Caren 2007, 3457). Embedded in their environment, they are context-specific in a particular cultural and cognitive framework (Clemens 2009, 213; Della Porta and Diani 2006, 168f.; Tilly 1986, 4). A *protest repertoire* describes forms of direct action,

such as demonstrations, the *pressure repertoire* refers to activities such as lobbying. *Consumerist repertoires* mean behavior such as boycotts of brands (Diani 2005, 55f.). *Electoral repertoire* implies the support of candidates in national, local, or regional elections[3] (Della Porta and Tarrow 2005b, 248f.). Resistance occurs, however, not always in direct forms of action. This is especially true for peasants who may avoid direct confrontation with authorities (Borras and Franco 2013; McAllister 2015; Scott 1985). In *everyday forms of resistance*, such as sabotage, theft, or tax resistance, actors express their dissatisfaction with given circumstances (Scott 1989).

Repertoires are also chosen *strategically* to create closeness or distance to previous activities of other movements, for example, if a specific repertoire is repeated or avoided. Also, the decision for a type of activity is culture-specific, not only country-wise but also depending on the type of actors making grievances. Another factor that influences the choice of strategy is the potential it has to mobilize allies and influence elites, in other words, how it potentially impacts political opportunities (Della Porta and Diani 2006, 183ff.).

## 2.2   Transferring Northern Concepts to Southern Settings
It is necessary to critically assess theoretical concepts when projecting them to different world regions. The concepts of civil society and social movements are developed in the Global North and thus embedded in the specific contexts of the histories and societies. Daniel and Neubert (2019) contrast those concepts with the African context and add some stakeholders to the one and the other and shed light on the role of both civil society and social movements in the specific societal and political environments (Daniel and Neubert 2019).

Regarding civil society, the authors conclude that although comparable associations to Northern civil society groups exist, many groups in the African context are rather substituting social institutions and are less politicized than in Northern contexts. Thus, they do not necessarily represent another sphere next to state and market. Moreover,

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[3] In his chapter, Diani only mentions three types of repertoires (protest r., pressure r., and consumerist r.). However, the electoral repertoire is another type which is mentioned in the appendix of his chapter in Della Porta & Tarrow (2005a).

they are stronger financed and thus driven by Northern donors (Daniel and Neubert 2019, 182). Conceptually, norms and values that are at the core of the Northern understanding of civil society are not necessarily alike. Self-organization of African associations may be based on traditional organization and therefore not build on liberal democratic thinking but are, however, part of civil society in African countries. Last, self-organized groups in contexts of weak statehood, such as warlords or vigilantes, use violence, which contradicts the common understanding of civil society (Daniel and Neubert 2019, 181f.).

Looking at social movements, they do not seem to differ much in the Global North and South. A couple of movements fall under the traditional understanding of social movements, such as anti-colonial movements, democracy movements, or movements that claim about gender, labor rights, and others. As in Northern social movements, some examples are anti-democratic or xenophobic (Daniel and Neubert 2019, 184f.). Therefore, they conclude that "with regard to liberal norms, politicization, or the degree of violence, it seems that social movements in Africa do not differ from those in other places" (Daniel and Neubert 2019, 186). However, social movements are embedded in and always represent a specific cultural context reflected in its mobilization, claims, and aims (Daniel 2016; Engels and Müller 2015 after Daniel and Neubert 2019, 186f.).

The focus of this dissertation lies on social movements that are struggling against large-scale land acquisitions. Those movements are studied in the context of two specific investments and the respective campaigns. Moreover, both cases are characterized by a) a conflictual relationship towards their target, b) are characterized by (informal) networks, and c) share a common identity. Consequently, they are social movements after Della Porta's and Diani's (2016) definition. As both cases are located in Mozambique, potential deviance from the definition of social movements and particularities of African or, more specifically, Mozambican social movements need to be considered.

Not only the concepts of social movements and civil society need to be assessed carefully when applying them to cases in the Global South. The same critique applies to further social movement theories, as Engels and Müller (2019) elaborate. Among others, they discuss whether political opportunity structures, framing, and collective identity

can be applied to social movements in Africa. They conclude that those movements "are not principally different from those in other world regions" (Engels and Müller 2019, 1). While social movement theory thus might be helpful to study empirical phenomena in Africa, the authors claim that empirical findings from non-Western cases should also be used to develop theories and concepts. This would benefit a broader understanding, for instance, when it comes to different types of resources available to a social movement (Engels and Müller 2019, 15f.). This dissertation contributes with a detailed study of social mobilization around LSLA to a better understanding of opportunity structures and repertoires in situations of lacking information in the Global South.

## 2.3   Models of Social Mobilization

The transnationalization of social mobilization enables, according to Tarrow and Della Porta (2005), collective action to target heterogeneous actors on multiple scales. Opportunity structures and repertoires of action address in this regard also international bodies to advance claims (Della Porta and Tarrow 2005a, 2ff.). Several models have been developed to theorize border-crossing linkages, networks, and activities of social movements and will be depicted in the following (see table 1).

The *boomerang effect* is the base for most models of influence. After describing this effect, further models based on it and developing it further will be depicted. First, however, the transnational advocacy network (TAN) after Keck and Sikkink will present the particular actor-network that uses the boomerang effect. TANs are networks of activists that are formed under a central idea or value (Keck and Sikkink 1999, 89). Such networks are influential on the transnational, national, and domestic scale. It is crucial that they are crossing borders, which enables them to access more resources for domestic struggles (Keck and Sikkink 1999, 89). The establishment of relations between "actors in civil society, states, and international organizations" also unfolds new political opportunities for these TANs (Keck and Sikkink 1999, 89). TANs can change policies and shape institutions and discourses (Keck and Sikkink 1999, 89f.). In short, the authors

define TANs as the following: "A transnational advocacy network includes those actors working internationally on an issue, who are bound together by shared values, a common discourse, and dense exchange of information and services" (Keck and Sikkink 1999, 89). While TANs are usually formed around a specific campaign or claim, they become a repertoire of action for social movements, easily revived in future campaigns if necessary (Keck and Sikkink 1999, 93).

| Model | Aim | Way of Work | Author(s) |
|---|---|---|---|
| **Boomerang Effect** | Policy Change Institutional Change Discourse Change | Information Politics Symbolic Politics Leverage Politics Accountability Politics | Keck and Sikkink 1999 |
| **Spiral Model** | Change Behavior of State | 5 Stages: Repression > Denial > Tactical Concession > Prescriptive Status > Rule-Consistent Behavior | Risse and Ropp 2015 |
| **Insider-Outsider Coalition** | Influence Transnational Networks' Activities | Flexible Claim-Making wherever Leverage Perceived (both scales) | Sikkink 2005 |
| **Pathways of Influence** | Preliminary Transnational, Ultimately Local Change | 4 Pathways of Influence: International-Organizational Pathway Bilateral Pathway Transnational Pathway Civil Society Pathway | Zajak 2017 |
| **Inverse Boomerang** | Policy Change | Local Partnerships to Increase Legitimacy | Pallas 2017 |
| **Ping-Pong Effect** | Policy Change | Knowledge Exchange Creating new Arenas of Contestation Varying Reference to either Domestic/ Supranational Policies | Zippel 2004 |
| **Minefield Effect** | Stop Specific Project | Broad Mobilization on Multiple Scales and of Multiple Actors | Temper 2018 |
| **Catapult Effect** | Stop Specific Project | Information Exchange | Temper 2018 |

Table 1: Aims and ways of work in models of transnational social mobilization. Own compilation.

The boomerang effect describes a way of work in which TANs are crucial. If activists in a state face blockages of the government and cannot reach a goal through domestic activities on topics such as human rights, they may approach their TAN to work towards their goal. Their transnational partners may create pressure from outside on the government, for instance through their governments or international organizations

(Keck and Sikkink 1999, 93ff.). They can follow four different strategies: *Information politics* are composed of different aspects of information -exchange, -evaluation, -presentation, and -gathering. It enables members to access a variety of information through their partners within the network (Keck and Sikkink 1999, 96). *Symbolic politics* put an event in the center which is related to the common goal. It raises awareness and may increase support and mobilization (Keck and Sikkink 1999, 96f.). *Leverage politics* can be used in two ways. Either through *material leverage*, where links between economically relevant issues and the goal of the TAN are created to justify the necessity of their aim or through *moral leverage*, where shame is projected on contested practices to increase reception (Keck and Sikkink 1999, 97). In *accountability politics*, as the fourth strategy, TANs use statements or comments of their targets as reference points in their claim-making. They pressure them to implement what they said or agreed to (Keck and Sikkink 1999, 97f.).

Based on the boomerang effect, the *spiral model* by Risse and Ropp (2015) describes five phases of how the Universal Declaration of Human Rights, as a global governance regulation, changed the behavior of states based on norm conversion (Kuntze 2018, 5; Risse and Ropp 2013, 5). In contrast to the boomerang effect, the spiral model is not only one move but rather a "series of different kinds of political moves" which increases political opportunities on the domestic scale (Sikkink 2005, 154; 163).

It follows five steps. First, because of *repression* in a state, NGOs activate their transnational networks to get support. This support may come from international organizations, international NGOs (INGOs), or liberal states to create pressure from within and outside. Second, the target state will react with *denial*, as it refuses the intervention from outside but parallelly creates a ground for ongoing discussions with domestic and international activists and other actors that pressured it before (Kuntze 2018, 5f.; Risse and Ropp 2013, 6ff.). Third, *tactical concessions* of the target state are made, which usually allow minor activities of domestic social movements and thus open some domestic political opportunities to satisfy some of the claims that have been made. Fourth, in the *prescriptive status*, the activities of the transnational network lead to a policy change, in which for example norms are ratified and laws are made. In the

fifth step, the *rule-consistent behavior*, the state implements these norms and can even become an advocate for these norms itself (Kuntze 2018, 5f.; Risse and Ropp 2013, 6ff.).

While domestic opportunity structures are closed in the models above, they can also be open both on the domestic and transnational scales, enabling social movements to form *insider-outsider coalitions* (Sikkink 2005). If activists recognize entry points of action on the domestic and the transnational scales, they may first try to achieve change domestically. However, if their work is hampered in this arena, they might seek additional leverage transnationally. Thus, they strategically combine their access points of influence inside and outside their target (Sikkink 2005, 169). Domestic blockages are not necessarily repression but may also be due to unresponsiveness (Sikkink 2005, 159). Compared to the boomerang effect and spiral model, this concept is more flexible concerning the domestic and transnational scale change because the domestic opportunity structures already allow the social movement leverage in theory (Sikkink 2005, 165).

While the beforementioned models were developed in the context of human rights, Zajak (2017) described four different *pathways of influence* of transnational activism in the context of labor rights. She underlines that the arrangement of global governance differs, and adaptation to other fields may require adjustments of the pathways (Zajak 2017, 130). Like the boomerang effect, the starting point for building transnational coalitions is blockages on the domestic scale. Also, insider-outsider coalitions can be part of transnational activism. At the center of her pathways lies the assumption that network actors are embedded in several different institutions and contexts that change over time and are also reshaped by the actors themselves.

Consequently, opportunity structures are not stable but change throughout the pathways (Zajak 2017, 130ff.). The pathways of influence approach highlights the interplay of domestic and transnational activism and does not automatically attribute a stronger role to the transnational scale (Zajak 2017, 141). The first strategy, the *international-organizational pathway*, uses global organizations such as the International Labour Organization (ILO) or United Nations (UN) organizations as entrance points to take influence (Zajak 2017, 132f.). Second, the *bilateral pathway* uses the political and economic relationships of the target country to increase pressure with

the help of powerful players. Third, The *transnational pathway* addresses all private entities engaged in market-based regulations (Zajak 2017, 132f.). Fourth, the *civil society pathway* describes the support of domestic movements by transnational movements (Zajak, 2017, 133). In all four pathways, the preliminary target is on the transnational scale, but the ultimate target is a change on the local one. Actors in these models are transnational (labor) activists and transnational institutions, embedded in the domestic context (Zajak 2017, 132).

Looking at North-South relations, it is not always the Southern partner of a coalition seeking support. The *inverse boomerang* of Pallas (2017) describes the dynamics of the boomerang pattern the other way round. If Northern NGOs face blockages in terms of changing the position of international policymakers, they may need the support of Southern local partners to increase their legitimacy and accountability (Pallas 2017, 285ff.). Pallas refers to the examples of environmental NGOs and the World Bank's 10th International Development Association, and the international campaign to ban landmines. In both cases, after creating allies with Southern organizations, they were able to surpass blockages and gain support as their credibility increased (Pallas 2017, 291f.).

Another model which builds on Keck's and Sikkink's TANs is the *ping-pong effect* by Zippel (2004). She developed her model in the context of EU policymaking. The goal of this strategy is to develop policies around one specific topic further, both on domestic and transnational scales. This is possible by referring to policies developed on the one scale and then used as reference points to build the policies even further on the other. In other words, it is a back and forth of policy development on the national and supranational scales (Zippel 2004, 58). More specifically, three elements led to the policy development in the European Union (EU) and its member states. First, TANs are formed that exchange knowledge and information to develop expertise about a specific topic. Second, the emergence of new border-crossing institutions and organizations, in Zippel's case the EU, leads to the creation of new arenas of contestation on which these TANs can make claims. These institutions and organizations provide new spaces for leverage. Third, instead of a boomerang effect, a ping-pong effect occurs (Zippel 2004, 57). Specifically, if policy change cannot be reached nationally, TANs make the claims on

the supranational scale. After the policies have been developed supranationally, activists on the national realm can again start to make claims based on the supranational regulations (Zippel 2004, 66f.). The new national policies can again be used as reference points to adjust supranational regulations because expertise on the national scale increased (Zippel 2004, 60).

In the context of LSLAs, Temper (2018) developed two further models based on the boomerang effect. On the one hand, the *minefield effect* and on the other hand the *catapult effect*. The starting point for the development of both approaches is the critique on the North-South relation in the boomerang effect, which is not adequate to grasp the polycentric nature of resistance to LSLA and grassroots movements that impact global governance (Temper 2018, 11). Moreover, the targets of social movements are, in this context, complex networks of investors who can also be located on different scales. Both models describe activities of TANs whose target is to stop LSLAs (Temper 2018, 18f.).

The minefield approach describes a mobilization of a broad transnational coalition of actors that may have a different ideological background but are still all in resistance to a specific land deal. As their ideological base and frames may differ broadly, opponents of the land deal are located in very diverse settings. Thus, they create resistance in a minefield-like landscape: On different scales, in other contexts, and with various reasons why they are against it. This widespread and polycentric opposition to the land deal makes the implementation too risky for the investor because the probability of creating a greater conflict is too high. Just like in a minefield, potential conflicts can emerge everywhere: On different scales (local, domestic, regional, transnational, or global), with other actors, or in different contexts (Temper 2018, 21ff.).

The catapult effect has a dynamic the other way around than the boomerang effect: Transnational (research) institutions seek alliances on the local scale to mobilize against an investment after they gain knowledge about it. The transnational ally provides information in the case at hand, while the local partners can collect complementary information on the ground and support the logistics of mobilization. Like a catapult, the starting point for mobilization may be far away, but resistance is triggered through the "hurl" of information (Temper 2018, 19ff.).

Some of the models just mentioned can be in particular helpful to study the mobilization of social movements in the context of LSLAs. As an underlying framework, the boomerang effect provides a useful basis. Regarding some regulations, the spiral model could prove helpful as well, for instance, in the case of the Mozambican land law, which is often regarded as one of the most progressive land laws in Africa (Borras and Franco 2012). Following the pathways of influence, different models of social mobilization can be part of different pathways within a campaign. In those pathways, insider-outsider coalitions may be part of some strategies and provide another fruitful reference point. The inverse boomerang whereas rather looks at the Northern side. And while it might be the case that some allies were created because the Northern partners wanted to increase their credibility, the focus of this dissertation lies on Southern social movement and their embeddedness in transnational networks, targeting investments within their countries. Thus, this model will be neglected. So far, the considered models follow, in a very generalizing way, the logic that activists apply different strategies to sidestep blockages to work towards a specific goal (see figure 1).
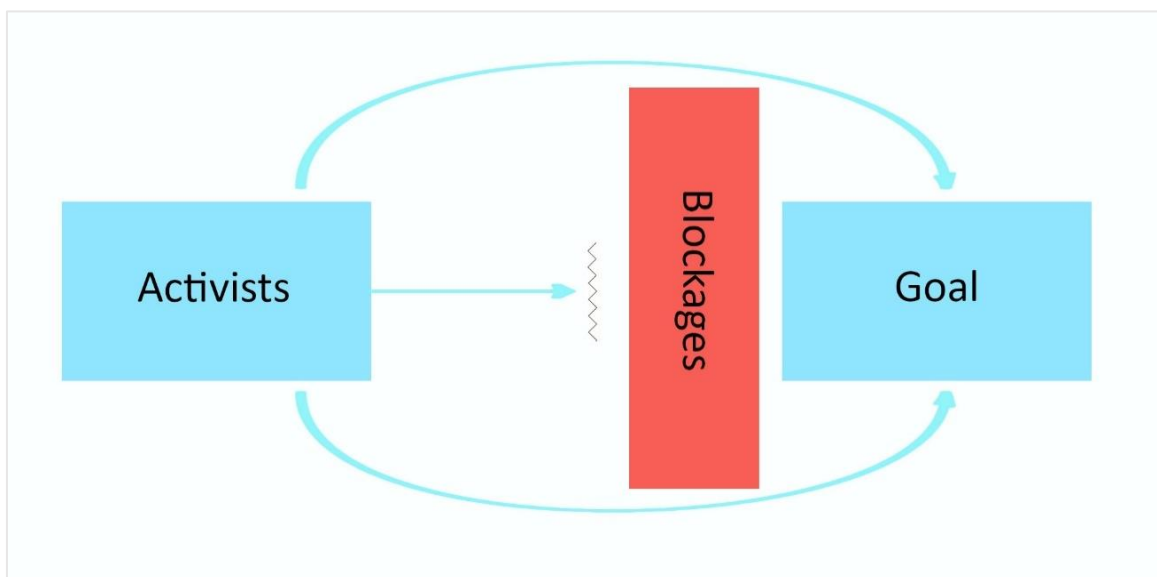


Fig. 1: General strategy of transnational social mobilization. The arrows represent different strategies that either face blockages or help to sidestep those. Own figure.

Last, the minefield effect and the catapult effect are some interesting approaches in the study of LSLAs. However, both effects are only to some extent comparable with the other models: While the others often analyze broader policy change, the minefield and catapult effects look on campaigns to stop a particular investment. Also, while the other models refer more concretely to political opportunity structures, the LSLA-specific effects lack a more detailed description of how those aspects come into play.

Nevertheless, the minefield and catapult effects are interesting approaches that may be useful as parts of larger schemes to understand mobilization dynamics in the context of LSLA.

## 2.4 The Role of Information in Social Mobilization

If thematizing information in the models just depicted, it is crucial to tell captivating stories about an issue they are working on, convince target groups and the public of the necessity of the mobilization, and thus increase the legitimacy of a campaign. In LSLA, information about the project itself is often deficient, if available at all. To better understand how social mobilization is possible in such an environment with scattered and unclear information, the role of information and transparency will be focused on more specifically in the models identified as useful for this research before drawing conclusions on how to deals with this issue in the analysis.

Transnational advocacy networks are characterized by "(…) high value content and informational uncertainty. At the core of this relationship is information exchange" (Keck and Sikkink 1998, 2). Keck and Sikkink proceed by describing that information is mobilized "strategically to help create new issues and categories to persuade, pressure and gain leverage (…)" (Keck and Sikkink 1998, 2). So, what exactly does this mean regarding the role of information in TANs? They further elaborate that information plays a crucial role in providing testimonies and stories (Keck and Sikkink 1998, 3). Thus, information is provided by local actors and feeds into the TAN in a way to increase legitimacy and authenticity. Looking closer at the mechanism of the boomerang effect, Keck and Sikkink specify that the cooperation of transnational and local actors is helpful for both sides. They also mention that Northern partners provide information, among others, but do not specify what type of information or how they are generated. Rather, their focus lies on information to increase credibility. The direction of information flows in their model is depicted in the illustration of the boomerang model (see figure 2). It shows that information mainly follows a linear direction from domestic NGOs to international ones. Besides understanding the direction of information flows in their approach, the content and type of information is also important to highlight, to identify whether this is applicable and alike in the case of LSLA.
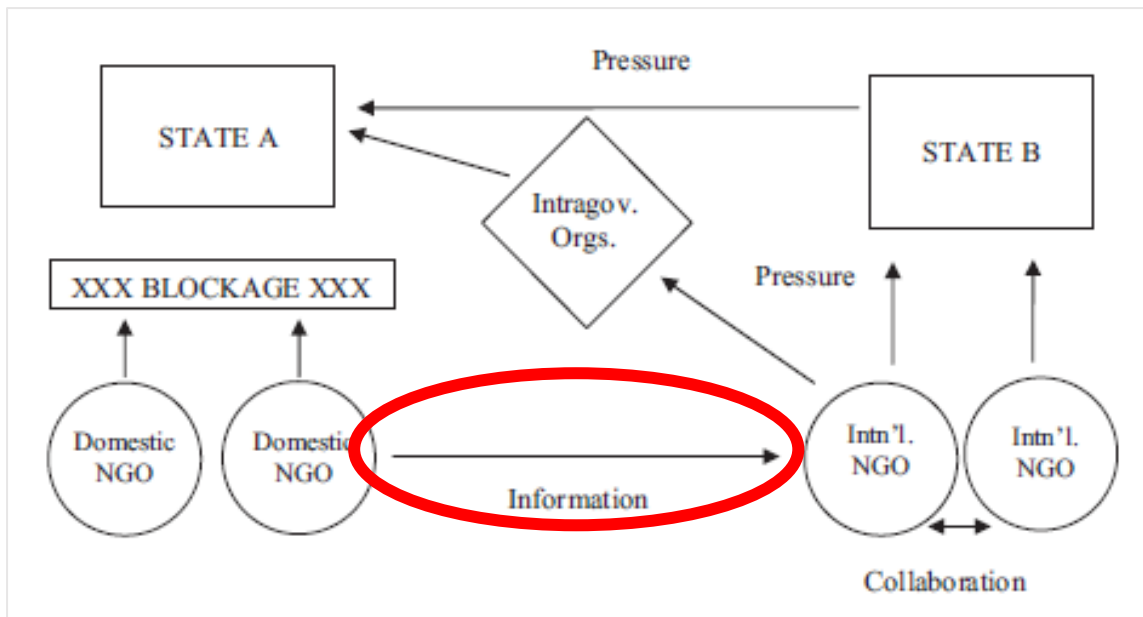
Fig. 2: Information in Keck's and Sikkink's boomerang effect. After Bassano 2014, 25. Highlight added.

Besides the strategies of symbolic, leverage, and accountability politics described in the previous section, information politics is one way of mobilizing in TANs. It refers to the "ability to quickly and credibly generate politically usable information and move it to where it will have the most impact" (Keck and Sikkink 1998, 16).

The exchange may take place via email, phone calls, or newsletters, in other words, through informal channels. This information "would not otherwise be available, from sources that might not otherwise be heard" (Keck and Sikkink 1998, 18). These sources are mainly non-state actors, and again, they stress that this information is likely stories or testimonies. By normative interpretation and framing of such information, powerful messages for the campaign are produced. This information flow follows a pattern in which first, INGOs decide what information is needed, and second, they reach out to their local partners to get suitable testimonies. By doing so, the story helps to increase, on the one hand, the credibility of the campaign and, on the other, makes it more dramatic, which is, in turn, supposed to support social mobilization (Keck and Sikkink 1998, 19). Also, besides testimonies, local partners are useful to gather information about grievances on the ground without having own staff in the countries. The benefit for local actors is that their voices and claims are heard on a transnational scale and may increase the protection of their work (Keck and Sikkink 1998, 22). In information politics, the media is a crucial player as it helps to increase the salience of a case and thus increases pressure (Keck and Sikkink 1998, 22).

Overall, Keck and Sikkink focus on a very different facet of information in their approach, as prevalent in social mobilization around LSLA. Though they mention without further specification that mobilization may take place in situations of "informational uncertainty" and that TANs, after getting other information than officially provided from their local partners, conclude that "governments sometimes lie", some information is always out and accessible to the public (Keck and Sikkink 1998, 2; 36). Additionally, they admit that transnational networks help to challenge monopolized facts and information provided by governments (Keck and Sikkink 1998, 200). However, in LSLA information may be completely opaque, and information requests are neglected. In several instances, there is not even monopolized information provided by governments, but no information at all. To be very clear, the role of information in the model is central. Still, besides the brief mentioning of uncertainty and contradicting information, the role of information rather refers to insights gathered and shared by those working on the local scale to increase the legitimacy and credibility of a (transnational) campaign. No light is shed on the question of where information exchanged comes from in the first place.

In the spiral model, information plays a role in two of the phases. During *repression*, an "informational vacuum" is created. Once transnational groups collect information about the case, in this model human rights violations, it moves to the phase of *denial* (Risse and Ropp 2013, 6). Again, the authors do not specify about the mechanism, how information is collected. It rather focusses on the role of information in the sense of domestic actors reaching out to their transnational partners and letting them know about issues in which they want their support (Risse and Ropp 2013, 8). In Sikkink's insider-outsider coalition, the focus lies on the perception of political opportunity structures and the strategic use of both domestic and international ones. The role of information is not elaborated in this model (Sikkink 2005).

Zajaks' pathways of influence focus on the interplay of domestic and transnational activism and transnational institutions, and how activism and transnational institutions influence each other mutually. Though she mentions briefly that information from the domestic scale is necessary to engage in transnational politics, the focus of the approach lies on the interplay of activism, institutions, and the domestic and transnational realms and not on how information is generated in the first place (Zajak 2017, 139).

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In Tempers' approaches, the minefield effect and the catapult effect, both developed in the context of LSLA, she specifies the peculiarities of opaque land investments. According to her, one of the reasons is that the financialization of such deals makes the linkages of actors and the deals difficult to trace. Gathering information about who stands behind a company or an investor requires resources and research and thus makes transnational mobilization harder. Also, the opacity of such actors makes them more resistant to pressure (Temper 2018, 18). In the catapult model, a transnational (research) group shares information about a land deal through information politics with domestic actors that are directly affected but might not even know about the project (Temper 2018, 20). The first question that arises looking closer at information is how did the transnational actor get the information? Then, local groups might provide further information in the catapult effect to their partners, but the same question arises again: What is the mechanism to generate this information? The minefield effect describes a strategy of how to campaign in a polycentric way and does not focus on the role of information and overcoming opacity.
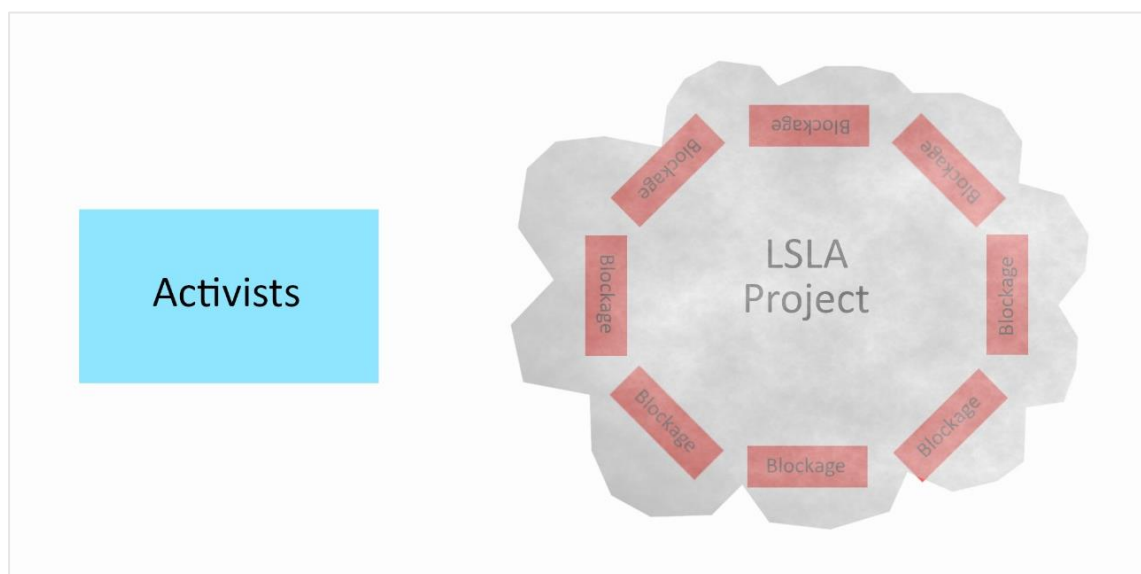


Fig. 3: Activists in situations of lacking information about an LSLA project. Own figure.

In LSLA, activists are confronted with situations of lacking information or are not even aware that a project exists (see figure 3). To put a spot on the generation of basic information and the strategy of how it is generated in transnational social mobilization, the following section explores how transparency impacts social mobilization.

## 2.5  Transparency and Social Mobilization

Transparency represents a norm that is expected to be the base of Western societies and organizations for democratic accountability. This does, however, not apply to individuals who must be protected from unlimited social control. Thus, its meaning is discursive depending on the context, actors, and practices (Owetschkin and Berger 2019, 1ff.; Zajak and Scheper 2019, 211). In social sciences, the term mainly refers to the access to information about "processes, institutions and organizations". It builds a contrast to secrecy and is understood as a human right to know (Owetschkin and Berger 2019, 4).

Polívka and Reicher (2019) describe struggles arising in the context of urban planning processes and some similarities can be drawn to LSLA. Due to incremental steps in the project planning, the target and communication seem to be detached from broader groups "responding to particular planning episodes" which may lead to claims for more transparency (Políkova and Reicher 2019, 236). Participation in (urban) planning processes has three key characteristics. First, it refers to the early sharing of background information. Second, the active participation of affected and interested citizens through consultations, and third, involvement of affected groups in planning decisions (Políkova and Reicher 2019, 241). Such a transparency in terms of involvement and communication of information in planning processes increases the acceptance of the public of a project (Políkova and Reicher 2019, 246f.). This approach to increase legitimacy through transparency can be transferred to LSLA project planning. But what exactly is transparency, and once it is provided, does it give a crystal-clear objective picture?

Zajak and Scheper (2019) identified four stages of transparency practices of global production chains, how information is provided, contested, and shaped in this context. Their analysis is based on the assumptions that CSOs claim for more transparency about production conditions, as well as for sustainability and social responsibility. This is supported by the increase of regulations that are developed by states to monitor such issues (Zajak and Scheper 2019, 212).

While transparency claims originally addressed mainly governments, activists increasingly claim for the same addressing transnational corporations. Corporations can

be held accountable through norms and standards, such as the California Transparency in Supply Chains Act or the ISO norm (Zajak and Scheper 2019, 214). While many actors claim for transparency, "those in power can also use techniques of 'making something transparent' to pursue their own governance goals" (Zajak and Scheper 2019, 218). Concessions towards transparency are not objectively made but "actively shape the procedures, types of collecting, transforming and using information in processes of transparency creation" (Zajak and Scheper 2019, 218). Moreover, the strategic passing of information to increase transparency may also increase the power of the already powerful player (Zajak and Scheper 2019, 218).

The first transparency practice in global production chains refers to the *collection of information*. In audits to assess production sites, corporations, producers, and managers can control which information is shared and which image is created. Only certain and limited indicators are controlled, and auditing is often done by "for-profit agencies and accordingly driven by corporate interests" (Zajak and Scheper 2019, 219). However, the first two points also apply if non-profit or local civil society groups conduct the audits. If local activist groups want to create their own report, they may lack resources, access to production sites may be denied, or workers face repression when speaking to them. The information produced is thus always biased (Zajak and Scheper 2019, 220f.).

On a second stage, knowledge must be *translated into corporate form*. This means that social and ecological data must be translated into measurable units to control whether indicators of different control mechanisms are fulfilled. How this translation is implemented is by no means objective. Again, other actors may interpret it differently, and those with more power are most likely to possess more information. Consequently, they can rather pressure their position and interests stronger (Zajak and Scheper 2019, 221f.). Also, due to a large number of different actors and subcontracting involved, in their example in a production chain, the web of production sites is very opaque and can be easily concealed (Zajak and Scheper 2019, 222f.).

While gathering and collecting information at the first and second stage is at the core, the third stage of transferring knowledge into policy decisions builds on the information collected before. It is treated as facts and, once criteria are established to fulfill standards or certification schemes, corporations may use them to promote their socially

or ecologically responsible behavior (Zajak and Scheper 2019, 223f.). For activists, it becomes harder to point towards shortcomings beyond the established indicators. Also, these standards serve for public policy governance, which are narrowed down even further and neglect shortcomings of overlooked aspects (Zajak and Scheper 2019, 224f.).

Last, information can be treated as an *object of private transnational legitimacy politics*. Activists claim for change of corporate politics based on legitimacy claims. However, once a corporation makes transparency concessions based on the abovementioned procedures, it is far more difficult to struggle against illegitimate practices. Suppose a broad variety of information, reports, and others are provided. In that case, it is difficult to convince the public that a corporation's behavior must be countered, as practices seem to be provided transparently and, according to different forms of standards, fair (Zajak and Scheper 2019, 225f.). Thus, transparency does not necessarily lead to improvement of e.g., labor rights, but may also blur violations of workers' rights through tactical concession. These four steps show that there is no objective information of a factual situation. Every information passed is shaped by subjective interests of the actor providing those.

Further streams of research deal with the tactical concession of information or rather the tactical withholding of information and strategic provision of such. The study of *agnotology,* for instance, describes the intentional upholding of uncertainty for own advantage. Proctor (2008) developed this approach by referring to the tobacco industry, which, since correlations between tobacco and cancer were drawn in the 1950s, provided alternative explanations through research and PR to blur this link (Proctor 2008, 12). Not only in industry but also official procedures, ignorance is created and maintained. Dedieu (2019) describes *organized denial* as the systematic exclusion of uncomfortable knowledge that could challenge official procedures. Uncomfortable here means knowledge that points towards regulatory inconsistencies. This behavior also preserves the legitimacy of existing regulations and structures (Dedieu 2021, 3). Organized denial is self-replicating, as is it based on the one hand on institutional trajectories of path dependency and on the other on tactic agreements that are made with opposing groups. In the latter, minor concessions are made to include a broader

variety of actors in processes without changing the larger procedures (Dedieu 2021, 14ff.).

However, as the intentions and reasons for a limited provision of information are not the focus of this dissertation, the analysis will build on the ambiguous nature of transparency rather than assuming or interpreting certain motives behind the lack of information. As the analysis will show, the opacity and the uncertainty about investment plans leads to strong complaints of several actors about the withholding of information by investors and the government. Thus, the focus of the analysis lies on strategies to unveil information and not its concealing. Consequently, adding the layer of transparency to models of transnational social mobilization is a promising perspective to understand better how the lack of information shapes repertoires and frames of social mobilization in the context of LSLA. The interplay of the theoretical assumptions that have been made in this chapter provides the framework to answer the research questions.

Two cases of mobilization against LSLA in Mozambique, embedded in transnational networks, are contrasted with existing models of social mobilization in this thesis, taking into account (the lack of) transparency and information. By doing so, new theoretical insights from my case study will contribute to a more comprehensive understanding of complex dynamics of social mobilization. Assuming that multilevel governance of land offers opportunity structures, I will explore the rise of the *land norm* in the context of LSLA in the following.

## 3   The Governance of Land

Land has been an increasingly important commodity on the world market. This section gives an overview about the rise of the phenomenon of LSLA which provides the overall empirical context of the thesis, before showing how a new *land norm* emerged in the context of rising land investments. I trace this development by the depiction of governance instruments[4] that address land along different phases. The increasing recognition of this topic appears on the global, transnational, regional, and national realms. Regionally, the depicted instruments are focusing on Africa, as the cases studied in this dissertation are both located in Mozambique. The documents included derive from a review of multilevel governance and are complemented by rights and regulations that interviewees during my fieldwork mentioned as important legal instruments in social mobilization around LSLA.

Temporally, the regulations[5] included in this chapter cover the period from 2000 to 2018. As the year 2007 marks the starting point of the new wave of LSLA, the timeframe is selected to compare how governance instruments developed since then with a period of the same length before. However, regulations that build the base of other rights and regulation and are crucial in the web of multilevel land governance, such as the Universal Declaration of Human Rights are still included, even though dating back to pre-2000.

After giving an overview of the different phases that I identified as leading to the emergence of the land norm, this chapter explores the development of two specific regulations in more depth and highlights the role of social movements in the recognition process of the land norm. Studying the governance of land on multiple levels, the chapter closes by looking at the national level of land governance.

### 3.1   The Rise of Large-Scale Land Acquisitions

The sharp increase of investments in land in the form of leasing contracts or sales on a global scale "points to a break in a long-term trend that might indicate a larger structural

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[4] I use in this thesis the term rights in reference to legally binding laws, regulations in reference to non-binding rules. I understand rules, governance instruments, and legal instruments as umbrella terms of both.

[5] For an overview, see Annex 1.

transformation in an old practice" (Sassen 2013, 26). Following reports of the NGO GRAIN (2008) and the World Bank (2010), investments in farmland have particularly increased since 2008 (Deininger et al. 2011, xiv; 51f.). I understand LSLA first, as a project on a large area of land (more than 200 hectares[6]), planned with a long-term perspective of several decades. Second, projects do not occur isolated but are embedded in a global trend of LSLA. Third, contracting actors negotiate voluntarily about the transfer of land and are not forced (in comparison to land taking throughout history). Fourth, due to the large scale, potentially affecting people and nature, they are conflict-prone. Fifth, LSLA is often characterized by opacity about project details.

Finding reliable data on land acquisitions is challenging and contracted deals may not be reported officially (Arezki, Deininger, and Selod 2011, 10). Moreover, deals of land acquisition can occur in different forms, as FDIs, but also as development projects or South-South cooperation, which makes it more difficult to identify consistent data (Temper 2018, 18)[7]. As LSLA includes these different types of projects, it is challenging to assess the real dimension of it. About the lack of clear information on large-scale land investments, Zetland and Möller-Gulland comment: "Our appraisal faces the same problems of every other appraisal in this book. We do not have complete information on deals identified as 'land grabs'. We do not know what contracts say. We do not know how contracts – if they exist – are being implemented or how production practices affect land, water, labour resources on and around land subject to 'grabs'" (Zetland and Möller-Gulland 2013, 258).

Most studies[8] on the increasing interest and investment in land root in media reports, the abovementioned World Bank report, or the Land Matrix database[9]. According to the most recent report of Land Matrix, 33 million hectares (ha) of land are transnationally acquired by 2020, of which deals of a total size of 30 million ha are concluded (Lay et al. 2021). As can be seen in figure 4, large-scale investments in land slowed down since

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[6] 200 ha is the size most sources use (e.g., Land Matrix 2021; Sassen 2013).
[7] For a deeper assessment of the problems of reliable data about LSLA, see Eckert, Giger, and Messerli (2016); Edelman (2013); Oya (2013).
[8] E.g.Arezki, Deininger, and Selod (2011); Deininger (2011); Ince (2014); Messerli et al. (2013); Sassen (2013).
[9] The Land Matrix database collects data of research papers, policy reports by non-governmental organizations, personal information of cases, field-based research projects, official governmental records, company websites, and media reports on land deals (Land Matrix 2018b).

2013. According to the Land Matrix report, this is due to "more moderate price expectations", a decreasing interest in biofuels, and changing policies in forms of land moratoria or land policies restricting sales to foreign investors (Lay et al. 2021, 9).
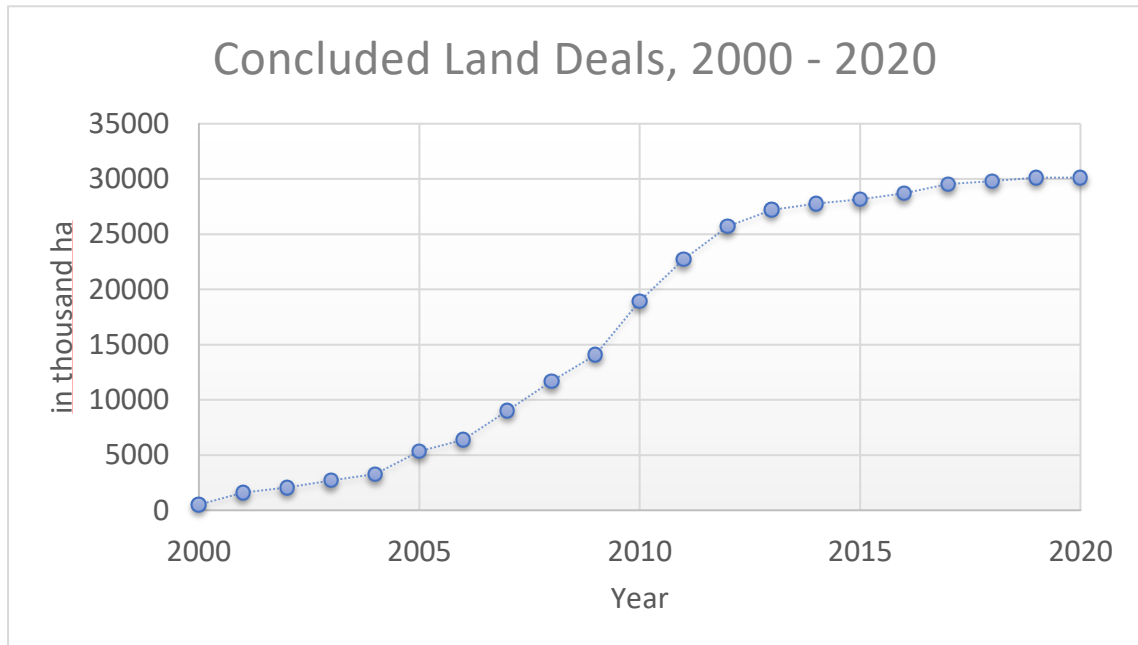


Fig. 4: Concluded global land deals in thousand ha, 2000-2020. Based on Lay et al. 2021, 10.

Countries that receive such large-scale investments are primarily located in Africa, Asia, Latin America, and to a smaller extent also in Eastern Europe and Oceania. Since the rise of large-scale land investments, the most significant share of land acquisitions has taken place in Sub-Saharan Africa (Cotula et al. 2009, 15; Deininger 2011, 223). Deals are mainly implemented in rural areas, and investors often prefer countries with a weak system of ownership rights as this facilitates the land acquisitions (Deininger 2011, 224f.).

What is new in this phase of land acquisition compared to other times of land dispossession, for instance in colonial times, is that land is transferred to third parties by sovereign states who willingly support or conclude these land deals (Sassen 2013, 29). Moreover, besides states, non-governmental and private actors also acquire land (Lawther 2015, 252). The velocity and size of the current land acquisitions has the potential to radically restructure agrarian economies, rural livelihoods, and social relations (White et al. 2012, 624). While the term *land grabbing* was first mentioned in Marx' *Capital* about the English enclosures (Marx 1976, 288), many contemporary

scholars use it to describe this new phase of land acquisitions (e.g., Antwi-Bediako 2013; Borras et al. 2012; Lawther 2015; McMichael 2014).

Alden Wily (2013) collected different examples of land acquisitions in history. In the early 17th century, Irish land was dispossessed by James I of England. His legal system was presented as superior to Irish customary right. Further, giving the land in the hands of the King was justified as being good for the people[10] (Alden Wily 2013, 16f.). Dispossessions also happened in the United States of America, when native's land was taken with the argument that the "discoverers" would own the land and the land would be, following the same argument as in the Irish case, owned by the King as written in English law. Consequently, the new American States would be the only ones that could own and sell the land, as "descendants of the British Crown", argued at a hearing of the American Supreme Court in 1823 (Alden Wily 2013, 16). Further, the native way of land use was perceived wrong among others (Alden Wily 2013, 16).

Marx described the taking of land of the English poor as a further example of dispossession throughout history. In proceeding industrialization, more than 20 million ha of pastures, meadows, and other common land were used through occupancy. The General Enclosure Act of 1845 privatized use rights and enabled transforming land into "roads, railways, factories and [for] mechanical agriculture" (Alden Wily 2013, 17).

When it comes to land dispossession in Africa, colonialism must be mentioned. At the Berlin Conference of 1884/85, the General Act of the Berlin Conference (on West Africa, 26 February 1885) kicked off the *Scramble for Africa,* the great rush for land. The act included the protection of European rights and defined that they should inform each other about the extension of their coastal enclaves (Alden Wily 2013, 17). The rush for land then started to expand economic power through the access to resources, such as industrial good like rubber, copper, or timber, and consumer goods such as coffee, tea, or sugar. Additionally, the colonial extension was a strategy to cushion the Great European Depression of the 1870s by finding new markets to maintain economic advantages. In this context, land ownership was a crucial issue. Generally, Europeans

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[10] Instead of an inheritance system that passed the land based on election procedures within a clan.

accumulated land and resources of their African territories in the late 19th and early 20th century (Alden Wily 2013, 17f.).

Today's LSLA refer to a transfer of the right to use, control, or possess land ownership of the size of 200 ha or more (Sassen 2013, 30). Investors are mainly states or corporations. If the land is not directly sold, leasing contracts cover periods between 30 and 99 years (Cotula et al. 2009, 52f.; Zoomers 2010, 429). The top five countries of origin of investors are the USA, Malaysia, Singapore, China, and Brazil (Land Matrix 2018a). Deals of land acquisitions are often embedded in a complex and multi-layered investment chain, and investors are originating in various countries and linked across borders (Nolte, Chamberlain, and Giger 2016, 25f.). The yields from the acquired land are mostly sent back to the investor's country or enterprise headquarters (Cotula et al. 2009, 52f.).

Drivers of LSLA are manifold and vary in dependence on the type of investor. States mainly want to increase their independence from the world market, especially after the food crisis in 2007 and 2008, when wheat and maize prices peaked (Cotula et al. 2009, 15; de Schutter 2011, 251). Woodhouse and Ganho (2011) differentiate *food security seekers* and *financial investors*. The first aim is to increase their independence from the global food market and gain more direct control over their food production, particularly about the access to the quantities of food. This applies especially to countries with limited or "strained land and water resources, e.g., China, India and many countries in the Middle East" (Woodhouse and Ganho, 2011, after Zetland and Möller-Gulland 2013, 259; also Cotula et al. 2009, 15; Nolte, Chamberlain, and Giger 2016, 29f.). Speaking about Gulf states, Woertz (2013) adds that reasons to create independence from the world market are not only due to peaking prices, but rather export restrictions from their food exporters, such as Argentina, India, Russa and Vietnam (Woertz 2013, 104f.). The *financial investors* acquire land for food, feed, fiber, or biofuels to profit from the increasing demand of those goods (Zetland and Möller-Gulland 2013, 260).

Further reasons for LSLA are conservation of biodiversity and wildlife, which occurs in the forms of creating or extending conservation areas, also called *green grabbing*. It can happen either through conservation projects financed from countries of the Global North, national governments, or transnational or regional conservation groups, like the

African Wildlife Foundation (Milgroom 2015, 586; Sirima 2016; Tittor 2016). In ecotourism projects, the private sector plays a role as well (Zoomers 2010, 432).[11] Investment funds are also involved in LSLA but are not always directly investing. They can be part of multi-layered investment chains, making their role much more opaque (Cotula and Blackmore 2014; Nolte, Chamberlain, and Giger 2016, 29).

While recipient governments often support such land deals because they promise economic growth for their countries (Cotula et al. 2009, 15; Zoomers 2010, 433), these deals bear negative ecological, cultural, and social impacts on the environment and people (Deininger 2011, 224f.; 239; Huggins 2012). Several studies point to the harmful effects of large-scale land acquisitions. Ecologically, such deals often lead to monocultures, pollution, or lowering of the water table (Baffoni 2017; Parulkar 2011; Kress 2012); economically, they entail dispossession, the loss of livelihood strategies, food insecurity, corruption, or increasing inequalities (Baffoni 2017; Alden Wily 2014; Golay and Biglino 2013; Kress 2012; Milgroom 2015); culturally, they provoke the loss of access to forests or bushlands which are part of traditional livelihood sustaining (Baffoni 2017; Kanti Basu 2007); and socially, they cause deprivation, harming of vulnerable groups, the exclusion of potentially affected groups from negotiation processes, non-transparency, social polarization, the use of violence or force against resistance, and as a consequence of all these developments political instability and conflicts (Alden Wily 2014; Baffoni 2017; Chu 2011; Kress 2012; Margulis, McKeon, and Borras 2014; Temper 2018; Zoomers 2010).

The main problem about LSLA is that, especially in the Global South, land and water use are not always officially documented, even though people are using those resources. Thus, even if the land or water is formally vacant, they are owned and used. Therefore, land grabs may occur, if governments enable foreign investors to use land and water resources and neglect the actual use and undocumented ownership (Zetland and Möller-Gulland 2013, 260). It is estimated that only 10% of the Sub-Saharan land area is titled. Of this 10%, many belong to white-owned farms in South Africa, Namibia, and

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[11]Other reasons for large-scale land acquisitions that occur to a smaller extent are special economic zones (including large-scale infrastructure works, and urban extension); large-scale tourist complexes (especially close to beaches or cultural heritages); retirement and residential migration; or land purchases by migrants in their country of origin (Zoomers 2010).

Zimbabwe, which means that in most cases, communities and small-scale farmers do not hold land titles (Alden Wily 2013, 12). At the same time, this does not signify that 90% of the land is available. According to Alden Wiley, ¾ of the land in Sub-Saharan Africa is distributed through customary law and either exploited by individuals, families, or communities (Alden Wily 2013, 12). Following Alden Wily, the key problem lies in the legal pluralism of customary-based land use and the distribution and allocation of land by governments to investors based on national laws (Alden Wily 2013, 12f.). Besides the lack of official titling, Borras and Franco (2012) conclude that at the end of the day, rural populations may lose their land no matter whether formally titled or not "if the conditions of linked state and capital are right" (Alden Wily 2013, 15).

## 3.2   The Emergence of a New Norm

As the ownership of land in target countries of LSLA is often not formalized, people are vulnerable to lose their land in case an investment is made on their ground. In transnational rights and regulations, access to and tenure of land is often closely interrelated with livelihoods, social and environmental well-being and human rights. These connections are no coincidence. The literature on norm emergence proves helpful to trace the rising recognition of land in multilevel governance. Finnemore and Sikkink (1998) describe three phases of the *life cycle of norms* while understanding norms as "a standard of appropriate behavior for actors with a given identity" (Finnemore and Sikkink 1998, 891). First, during the *norm emergence*, norm entrepreneurs call for attention for a specific issue. Second, the *norm cascade* requires convincing a critical mass of states to adopt a norm and consequently become norm leaders. Third, through *internalization*, the norm reaches a taken-for-granted status (Finnemore and Sikkink 1998, 897; 901; 904). Besides the important role of norm entrepreneurs, the relationship to existing norms and an active framing that stresses this relation make norm adoption more likely (Finnemore and Sikkink 1998, 908).

While Finnemore and Sikkink describe steps that lead to adopting norms, they take the content of the norms as given social facts. In Wiener's (2007; 2014) perspective, norms have a dual quality: Their structuring and socially constructed nature. Both happens through interaction in the contexts they are embedded in and make them stable and

flexible at the same time. Contestation is, according to Wiener, at the core of norm-setting (Wiener 2007, 49). Thus, norms are continuously challenged and subjectively constructed. This contestation can happen at three stages of norm-setting. At the formal establishment of the norm through a political community, at the use of the norm as a measurement of appropriate behavior by a group, and during the norm's implementation in everyday practices (Wiener 2014, 19f.).

Still, if norms are understood as disputable and discursive, the probability of adoption depends on how they are embedded and framed in their normative environment (Krook and True 2010, 111). While Krook and True (2010) describe this as the *external dynamism*, Price (1998) names it *grafting,* if norms resonate and are based on already existing norms to make them easier adoptable (Price 1998, 628). The linkage of new flexible and stable norms to already existing ones happens, according to Winston (2017), within *norm clusters*, which are intersubjectively formed and open to innovation. In other words, the content of the norm cluster may be broadened or changed and diffusion of norms is possible "as long as the result is accepted by the community, and the intersubjective understanding of the norm cluster is adjusted (…)" (Winston 2017, 648). All of these approaches have the interlinkage of new issues to already existing and institutionalized norms in common. Additionally, the salience of a specific topic refers to the "amount of attention granted to an issue", which makes it more likely that a topic is followed upon, and increases the probability that it is adopted as a norm (Rosert 2019, 77). Thus, struggles for including a new norm are facilitated by the attention it gets. In sum, norms are constantly challenged and constructed through contestation. Whether norms are adopted or not depends largely on their embeddedness and relation to already existing norms, but also on the salience of a topic.

I argue that the rise of global LSLA increases the salience of the topic of land access, control, and tenure security. By analyzing the content of rights and regulations that deal directly or indirectly with land and thus may offer opportunities for social mobilization, I identified four phases which led to the recognition of a *land norm* (see figure 5 and 6). In the pre-2000s period, instruments including land and tenure are dealing with *basic human rights*. Since 2000, several *development agendas* have dealt indirectly with land. Coinciding with the rise of LSLA, new governance instruments that focus specifically on

land issues pop up, which marks the phase of *land investment regulation*. Finally, once the *land norm* is established, it becomes part of several rights and regulations in the phase of *internalization of land norm*. Social movements claimed for the adoption of regulations addressing land and closely related the topic to already existing norms, just as described above. Once the issue of land gained attention, activists gained leverage to enforce their claims for these regulations. The *land norm* manifests the central function of land for social, cultural, and economic wellbeing, particularly of people living in rural area and from their land. It is presented as worth protecting due to its relation to human rights, development, food security, and FPIC. After assessing multilevel governance to each phase, I will depict the role of activists in the struggle for the land norm in detail with two examples during the phase of *land investment regulation* and the *internalization of land norm*.
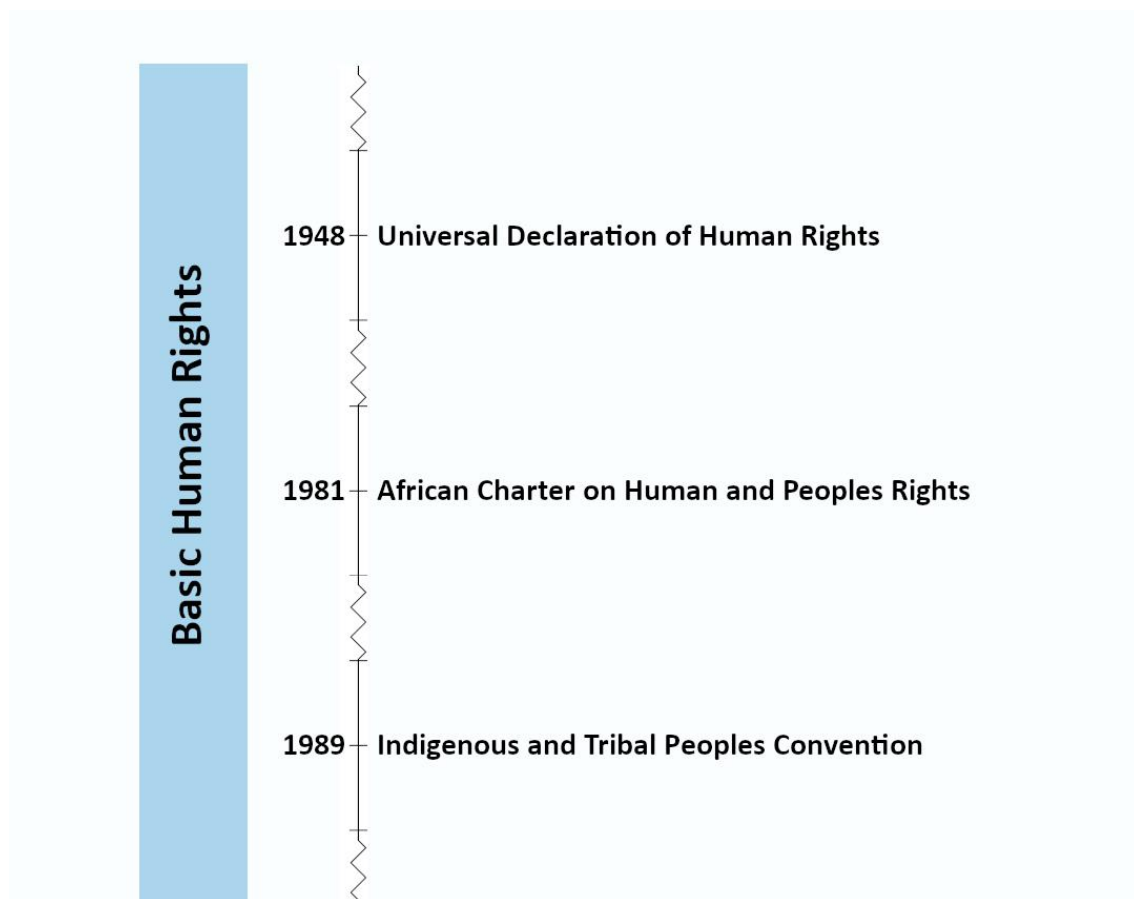


Fig. 5: Governance instruments addressing land and respective phases, pre-2000. Own figure.

**Development Agendas**

| | |
|---|---|
| 2000 | Millennium Development Goals |
| 2001 | OP Involuntary Resettlement |
| 2002 | |
| 2003 | Declaration on Agriculture and Food Security<br>Equator Principles |
| 2004 | |
| 2005 | |
| 2006 | |
| 2007 | Declaration on the Rights of Indigenous Peoples |
| 2008 | |

**Land Investment Regulations**

| | |
|---|---|
| 2009 | Declaration on Land Issues and Challenges in Africa |
| 2010 | Principles for Responsible Agricultural Investment<br>Framework and Guidelines on Land Policy in Africa |
| 2011 | |
| 2012 | Vol. Guidelines on the Responsible Governance of Tenure |
| 2013 | |

**Internalization of Land Norm**

| | |
|---|---|
| 2014 | Malabo Declaration<br>Principles for Responsible Investment in Agriculture<br>Principles on Large Scale Based Land Investments |
| 2015 | Agenda 2063 |
| 2016 | Sustainable Development Goals |
| 2017 | |
| 2018 | Declaration on the Rights of Peasants |
| 2019 | |
| 2020 | |
| 2021 | |

Fig. 6: Governance instruments addressing land and respective phases, post-2000. Own figure.

At the beginning of large investments in land, new governance instruments dealing with this specific issue emerged. Since 2010, the land norm has become increasingly part of several regulations that are not always explicitly dealing with this topic. Rather, it is recognized as a substantial part of human rights and development. To better understand the dynamic and role of land as a norm, the listed rights and regulations are grouped according to the phases, in which they emerged.

## 3.3 Phases of Land Governance

The first phase, *basic human rights*, refers to rights and regulations that offer opportunity structures in the context of land but are drafted as human rights regulations. The *Universal Declaration of Human Rights* (1948), particularly article 17, which is the right to property, and article 25 that refers to an adequate standard of living, housing, and food, provides direct and indirect reference points to land (Cotula 2017; Food and Agricultural Organization of the United Nations et al. 2010; FAO 2012b; McKeon 2014; United Nations 1948). The human rights declaration constitutes a reference point for all regulations that follow in the later phases. It is the foundation for regulations of global governance. Regionally, the *African Charter on Human and Peoples Rights* (1981) provides, on the one hand, another human rights instrument based on the Universal Declaration of Human Rights and on the other, a regional regulation that offers a reference point when it comes to the right of property and the right for compensation (Cotula 2017; Organisation of African Unity 1986).

Some few peoples in Africa explicitly define themselves as indigenous, such as the Maasai in Kenya and Tanzania or the San in southern Africa. The "cultures and ways of life differ considerably from the dominant society, and [that] their cultures are under threat, in some cases to the point of extinction" (ACHPR and IWGIA 2006, 10). This report of the African Commission on Human and Peoples' Rights further states that in the African context, indigenous is not about who was first in a region, but rather which groups are marginalized within society (ACHPR and IWGIA 2006, 10).

Thus, in the context of large-scale land acquisitions in Africa, further global governance regulations offer opportunities for social mobilization of civil society groups. The *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)* (1989[2008]) provides

a framework about traditional land ownership. It is particularly important for African communities in rural areas that usually distribute land with customary rights. Article 10 of the declaration refers to the FPIC, a central element regarding land rights. The declaration further specifies the right to land, protection of dispossession, prohibition of forced removal, and rights for compensation in case of land loss (*United Nations Declaration on the Rights of Indigenous Peoples* 2007; Künnemann and Monsalve Suárez 2014; International Labour Organisation 1991). In the same regard, the *Indigenous and Tribal Peoples Convention* of the ILO constitutes a regulation that links the human rights of indigenous peoples with the protection of their identity, customs, tradition, and institutions (International Labour Organization 1989).

The 2000s mark a new phase in which rights and regulations address the topic of land rather indirectly in *development agendas*. Transnationally, the *MDGs* of 2000 only refer once to ownership in the context of urbanization and slums but still offer, following insights of my fieldwork, a reference point for social mobilization around land. Regionally, the African Union (AU) *Declaration on Agriculture and Food Security in Africa* of 2003 addresses the importance of agriculture as it states that 10% of national budgets should allocate to agricultural development (African Union 2003). This point is repeatedly taken up in social mobilization around land. In reference to development projects, the World Bank OP *Involuntary Resettlement* (2001) addresses tenure security in the context of development projects (World Bank 2001).

With the rise of LSLA, the regulation of land moved into the focus of several rights and regulations for *land investment regulation*. Cross-references between various regulations are very common, especially between the different regulations of the FAO. The main governance instruments that have been studied by academia in the context of land struggles are voluntary guidelines of global bodies, as the UN or the World Bank. These global governance instruments are specifically the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of Food Security* (VGGT, 2012) and the *Principles for Responsible Agricultural Investment that Respect Rights, Livelihoods and Resources* (2010). In both regulations, relations to land are mostly created in the context of food security, livelihood, ownership, and ecology.

Also, the importance of transparency to guarantee the protection of community rights is part of these regulations (FAO 2012b, 3). Based on these instruments, the *Principles for Responsible Investment in Agriculture and Food Systems* (2014) add to the different global regulations that deal with investments and stress the importance of consultation and transparency. The focus of the principles lies specifically on food security and stresses the importance of tenure (Committee on World Food Security 2014, 4, 10).

Regionally, the *Declaration on Land Issues and Challenges in Africa* (2009) focusses mainly on documentation of land ownership and promotes the development of land policies in all African countries (United Nations Economic Commission of Africa 2009). The *Framework and Guidelines on Land Policy in Africa* (2010) address the importance of land governance to enable socio-economic development through agricultural transformation (African Union, African Development Bank, and Economic Commission for Africa 2010). A regulation of the private sector are the *Equator Principles* (2003[2006/2012]), providing guidelines for responsible investments on a large scale by putting ecological and social impacts at the center (Equator Principles 2018; Goetz 2014).

This phase of land regulation interlinks social and environmental concerns, the inclusion of communities to grant transparency, and puts consultation at center of sustainable land investments. Other governance instruments, not specifically focusing on land, still take up these topics in relation to land. It became a self-evident part of human wellbeing and livelihood security. Thus, the increasing inclusion of land led to an *internalization of a land norm*.

This is evident in the Goals of Sustainable Development (SDGs), launched in 2015. In comparison to its preceding MDGs, it addresses land in much more instances, such as poverty, security, gender equality, and environment (United Nations n.d.). The most recent relevant governance instrument is the *Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP)* (2018). It provides a framework specifically for local communities that are not necessarily indigenous and refers to sustainable and transparent land use (United Nations 2018). This regulation was adopted following agrarian movement's pressure to extend UNDRIP to rural communities (Claeys 2015b, 115; Edelman and James 2011). Following Edelman, who

closely studied the struggle for UNDROP, part of the success is based on the interlinkage of topics, especially the right to food, and references to other transnational regulations, such as the MDGs and SDGs (Edelman and James 2011).

Regionally, the AU has developed several governance instruments since 2009 that focus on land and clarify ownership, address community consultation, transparency, equality, and promote sustainability. The AU *Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Livelihoods* (2014) focusses on the continental agricultural development, for which land is central to secure livelihoods and reduce poverty (African Union 2014). The *Guiding Principles on Large Scale Based Land Investments (*2014) promote responsible land investments. Transparency and inclusion are part of the fundamental principles of it to implement responsible investments (African Union, African Development Bank, and United Nations Economic Commission of Africa 2014, 6). The *Agenda 2063* (2015) is a development plan, compiled by member states of the AU. As one of their goals, it links land governance closely to the SDGs (African Union Commission 2015; 2017).

Overall, this depiction shows that land is increasingly recognized in transnational and regional rights and regulations. Each governance instrument is not isolated, but the documents relate to each other. The topic of land itself is associated with other issues, often food security, environmental issues, ownership, housing, and gender. Further, tenure security can, following the different documents, only be granted if investments and development programs include communities and grant transparency.


## 3.4   The Transnational Land Norm in the Context of LSLA

To illustrate the rise of land as a norm in different transnational regulations, the examples of the creation of the VGGT, in the phase of *development agendas*, and of UNDROP, established in the phase of the *internalization of land norm*, are depicted more detailed.

The purpose of the *VGGT* is to "promote secure tenure rights and equitable access to land, fisheries and forests" (Golay 2013, 18). These goals should eradicate hunger, poverty, support sustainable development and protect the environment (FAO 2012a).

They are the first international instrument that focuses on the governance of tenure (Munro-Faure and Palmer 2012, 7; Palmer, Törhönen, et al. 2012, 22). The guidelines, endorsed by the Committee on World Food Security (CFS), provide *general principles* and *principles of implementation.* The former specifically address non-state actors, such as business enterprises, to respect human rights and tenure rights (Munro-Faure and Palmer 2012, 11). The tenure and control of land are framed in the VGGT as a human right (Franco, Monsalve, and Borras 2015, 67). Moreover, the guidelines refer to the special relation of indigenous peoples and communities that own their land through customary tenure systems (FAO 2012b, 14f.).

The beginning of the VGGT dates back to early 2005 when FAO's land tenure staff started developing the idea of a code of conduct and a respective field program (Palmer, Törhönen, et al. 2012, 28). This coincided with the adoption of the FAO Voluntary Guidelines on the Right to Food and the preparation of the International Conference on Agrarian Reform and Rural Development, both platforms to discuss the issue of tenure governance (Palmer, Törhönen, et al. 2012, 29f.). This was followed by several background papers published in FAO-edited paper series and complementary external funding. Different meetings promoted the plans in 2008. This promotion led to Germany's acquisition of broader funding, the International Fund for Agricultural Development (IFAD), and Switzerland, enabling comprehensive consultation processes from 2009-2011 (Palmer, Törhönen, et al. 2012, 28ff.; Munro-Faure and Palmer 2012, 8).

In those consultations, "government officials, civil society organizations, private sector representatives and academics identified and assessed issues and actions to be included in the Guidelines" (Munro-Faure and Palmer 2012, 8). The document was then finalized in intergovernmental negotiations, including "participation of international agencies, CSOs, farmers' associations, private sector representatives and research institutions" (Munro-Faure and Palmer 2012, 8). After several revisions of the guideline's draft, an open-ended working group of the CFS was established and discussed it in 2011 and 2012. Involved actors in those meetings included "member countries, the European Union, international agencies, civil society organizations, farmers' associations, private sector representatives and research institutions" (Palmer, Törhönen, et al. 2012, 33f.).

The need to improve tenure governance is put in the context of rising LSLA to produce biofuels and food, among others. Those investments are often potentially harmful to rural people and communities if land rights are weak or nonexistent (Palmer, Arial, et al. 2012, 48). Likewise, Paoloni and Onorati stress the importance of tenure governance in the context of LSLA (Paoloni and Onorati 2014, 371).

Reflecting on the salience of the land issue, the creation of the guidelines not only coincides but is triggered through the rise of LSLA. The VGGTs purpose is to protect several aspects of social and environmental life. About normative linkages, land is related to several already established norms, such as environmental protection, indigenous and human rights, and especially the right to food. As stated above, framing a new norm as interlinked with already existing ones increases the chances of acceptance and integration.

*UNDROP* was adopted in 2018. It recognizes the rights of peasants and other people working in rural areas, with the rights to "land and other natural resources, the right to seeds, the right to biodiversity, the right to a decent income and livelihood as well as the means of production, and the right to food sovereignty" (Claeys 2019, 2). It combines the particular human rights of peasants, not only individually but also collectively or communally, a crucial characteristic of peasant's reality (Paoloni and Onorati 2014, 381). The creation of UNDROP was mainly pushed by "the affected themselves" (Claeys 2019, 2). In the context of the global food crisis in 2008, the UN human rights system put efforts into exploring its mitigation strategies. Olivier de Schutter, UN Special Rapporteur for the Right to Food, suggested strengthening peasant rights, which he framed in the context of the right to food (Golay 2013, 6f.). In this respect, La Via Campesina (LVC) was invited to present its approaches to counter the crisis (Golay 2013, 6). As a result, an open-ended intergovernmental working group was created.

A final study of the UN Human Rights Advisory Committee in 2012 on the rights of peasants and others working in rural areas recommended "(a) to better implement existing international norms, (b) to address the normative gaps under international human rights law, including by recognizing the right to land, and (c) to elaborate a new legal instrument on the rights of people working in rural areas" to protect vulnerable groups (Golay 2013, 8). Commenting on the final report of the Advisory Committee,

Golay (2013) identified a couple of new rights included, which are: "the rights to land and territory (art. 4); the right to seeds and traditional agricultural knowledge and practice (art. 5); the right to means of agricultural production (art. 6); … the freedom to determine prices and markets for agricultural production (art. 8); the right to the protection of local agricultural values (art. 9); the right to biological diversity (art. 10); and the right to preserve the environment (art. 11)" (Final study of the Human Rights Council Advisory Committee, 2012, after Golay 2013, 12). Some of those rights have already been recognized before, as the right to land and territory in UNDRIP. However, only for a specific group (Golay 2013, 12). In sum, in UNDROP, land is recognized as a key element of the human rights of peasants and development.

As in the VGGT, the purpose of UNDROP focuses on social and environmental protection. The main reason for creating this regulation is the protection of people working in rural areas and not the protection of tenure of land per se. The rights of peasants and the right to land are, as in the VGGT, framed closely to already established norms, most importantly the right to food, but also biodiversity and human rights. Additionally, similarities with the rights of indigenous peoples are reflected. In both, affected actors participate in the creation process, which increases the legitimacy of transnational instruments (Malets and Quack 2017, 334).

## 3.5   Struggling for a Right to Land

The description of the two instruments with land in the focus or land as an established norm, points towards an essential group of actors included in the creation process of the governance instruments, namely CSOs. Peasant activists pushed for the adoption of both regulations and claimed to include land, closely related to food sovereignty (Claeys 2015a, 2). Historically, peasant movements, including LVC and the International Planning Committee for Food Sovereignty (IPC)[12], claimed for the governance of and access to land already since the 1990s (Paoloni and Onorati 2014, 379).

In the established working group on the *VGGT*, the Food First Information and Action Network (FIAN) provided a draft for the guidelines. In this document, land was

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[12] The IPC is a platform of small food producers, including more than 42 global and regional networks (Paoloni and Onorati 2014, 370).

normatively embedded in universal human rights but also put into context with the UNDRIP, and the concept of FPIC (Art. 24 & 28 FIAN International 2011, 9ff.). Further regulations, serving as reference points in their draft deal, were development, human settlement, and agrarian regulations (Art. 29 FIAN International 2011, 11). Last, relations to existing norms were drawn to environmental regulations, such as the Rio Declaration or the Agenda 21 (Art. 36 FIAN International 2011, 13). In the ongoing discussion, the FAO draft provided the negotiation basis, and the FIAN guidelines served as a counter-proposal during negotiations (Paoloni and Onorati 2014, 380).

Due to the long engagement and trajectory of social movement claims around land issues, activists were able to provide valuable insights to the working group once the issue of land was taken on the agenda of the FAO. The actors embedded land in the normative environment of human, indigenous, and environmental rights. Considering the different steps of norm adoption, once the gatekeeper organization FAO was on board, taking up the tenure of land as a norm proceeded. Taking the creation of this regulation on the agenda is related to the overall economic development, namely the rise of LSLA. According to Edelman et al., the guidelines were adopted as a "response to the growing phenomenon of LSLTS [large-scale land transactions] and intense civil society pressure", in other words, the salience of the topic (Golay and Biglino 2013, 1642).

The creation of *UNDROP* can be traced back to 17 years of struggles from peasant organizations, initiated in 2001 by LVC at the UN Human Rights Commission in debates over the right to development (Claeys and Edelman 2020. It followed the LVC Declaration of Rights of Peasants – Men and Women (2008), first drafted in the late 1990s after consultations of peasant communities in Indonesia. Between 2002 and 2008, it was revised further, and by that time, not only a particular document about peasants in Indonesia but gained interest at and contributions from the international scale (Claeys 2014, 8; Golay 2013, 5f.). This draft not only included the right of peoples to food sovereignty, which is the main claims of LVC since its founding in the mid-1990s but also claims about "the 'right to land and territory', the 'right to means of agricultural production', the 'freedom to determine price and market for agricultural production', the 'rights to the protection of agricultural values' and the 'right to biological diversity'",

which have been adopted in the LVC rights repertoire in the 2000s (Via Campesina, 2008, after Claeys 2014, 7; Golay 2013, 5).

LVC, together with human rights experts, successfully claimed for the adoption of those rights in the UN Human Rights Council, which resulted in a resolution[13] with the purpose to draft a UN Declaration on the Rights of Peasants and other People Working in Rural areas in 2012 (Claeys 2014, 9). This resolution came up after LVC created links with right to food experts, such as the Olivier De Schutter, FIAN International, and the think tank Centre Europe-Tiers Monde (CETIM) (Claeys 2019, 6). Last, the Permanent Representation of Bolivia was a critical ally in the Human Rights Council, whose ambassador supported their claims (Claeys 2019, 7).

Regarding the process of norm establishment, an additional aspect should be mentioned here. As the initial document of LVC was based on claims of Indonesian communities, the later adopted global normative instrument has its regional origin in Indonesian communities. This said, global norms do not only, as often assumed, spread from the global to the regional (Acharya 2014, 405f.). The trajectory of the UNDROP creation dates back to several years of social movements working towards adopting the guideline. Well-established norms were stressed, such as of biodiversity but especially food sovereignty. A huge step for the progress of adopting the rights of peasants was, following Claeys (2019), the creation of allies, particularly in the context of the right to food.

On the temporal dimension, the focus on the creation of the regulation moves again to 2008. Claeys describes the global food crisis as an opportunity structure used by LVC to bring the issue of peasant rights to the UN Human Rights Council (Claeys 2019, 6).

The evolution of the land norm and activist's involvement in these two examples are no single cases. For instance, in UNDRIP, activists struggled to push for regulations protecting their rights and lives (Charters and Stavenhagen 2009). However, though terms such as "empowerment" or "sustainable development" are increasingly adopted in transnational governance instruments, Rodríguez-Garavito (2010) critically discusses this "governance paradigm". In the context of his concept of ethnicity.gov, which refers

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[13] A/HRC/21/L.23

to the "juridification of ethnic claims", he argues that while adopting key terms, power relations remain untouched (Rodríguez-Garavito 2010, 16).

Resuming the struggles for creating VGGT and UNDROP with a focus on land, it becomes obvious that several elements of norm creation shaped the process. While the VGGT is about land ownership and secure land use, UNDROP is a human rights regulation understanding, in Finnemore's and Sikkink's words, land as a taken-for-granted norm. Due to increasing LSLA, land tenure problems gained more attention in the transnational arena, in other words, salience. While social movements already claimed for land and peasant rights before, they were broader recognized in the context of LSLA. Those who claimed to adopt land issues in governance instruments pointed towards the interlinkage between land and already established topics, such as human rights, development, and ecology. The creation of such norm clusters facilitated the acceptance of the topic as interrelated to already existing norms.

## 3.6   National Governance in Struggles around Land

As this thesis looks at multilevel governance, I will briefly address the national governance of land and other related rules that offer opportunities for social mobilization around LSLA. As the case studies of this dissertation are located in Mozambique, I will also give some examples of domestic legal instruments that offer resources for struggles around LSLA.

While 90% of land ownership in Africa is regulated through customary rights, several countries, such as Kenya, Ghana, Madagascar, or Mozambique, focus on land in the national legislation. Depending on the overall system, either in the form of ownership or controlling rights (Coyle 2015; Huggins 2012; Cuskelly 2011, 9f.; Borras and Franco 2012, 50). The content of the rights varies from country to country, but the implementation is often deficient. Many national regulations date back to the late 1990s, some have been developed later, and several are currently under modification (Coyle 2015; Nkuintchua 2016). The regulations mainly stress the importance of legal ownership registration, sometimes of individuals and communities. In the context of land deals, affected people can often refer to the right to compensation if investors target their ground (Nkuintchua 2016). The Mozambican land law is often labeled as

"one of the most progressive land laws" because customary rights build its base (Borras and Franco 2012, 50; *Lei de Terras* 1997). Though not developed during the phase of LSLA but already in the mid-1990s, CSOs played a key role in the creation of the Mozambican land law. The trajectory of this law is depicted more detailed in chapter 4.2.

In addition to the land law, other domestic legal instruments come into play in the context of LSLA in Mozambique. These are the *environmental law* (1997), the *labor law* (2007), the *decree of resettlement* (2012), and the *right on information* (2014). Before starting, social and environmental assessments are required for planned investment projects (República de Moçambique 1997). The *decree of resettlement* is crucial if an economic activity, whether public or private, leads to the resettlement of individuals or communities. It ensures that resettled individuals and communities obtain equal or better living standards (República de Moçambique 2012). The right to information is also important in the context of investment planning, as the local communities must be informed about plans in an encompassing manner (República de Moçambique 1997). Looking at all levels of governance in this dissertation, the local level is not forgotten. However, as described above, in the case of Mozambique, customary law and national legislation are harmonious in the context of land.

To wrap up, multilevel governance instruments offer opportunity structures for social mobilization around LSLA. Thematically, a broad range of national laws address different aspects that relate to potential impacts of large investments. Regionally and transnationally, social movements can refer to several rights and regulations that increasingly deal with land or include the land norm. The development of the land norm was strongly shaped by civil society actors. By doing so, they pushed for instruments that can be useful in different campaigns around LSLA. As investments in land are often obscured, the interlinkage of land rights to community consultation, inclusion, and transparency is vital for struggles around land. As depicted along the description of governance instruments in the different phases, these aspects are often connected. Already mentioned in this chapter, the Mozambican land law is a fascinating national law regarding community rights and is one of the reasons why the cases of research are located in the country.

# 4   Approaching the Cases

To identify suitable cases for the analysis of social mobilization in relation to multilevel governance in situations of lacking information, I looked at different characteristics relevant to this research. First, based on the data of the Land Matrix, I compared the number of land deals, the size of land deals, and the size of the land deals in relation to the size of the countries in Sub-Saharan Africa, as the main target region of LSLA. Second, I compared different indices of civil freedoms [14], assuming that the population should be at least partly free to be able to socially mobilize against a project of LSLA.

After these steps, I narrowed the potential countries, as the national contexts to select the case studies, down to Ghana, Liberia, Sierra Leone, and Mozambique. In all four countries, more than 2.5% of the surface were by the time of case selection in 2018 addressed by land deals. At the same time, in all four countries, civil freedoms are at least partly given. As this research looks at LSLA in relation to multilevel governance, Mozambique proved as particularly interesting. While the country is targeted by several large-scale land deals, the legal protection of customary land rights is described in the literature as exceptional and progressive (Borras and Franco 2012, 50). Moreover, CSOs participated and influenced the design of the land law in debates around it and were able to assert their interests against others (Kloeck-Jenson 1997, 2). The combination of all these factors, the number and size of LSLA, the extend of civil freedoms, the national legal framework, and the influence of CSOs makes Mozambique a captivating context to study cases of social mobilization around LSLA.

## 4.1   The National Context of the Cases

Mozambique lies in southern Africa (see map 1), sharing borders with South Africa and Eswatini in the South, Zimbabwe, Zambia, and Malawi in the West, Tanzania in the North, and has a costal line of more than 2,500 km. The country is administratively governed in 11 provinces of which one is the capital of Maputo (Instituto Nacional de Estatísticas 2021, 10). The country has around 30 million inhabitants of which more than 54% are living in the northern provinces of Nampula, Niassa, Zambezia, and Cabo Delgado, around 25% in the central provinces of Tete, Manica, and Sofala, and 21% are

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[14] Bertelsmann Stiftung 2018; Freedom House 2017.

living in the southern provinces of Inhambane, Gaza, Maputo province and Maputo city (Instituto Nacional de Estatísticas 2021, 16).



Map 1: Mozambique. Own compilation, based on Open Street Map.

Politically, the country is a presidential democracy. The electoral system was established in the General Peace Agreement of 1992, which defines that the Assembleia da República, the Republican Assembly, consists of 250 seats, elected in a proportional manner, that elects the president (Sanches 2018, 124). After independence from the

Portuguese colonial rule in 1975, the Frente de Liberação de Moçambique (Frelimo), which led the armed struggle, established a socialist single-party system (Sanches 2018, 122). At the third congress of the Frelimo in 1977, it officially transformed from the resistance group to a political party with a Marxist-Leninist ideology. This included "the dissolution of regional, religious and ethnic divides; its confirmation as the sole legitimate party; the exclusion of rural inhabitants and traditional chiefs (régulos); and the dismantlement of traditional power systems that were seen as compromised by Portugal's colonial rule" (Florêncio 2008 after Sanches 2018, 123). While the Frelimo was supported by the Soviet Union, Cuba and other communist countries, the Resistência Nacional Moçambicana (Renamo) group was founded with the support of white Rhodesians, South African Special Forces and Malawians, also later supported by the USA, and launched the Mozambican civil war in 1977. Due to global powershifts and consequential decreasing international support in the late 1980s, peace talks between the two groups were initiated in 1989 and resulted in the General Peace Agreement that was signed on 4 October 1992 (Sanches 2018, 123f.).

Frelimo won every election since the first general elections in 1994 and Renamo remained as opposition party. In 2009, the Movimento Democrático de Moçambique (MDM) was formed and became another player on the political landscape (Sanches 2018, 127). In 2012, violent conflicts reemerged, as Renamo claimed a share of power. While a temporary ceasefire agreement was made in 2014 to enable the general elections, the conflict continued, as Renamo did not accept the results of the 2014 elections and only in August 2019, a new peace agreement was signed before the next general elections took place in October of the same year (Sanches 2018, 121; Vines 2019, 3). Analyzing the turnout rates of elections in Mozambique since 1994, Sanches concludes that Frelimo conserves its power through particularistic and clientelist appeals towards citizens (Sanches 2018, 145).

Economically, Mozambique's transformation from Socialism began in the 1980s, when the Frelimo adopted structural adjustment programs that intended to liberalize the economy (Obarrio 2014, 32). Today, about two thirds of the population are living and working in rural areas, mostly as small-scale farmers (see figure 7). The gross domestic product (GDP) of the country in 2019 is $15.39 billion (Statista 2021b). Of the GDP

distribution, 39.9% fall into the service sector, 22.8% in the industry sector, and 26% in the agricultural sector in 2019 (Statista 2021a).

The country is rich in natural resources, including recently discovered natural gas offshore. It has a infrastructurally strategic location, as it has three deep seaports and four of its neighboring countries are landlocked (The World Bank Group 2021).



Fig. 7: Small-scale farm (*Machamba*) in Mozambique. Own picture.

The economic growth in the first half of the 2010s in Mozambique was highly concentrated in development corridors that often date back to colonial infrastructural corridors in the North, Center, and South of the country (Obarrio 2014, 34). Following the five-year program of the Mozambican Government of 2015-2019, FDIs are supposed to be a main source of economic growth. Already since the 2000s, FDIs play an increasingly important role in the Mozambican economy (Sambo 2020, 281f.). Slowly increasing since the 2000s, the investments more than quadruplet from 2010 to 2015. More than 50% of the FDIs are investments in extractive industries, including coal, gas, and other natural resources (Sambo 2020, 290f.).

Juridically, the legal system is set through the Mozambican constitution. As this thesis explores multilevel governance, it is important to elaborate on the structure of courts. First, judicial courts are dealing with civil and criminal cases. They include the supreme court in Maputo with national jurisdiction and the court of appeal, also in Maputo, which hears appeals from provincial courts. In each province is one provincial court and, in every district, should be also a district court, however this is not the case in reality. Labor courts are also part of the judicial courts (Assembleia da República 1975, 71–74; Rainha

and Massarongo Jona 2013). Second, the administrative court is superior to three customs courts and three fiscal courts in the country (Assembleia da República 1975, 71–74; Rainha and Massarongo Jona 2013; Tribunal Administrativo n.d.). Third, the community courts function since colonial times and are widespread institutions dealing with civil disputes and small crimes (Assembleia da República 1975, 71; Rainha and Massarongo Jona 2013).

## 4.2    The Trajectory of Mozambican Land Regulation

As the Mozambican society is constituted by several different ethnical groups, customary land distribution is likewise not uniform in the whole country (Myers 1995, 10). Still, what can be said in a generalizing way is that land rights in Mozambique are traditionally based on inheritance. This is confirmed either by social memory, a "founding 'myth'" of the lineage or based on ancestral spirituality (Myers 1995, 11).

Looking at different legal systems applied throughout history, though Vasco da Gama's landing at the island of Mozambique in 1498 marked the beginning of Portuguese colonial rule, they only later introduced a legal system of land control (Mondlane 1983, 23). The Portuguese interest in areas on the mainland remained low until the eighteenth century, when they gained interest in the space between Cabo Delgado and the Zambezi basin, a zone stretching to the gold mines of Monomotapa, located in today's Zimbabwe. Controlling this corridor supported Portuguese wealth and enabled the introduction of Portuguese missionaries and thereby Christianity in East Africa (Mondlane 1983, 24).

During the seventeenth and eighteenth century, the Portuguese introduced the *prazo* system. *Prazeiros*, Portuguese settlers, owned large stretched or land and the people living on it, very similar to feudal landowners (Mondlane 1983, 25). While the *prazo* system first covered only land strips along the coast, today's Mozambique was conquered after the Berlin Conference in 1884/85, when this area was assessed to Portugal (Mondlane 1983, 26). In the 1890s and 1900s then, the Portuguese colonial administration structured the country along provincial governors (Mondlane 1983, 28). Additionally, by collaborating with traditional rulers, the Portuguese kept control and power. The traditional chiefdoms were split into smaller units and the chiefs were responsible towards the circuit administrator or the *chefe do posto* (Mondlane 1983,

29). Ignoring cultural differences between the North and the South of the country, the Portuguese created artificially similar power structures to the South, by naming old land claimants or those who cooperated willingly as *regulos*, even though local elders traditionally represented the highest institution of power in the North of the country, without chieftaincies (Myers 1995, 13).

Within the area of three companies set up by the Portuguese government in central and northern Mozambique, large plantations and estate farms were set up for cash crops. In this context, more land, which was not yet taken by *prazeiros* from the Africans was expropriated (Mondlane 1983, 30f.; Myers 1995, 14). In this period, foreign investors implemented infrastructural projects, such as ports, railways, and mineral extraction. However, attracted stronger by South Africa's natural resource exploration, several of them abandoned the country soon after (Mondlane 1983, 30). In 1901, a land policy regulated that all land not owned privately turned into state's ownership. Neglecting traditional land tenure systems, African owned land turned into governmental one (Mondlane 1983, 31). This process excluded Africans from large stretches of land, displacing them to less fertile areas (Adalima 2016, 44). They could either use land in 'native reserves' or had to prove that they were using land already for twenty years. However, the land was only granted if nobody else was interested in using it and colonizers could easily dispossess Africans (Adalima 2016, 44f.). Mondlane concludes that the system of "a centralized net of authoritarian administration; the alliance with the Catholic Church; the use of companies, frequently foreign, to exploit natural resources; the concession system; forced labour, and the extensive export of workers to South Africa" remained, besides minor changes, the same until the time he wrote his book in 1969 (Mondlane 1983, 33f.).

In 1979, four years after independence, a first land law was passed that focused on the family sector, referring to households and communities. It conforms with the Constitution of the Republic of Mozambique of 1975, which says that the state determines the conditions of the use and exploitation of land (Art. 8, Assembleia da República 1975). It was supporting a collective villagization agenda (Obarrio 2014, 49).

The post-independence land tenure in Mozambique was based on Frelimo's socialist ideology, which "viewed free markets, international capital, and decentralized control

over political and economic resources as incompatible" with its approach (Myers 1995, v). The constitution and land law were consequently created in this understanding. Land cannot be owned other than by the state itself which grants the right to use and benefit from land (*DUAT*= Direito de Uso e Aproveitamento da Terra) (Myers 1995, v). Frelimo followed three programs of structuring agricultural production, namely collectivized farms, villagization, and state farms. The Land Tenure Center, a research group of the University of Wisconsin Madison in cooperation with the Mozambican Ministry of Agriculture identified in 1991 around 100 farms, covering around 500,000 – 700,000 ha of land (Myers 1995, v). The collective farms date back to the 1960s, when Frelimo created such on liberated areas of the country, where food for farmers and the Frelimo fighters was produced. These farms worked as models for rural administration of the country after independence, using the former colonial landholdings (Myers 1995, 6).

The villagization program since 1975 resettled more than 20% of the Mozambican population, especially in the North (Myers 1995, 7; 15). Officials installed in the communal villages took over the role of traditional leaders. While in some regions, traditional leads were granted positions in local administration, this was not implemented everywhere and led to tensions and hostility (Myers 1995, 15). Both state farms and villagization affected agricultural production negatively, was very costly, and created conflicts over land use between smallholders as well as dissatisfaction towards this governmental decision (Myers 1995, 7f.). The production on the state farms was also largely a loss business, which Frelimo admitted on its party congress in 1984. In consequence, the farms were privatized, leased or closed in 1989 (Myers 1995, v).

1984 also marks the year in which private enterprises in the agricultural sphere gained more attention by Frelimo. This is linked to a structural adjustment program PRE (Programa de Reabilitação Económica) of 1987, which included "market-friendly policies" such as private commercial banking, and price incentives in the agricultural sector, among others (Myers 1995, vi). Additionally, this program was donor-supported through economic recovery, structural rehabilitation, demobilization support, and others (Myers 1995, 8). In 1995 then, a new land policy was drafted by Frelimo, which liberalized some parts of the land law, as it addressed investments and the possibility to

consult and negotiate with local communities about investments (Obarrio 2014, 49; Resolução No 10/95, República de Moçambique 1996a).

The current land law, *lei de terras,* was settled in 1997, five years after the first national conference of land, which provided a space for dialogue between a large range of actors in Mozambique (Kloeck-Jenson 1997, 1; Quadros 1999, 2). It followed the policy of land, which was created after debates with a broad range of actors, including officials, CSOs, international organizations, peasants, and others (Secretariado Técnico da Comissão Interministerial de Revisão da Legislação de Terras 1996, 11–17). It is based on traditional land distribution and use. The policy of land strengthens on the one hand the rights of small scale farmers and farming families by acknowledging customary rights, and on the other hand also clarifies that private investments, both domestic and international, are welcome to promote development (*Lei de Terras* 1997; República de Moçambique 1996b; Monjane 2019; Kloeck-Jenson 1997). The 1997 land law was drafted in a discourse between increasing neoliberal interests and civil society groups' claims, particularly the peasant organizations UNAC[15] and ORAM[16] (Monjane 2019, 33; Quadros 1999, 3). As a result of this negotiation, still, land cannot become private property, even though "some donors wished so"[17] (Kloeck-Jenson 1997, 2). After the approval of the land law, CSOs supported the dissemination of the law in the context of a land campaign (called *Campanha Terra*) (Quadros 1999, 4).

One of the main reforms was the establishment of mechanisms for the participation of local communities in land titling processes to clarify whether land of interest is already occupied to avoid the usurpation of land (Kloeck-Jenson 1997, 3; *Lei de Terras* 1997). The DUAT exists if a person or a local community uses the land for at least ten years and has witnesses about this use. The allowance of land use in such cases is in place, even without formal registration. This DUAT can be registered at the public registration services (Direcção Nacional de Geografia e Cadastro) to get the official paper. However, even without this document, the right to land is untouched (Art. 12-14, *Lei de Terras* 1997). The procedure to get a new DUAT depends on the type of applicant, differentiating (groups of) private persons, either Mozambicans or foreigners, or

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[15] União Nacional de Camponeses = National Peasants Union.
[16] Associação Rural de Ajua Mútual = Rural Association for Mutual Support.
[17] "como desejavam alguns doadores" (Kloeck-Jenson 1997, 2).

investors. In any case, local communities must be consulted to ensure that the land is unused and available before a DUAT is granted. If the land is used for family farming or habitation by nationals, there is no expiration date of the permission, which can also be passed on through inheritance (Art. 13 & 17, *Lei de Terras* 1997).

According to the land law, if a DUAT is requested for economic activities, at least two community consultations are a prerequisite in which affected communities are first informed about a planned investment. In a second (or further) consultation, they can agree, disagree or negotiate benefits or compensations of the projects (Art. 1, Ministério da Agricultura 2011). After finding an agreement, a provisional DUAT is granted based on an exploration plan and is only transferred to a 50-years DUAT if this plan is implemented. Nationals have five years to use the land according to their plan, and foreigners have two years. Otherwise, the provisional DUAT will be withdrawn (Art 17, 25 & 26, *Lei de Terras* 1997). The competency of granting a land title depends on the size of the area. The provincial governor grants areas between 0 and 1000 ha, grants for spaces between 1000 and 10,000 ha are in the responsibility of the Ministry of Agriculture, and the Council of Ministries decides about areas above 10,000 ha (Tique 2002, 6). Any DUAT can also get revoked for the sake of public interest if it is fairly compensated (Art. 18, *Lei de Terras* 1997). The land law as depicted here shows that customary rights in Mozambique are well protected on paper. However, the implementation of these rights is deficient and in several instances contradicts this law (Tamele 2020).

Today, the land law underlies a debate about its revision. In November 2017, Filipe Nyusi, the president of the Republic of Mozambique announced a process for the revision of the land policy. He stressed that the land would remain in the ownership of the state. To adapt the rule to the socioeconomic developments of the country, the government started official public hearings in July 2020. In the same month, the Ministry of Land and Rural Development and CSOs signed a memorandum of understanding to participate in the hearing process (Centro de Integridade Pública 2021, 5f.). Thus, CSOs are invited to the revision process of the law, as in the case of the land policy and land law in the 1990s. While the cited report states that this revision bears the opportunity to clarify some of the ambiguities of the current law (Centro de Integridade Pública 2021,

5f.), activists during my fieldwork also mentioned worries about a potential liberalization of the law. Other actors whereas supported the necessity to revise and adjust the law to today's situation.

## 4.3   Large-Scale Land Acquisitions in Mozambique Today

As already mentioned regarding the national economy, foreign investments are part of the national economic growth strategy. Parallelly, I described in the introduction of this chapter, that Mozambique is one of the main targets of LSLA in comparison to other Sub-Saharan Countries. Though stated in chapter 4.1 that extractive industries constitute the main share of FDIs, two aspects must be considered. First, not every deal
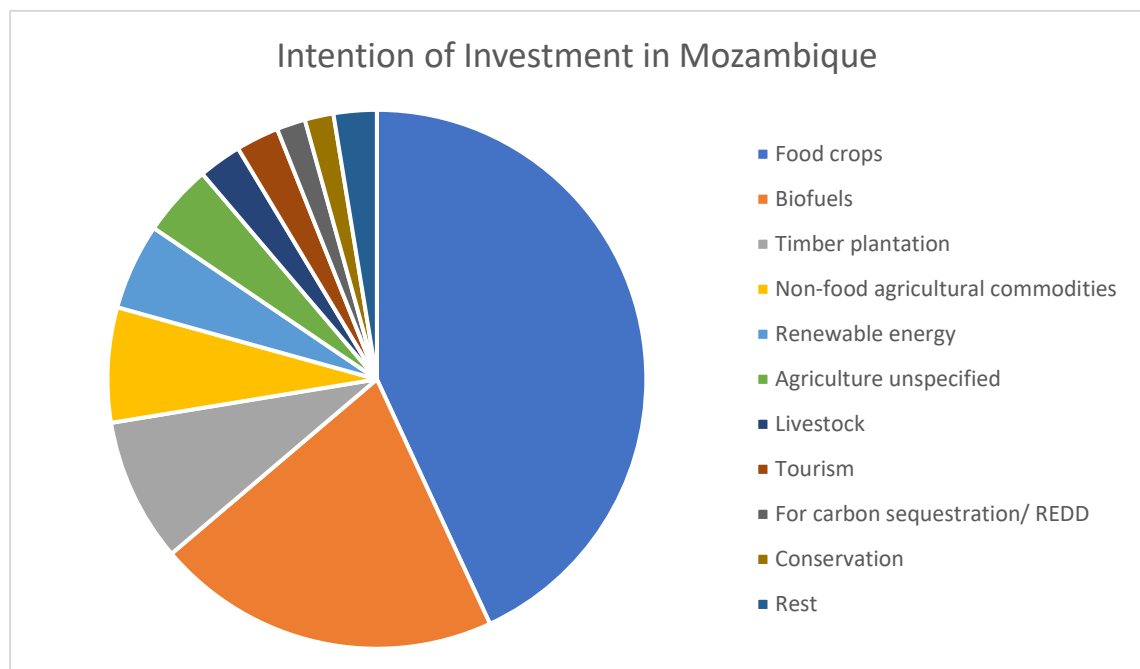


Fig. 8: Intention of large-scale land investments in Mozambique. Own compilation based on The Land Matrix 2021.

of LSLA is necessarily an FDI but can also appear in forms of development cooperation or others. Second, though the financial volume of FDIs in the extractive industries might be higher, in absolute numbers, Land Matrix lists more agricultural deals (see figure 8). Based on the data of Land Matrix, I decided to choose two agricultural LSLA projects as the case studies for the research. The following sections give an overview of the two cases, Wanbao and ProSavana, and an outline of the social mobilization around both.

## 4.4 The Case of Wanbao

The Wanbao project is a private investment for rice cultivation in and around the city of Xai-Xai in Gaza province in the South of Mozambique (see map 2). Rice has been produced in the area since colonial times, where the Portuguese constructed an irrigation scheme in the1950s, the *Regiado do Baixo Limpopo* (RBL) to control the Limpopo river nearby (Chichava et al. 2013, 107; Ganho 2013, 4). After shifting control of the scheme along the historical development in the country, in which it was abandoned for some time[18], the RBL today governs around 12,000 ha that are organized in 12 blocks (Ganho 2013, 7).
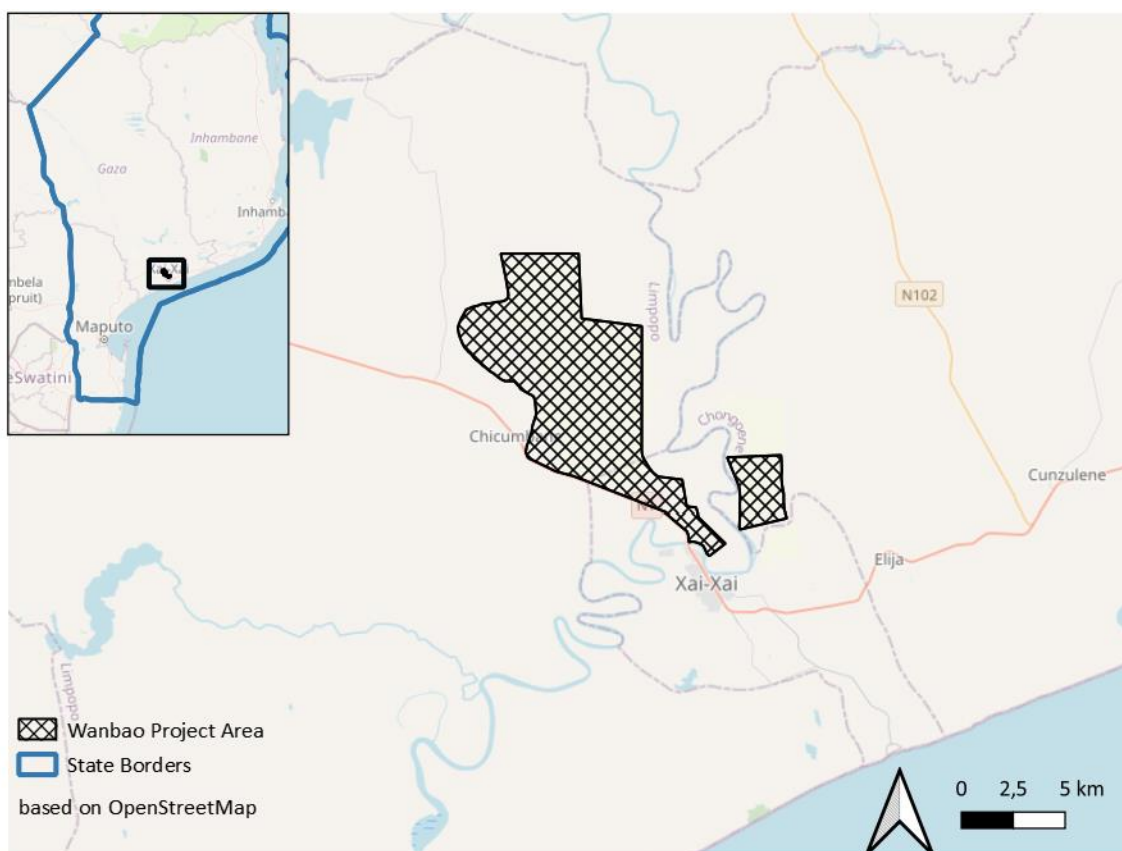


Map 2: Wanbao project area. Around Xai-Xai, Gaza province. Own compilation. Note: The extension of the project area is depicted differently in different sources. Based on Open Street Map n.d.; RBL, E.P. 2012.

While the Wanbao project started in 2012, it was preceded by another Chinese project, the bilateral Hubei Lianfend Mozambique Co Ltd. (HLMO), between the provinces of Hubei in China and Gaza in Mozambique, dating back to 2005 (Chichava et al. 2013, 107; Chichava 2014b, 129). In 2008, Chinese scientists tested different rice types in the area

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[18] For a description of the control at different stages, see Ganho, 2013, 4-8.

in 2008 and 2009. This project from the Chinese Academy of Agricultural Sciences was supported by the Gates Foundation (Chichava et al. 2013, 107). After further tests in the cultivation of varieties of rice on a smaller scale of 150-180 ha in 2011 and 2012, the company ended the project. Then, a private investor from the same province in China took over (Chichava et al. 2013, 107; Ganho 2013, 10). The company Wanbao África Agricultural Development, Ltd (hereafter Wanbao) is filial of the Chinese Wanbao Grain and Oils company originating in the Chinese Hubei province (Khan n.d.).

The Wanbao project is drafted as a development program for local farmers to improve their rice production through technology transfer and the introduction of more productive varieties of rice, very much alike the preceding project. Originally, the project got a DUAT for an area of 20,000 ha to produce rice and build processing facilities (Chichava et al. 2013, 107; Ganho 2013, 10). It unfolds within the governmental strategy plan for agricultural development and use rights were granted for 50 years (Justiça Ambiental 2016, 12, 15; Madureira 2014, 18f.). Following an NGO report, a total of around 80,000 inhabitants[19] are living the project area (Justiça Ambiental 2016, 13). Following a five-year plan of the project in 2013, it intended the cultivation of 8,000 ha of rice and 2,000 ha of sugarcane for local markets (Bräutigam and Zhang 2013, 1688; Chuanhong et al. 2015, 13). In 2014, it was still only using around 7,000 ha of the area concessed (Chichava 2014a, 3).

Once Wanbao took over and started in 2012, it provoked social mobilization of civil society on different scales. As the HLMO project never started on a larger scale, the Chinese activities only received attention once Wanbao took over and initiated the project (Wise 2019, 72ff.). Quickly after the beginning, concerns about displacement, water management and "debates over who wins, and who loses" started (Chichava et al. 2013, 108). Specifically, the project began by plowing small-scale farms with tractors and other machines. These farms, with crops partly ready for harvest, were used by around 500 producers, confronted with the loss of their land and harvest (Justiça Ambiental 2016, 15; Wise 2019, 72ff.). As a reaction, a group of female peasants organized and reached out to the district government but was not received. As a

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[19] Numbers about inhabitants in the area, and especially numbers about people affected by the project vary hugely(see e.g., Chichava 2014a, 4).

consequence, they gathered at their farms to block the land from ongoing destruction (Justiça Ambiental 2016, 15f.). The Wanbao staff in turn did not see their activities as illicit, because the land was granted to them by the government, being consequently responsible to solve this dispute (Chuanhong et al. 2015, 12).

Parallelly, NGOs from Maputo went to the area to find out more about the ongoing project and were able, after some unsuccessful requests, to meet with the RBL. As a result of this meeting, RBL administered Wanbao to return the land which happened in the same year. However, in 2013 Wanbao started again works on the same land, provoking larger resistance from a network of associations and NGOs of national range (Justiça Ambiental 2016, 16). Part of this social mobilization included a protest which ended in handing over a petition raising several claims in 2014, and an open letter to the then president of the Republic, Armando Guebuza, by an provincial NGO network in the name of the farmers (Chichava 2014a, 4; Justiça Ambiental 2016, 16; "Petição 1" 2014). Besides these activities, requests about the project are repeatedly raised at the *Observatório de Desenvolvimento* (Observatory of Development). In every province, these platforms are organized to exchange about economic and social development and civil society and governmental bodies meet biannually (see e.g., Governo da Província de Gaza 2017). Other continuing activities include the exchange of affected communities and NGOs, still struggling to get their land back and compensations for their destroyed crops (Justiça Ambiental 2016, 24).



Fig. 9: Wanbao rice processing site. Own picture.

According to an interviewee in 2019, the project area was reduced to 8,000 ha (Based on Activis F, 20/04/2019). The area suffered flooding in 2013 and in 2015, a loan from the Chinese government was canceled due to the risk of further flooding and since then,

project financing was insecure (Wise 2019, 80). During my fieldwork in 2019, the Wanbao project was still partly working. The cultivation of rice continued. One processing site in the Eastern part of the project area was



Fig. 10: Wanbao rice advertisement in Maputo: "*Wanbao rice, Mozambican rice*". Own picture.

abandoned but another processing site at the Western part was active (see figure 9). Also, I spotted various advertisements for the rice of Wanbao in Maputo (see figure 10).


## 4.5 The Case of ProSavana

ProSavana is a trilateral development project of the governments of Mozambique, Brazil, and Japan. The project was planned in the Nacala Corridor, a stretch of land extending from the mining area in the Central Tete province through Malawi, and the Northern provinces of Niassa, Zambezia, and Nampula until the port of Nacala (Chiposse Cabrão 2016, 266; Selemane 2017, 2). The *Nacala Agricultural Growth Corridor* is a project aiming to advance the railway system in the area by a joint venture of Brazilian Vale, Japanese Mitsui, and the Mozambican railway company CFM (Bussler 2019, 229). The overall infrastructural project is one of five corridors to develop the agricultural sector of the country (Bussler 2019, 229).

One of these development programs is the ProSavana project, which is short for *Program of Triangular Cooperation for Developing Agriculture in the Tropical Savannahs of Mozambique*. Initially it was supposed to cover parts of the northern and central provinces of Niassa, Zambezia, and Nampula, an area of 19 districts, including around

4.3 million inhabitants (Mosca and Bruna 2015, 2, 11; see map 3). The information about the actual project size varies hugely. While some civil society groups and media sources talk about up to 14.5 million ha, the stated size of the area varies between 6 million[20], 10 million[21] and 14.5 million[22] ha. An interviewee involved in the ProSavana project said that the project would have never been planned on such a large extent and this number would be based on a misunderstanding (Based on IO Staff C, 11/06/2019).
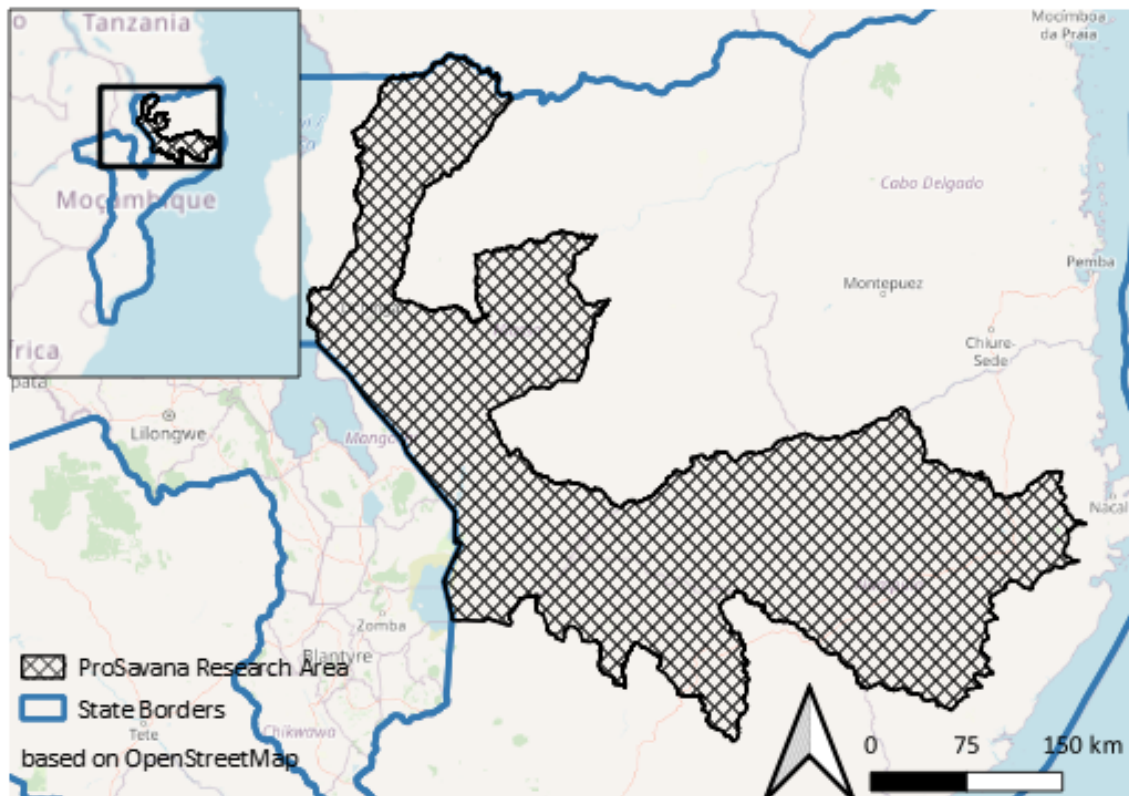


Map 3: ProSavana research area. Northern and Central Mozambique. Own compilation, based on Ministério da Agricultura e Segurança Alimentar 2015; Open Street Map.

The original project purpose was planting soybeans and maize on plantations, following the example of the *Programa de Cooperação de Cooperação Japão-Brasil para o Desenvolvimento dos Cerrados* (Prodecer) in the Brazilian Cerrado area which is characterized by large plantations cultivated in the 1970s with the support of Japanese investment (Mosca and Bruna 2015, 12; Selemane 2017, 10; Wise 2019, 49). Following the first version of the ProSavana master plan, the plantations in the Cerrado increased food production in Brazil. The country's role in the project is therefore to provide know-how from its experiences of planting soybeans in the Cerrado, as a tropical savannah

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[20] E.g., Campos Mello 2011.
[21] E.g., Mosca and Bruna 2015, 11.
[22] A court sentence talks about 14.5 million hectares.

zone[23], like the Nacala Corridor (MINAG et al. 2013 Appendix 1, Art. 1.1, 1.2; Wise 2019, 53). Politically, the then government of Lula promoted South-South cooperation to counter more traditional North-South relations of development and involved Brazilian companies in the project (Mosca and Bruna 2015, 9).

Japan's role refers to its experience of cooperation with Brazilian agribusiness and functions as the main investor in the project. Also, exported crops of the future ProSavana are intended for Japan. Mozambique provides the land and labor, "fiscal benefits and operations facilities for the companies and, when necessary, repression against the communities' claims" (translated from Mosca and Bruna 2015, 9). The benefits of the project for Mozambique include the increase of production and accompanying development (Chiposse Cabrão 2016, 266).

While the basic framework of the project was signed in September 2009, the public only gained knowledge in August 2011 through an interview, the then Minister for Agriculture José Pacheco gave to a Brazilian newspaper (Campos Mello 2011). Due to information obtained about the project through media and speeches, concerns about the loss of land in this densely populated area and fear of social and environmental impacts rose along civil society. A lack of clear communication about the project intentions further triggered doubt and mistrust (Mosca and Bruna 2015, 12).

Through existing linkages between Mozambican and Brazilian peasant organizations since the late 1990s, membership in LVC, and INGOs active in all three countries, Mozambican CSOs reached out to work with allies in the two countries involved in the project (Shankland, Gonçalves, and Favareto 2016, 21). Invited by partners from Brazil to the Cerrado, Mozambican peasant organizations travelled in 2012 to Brazil to get a broader picture of this project, as the role model for ProSavana. This trip was financed by INGOs and German political foundations. They produced a film about the landscape which spread in Mozambique, including warnings about environmental and social impacts of monocultures (Shankland, Gonçalves, and Favareto 2016, 21; Wise 2019, 55).

In December 2012, Japanese NGOs took the case of ProSavana to a policy dialogue platform of the Japanese Ministry of Foreign Affairs and NGOs, to start a discussion

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[23] In fact, it turned out shortly after that the soil quality differs strongly between the fertile land of the Nacala Corridor and the poor soils of the Cerrado (Mosca and Bruna 2015, 11; Wise 2019, 53).

about the project in Japan. As a result, the Ministry of Foreign Affairs established a "spin-off dialogue platform" that first met in January of the following year (Funada-Classen 2019, 14).

In April 2013, a confidential master plan of the ProSavana project was leaked. Content-wise, the document promoted an "investment-driven agribusiness model" which provoked contestation of CSOs (Shankland, Gonçalves, and Favareto 2016, 16f.). Though representatives of the three countries involved claimed that this plan would only be a draft version, "the damage was done" in terms of sparking further mistrust towards the project (Wise 2019, 55). Activists repeatedly claimed for sharing the current plan if the leaked master plan would be a draft. In the same year, the governments published a *concept note* presenting the project with the intensification of agricultural production and development at the center (Shankland, Gonçalves, and Favareto 2016, 18).

Briefly after, activists from Mozambique, Brazil, and Japan started a campaign and wrote an open letter to the three governments, demanding to "urgently stop and reflect on the ProSavana program" ("Carta Aberta Para Deter e Reflectir de Forma Urgente o Programa ProSavana" 2013). In the same year, the network of CSOs in the three countries intensified, as Mozambican activists were invited to Japan and again to Brazil, to present the contestation at a government-civil society platform. On the Mozambican scale, after further "unsatisfactory" meetings with the government, several civil society groups and individuals of the three countries launched the campaign *Não ao ProSavana* (No to ProSavana) claiming for the inclusion of local communities in the planning phase of the project (Shankland, Gonçalves, and Favareto 2016, 23; Wise 2019, 56). Additionally, Mozambican activists invited partners from Brazil and Japan to the first Triangular Peoples' Conference to Maputo in July 2014 (Shankland, Gonçalves, and Favareto 2016, 23). These conferences took place repeatedly in all three countries.

In the following month, the public debate shifted to the national elections in Mozambique, usually accompanied by a tense political climate. Thus, ProSavana lost public attention. The same happened in the course of the elections in Brazil in 2014. The Brazilian public and CSOs rather focused on its political crisis, which culminated in Dilma Rousseff's impeachment in 2016. The following interim administration was not

interested in reviving its role in the ProSavana program (Shankland, Gonçalves, and Favareto 2016, 23).

Though the government wanted to publish a revised project plan since 2013, it was postponed several times until the three countries involved shared the revised master plan Draft Zero in early 2015 (Mosca and Bruna 2015, 2; Selemane 2017, 10f.). The new master plan addresses several of civil societies' concerns but was not clear about the details of some key aspects, e.g., water resource management or others. Additionally, CSOs criticized the tentative language and a general lack of transparency in the development of the plan (Shankland, Gonçalves, and Favareto 2016, 19).

In June 2015, the Minister of Agriculture and Food Security, José Pacheco, invited CSOs to a consultation meeting about ProSavana, however, activists were dissatisfied with the procedure as it appeared to them that their claims were not taken seriously (Selemane 2017, 11). The concerns already raised in the past continued and the Ministry of Agriculture and Food Security (MASA= Ministério de Agricultura e Segurança Alimentar) continued inviting CSOs annually to discuss the proceeding and revision of ProSavana in the following years (Based on Activist A, 21/03/2019, Activist M, 07/02/2019).

One of the strategies of the Japanese development cooperation as facilitator of the ProSavana project to counter the resistance was engaging a consulting company to study Mozambican civil society (Funada-Classen 2019, 35ff.). It resulted in a mapping into "'hard-liners', softer opponents who had left the 'No to ProSAVANA' campaign, and those who might be persuaded to work with the government" (Wise 2019, 61). Wise calls it "a classic divide-and-conquer operation" in which organizations generally open to the project were approached individually to convince them to support the project (Wise 2019, 61). While the final report, called *ProSavana Master plan, Stakeholder Mapping* remained confidential, parts of a "semi-final draft" were leaked and sparked further rejection of activists towards the project (No! to Landgrab, Japan 2016, 84; Wise 2019, 61).[24]

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[24] Different documents, partly leaked, related to ProSavana are collected under the following link. The parts of the abovementioned report are listed under *stakeholder mapping*:
https://www.farmlandgrab.org/post/view/26158-prosavana-files

A court case of the Mozambican Bar Association (Ordem dos Advogados de Moçambique) of 2017 was decided in the next year and was obliging the government to publish ProSavana project plans (Tribunal Administrativo da Cidade de Maputo 2018). In November 2018, in a press release about the ProSavana project, MASA informed about the current state of the project, stressed the involvement of CSOs in the ongoing planning of the project and admitted that since 2015, the drafting of the master plan underwent several interruptions, due to concerns of different actors about the draft itself (Gabinete do Ministro 2018, 4). In July 2020, the Mozambican Ministry of Agriculture and Rural Development announced the end of ProSavana (Diario Economico 2020). Already, during the field research in 2019, many activists described the mobilization around the ProSavana project as outstanding and the biggest success of social mobilization in the country since its independence.

## 4.6   Research Design

To prepare the analysis, the methods used and data collected are presented in the following. The multi-method approach comprises qualitative data gathered during a 3-month field research in Mozambique from March 2019 until June 2019. For the comparative case study, the main collection method were semi-structured and expert interviews. Additionally, I conducted some (group) interviews with farmers. The analysis is further complemented trough a document analysis of different reports, statements, court sentences, and other similar material related to the two cases. During the fieldwork, I conducted also archival research of the Land and Tenure Center, a cooperation program of the University of Wisconsin Madison and the Ministry of Agriculture which existed from 1991 to 2008. The focus of this research institute was evaluating the land tenure situation, including the legal situation (Myers and Unruh 1996, 7). The archive is located at the University Eduardo Mondlane in Maputo. After presenting my methods and discussing limitations of my approach, I will explain how I analyzed my data with the help of a structuring content analysis after Mayring.

### 4.6.1 Methodological Approach

To study social mobilization in the context of multilevel governance, I conducted a comparative study of two cases of resistance to projects of LSLA in Mozambique. The cases are embedded in the national and global context of large-scale land investments. Case studies enable understanding the internal structure and the relation to the environment of an object of analysis (Hering and Schmidt 2014, 529; Yin 2009, 18). A qualitative approach to understand the social mobilization is adequate to grasp the rationalities of actors researched comprehensively (Hering and Schmidt 2014, 529). Additionally, qualitative research allows flexible adaptation to unexpected findings, which then require a revision of the methodological and theoretical frame (Mayring 2002, 28). In fact, the extent of the enduring lack of information and its impacts on social mobilization in multilevel governance only became clear during the fieldwork. As both cases are located in Mozambique, I keep the framing conditions in terms of the constitutional context stable. This decreases confounding factors when tracing processes of social mobilization within situation of lacking information. Mozambique is one of the main targets of LSLA projects, both in number and size since the beginning of this phenomenon (Deininger et al. 2011; GRAIN 2008; Nolte, Chamberlain, and Giger 2016, 17).

As an embedded comparative case analysis, the cases of Wanbao and ProSavana are very alike in some general aspects, which are the economic segment (agricultural investments), the responses (resistance), the involved actors from civil society (several CSOs are active in both cases), and the beginning of the resistance (in the early 2010s) (see table 2). Beyond that, they differ in several aspects. They are located in the South (Wanbao) and in the North (ProSavana) of the country, which differ demographically and politically. The Wanbao project was confronted with resistance once it started and ProSavana was challenged in the planning phase. Also, the size of the projects differs substantially. While the whole Wanbao area, which was never fully exploited, covers 20,000 ha, the area of ProSavana addressed a total of 14.5 million ha[25].

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[25] The size of the ProSavana project is very disputed (see also chapter 4.5). Following a court sentence about ProSavana, I refer to 14.5 million ha.

|  | Wanbao | ProSavana |
|---|---|---|
| Investor | Chinese Private Company | Governments of Mozambique, Japan, Brazil |
| Location & Size | Gaza Province 20,000 ha (originally planned) | Nacala Corridor 14.5 million ha (disputed, not officially confirmed) |
| Purpose | Agricultural development project; Large-scale plantations | Agricultural development project; Large-scale plantations |
| Beginning | Followed smaller Chinese project of 2005 | Basic framework signed in 2009 |
| Public Information | 2012 with project implementation | 2011 in planning phase |
| Involved Actors in Mobilization | Alliance of local groups, national* NGOs, and individuals | Alliance of local, national* and international NGOs, and individuals (Mozambique, Brazil, Japan) |
| Activities (Selected) | Occupation, Demonstrations, Petitions, (Open) Letters | Demonstrations, Petitions, Open Letters, Lawsuit |
| Current Situation | Project Area Reduced | Project Paused, Adjustment since 2015, Abandoned in 2020 |

*embedded in transnational networks.
Table 2: Comparison of Wanbao and ProSavana. Own compilation.

## 4.6.2 Research Methods

The main data for the analysis derives from semi-structures and expert interviews, complemented with group interviews, the analysis of documents, and additional archival research to better understand the background of the role of land and tenure in Mozambique. Through the combination of these approaches, methodological triangulation helped to test and increase the validity of the findings (Flick 2014, 418f.). Every interviewee was informed about the purpose and conditions of the research, and the use and storage of data[26]. After establishing initial contacts before the fieldwork and introducing myself at the offices of a large variety of actors, such as authorities, organizations, research institutes and others, I applied a snowball sampling to further extent my networks to conduct the research (Baur 2014, 950ff.).

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[26] The information for participants and the consent form can be found in annex 2.

*Semi-structured interviews* follow prior developed research guidelines[27], that structure an interview according to the research interest (Helfferich 2014, 560; Mayring 2002, 560). *Expert interviews* are a special type of guided interviews, defined through the expertise of an interviewee on a specific topic. In contrast to a semi-structured interview, the guidelines are narrower focusing on a specific topic (Helfferich 2014, 560, 571).

The total number of interviews conducted is 34. Most of the interviews were bilateral conversations. One interview was with

| Interviewee | No. |
|---|---|
| Activists | 13 |
| Researchers | 8 |
| IO Staff | 3 |
| Officials | 3 |
| Local Community Members | 5 |
| Businessperson | 2 |
| Consultant | 1 |
| Group Interview Community | 1 |

Table 3: Overview of interviewees. For a detailed overview, see Annex 3.

two activists, and an interview with local community members was held with three persons. One activist was interviewed twice. One interview took place in the form of a group consultation of farmers. The total number of interviewees, not counting the people of the group interview, is 36. The large majority of interviews was held in Portuguese. One interview was conducted in English, and at the community level, a translator supported the conversation. Most of the interviews (31) were audio recorded. Two interviews (one with staff of an international organization and one with an official) were not recorded, as the interviewees preferred. The whole data provided more than 35 hours of audio records. Additional conversations with experts, such as lawyers or consultants, helped to better understand the broader context and create further contacts in the field.

As depicted in table 3, I grouped the interviewees according to their function in which I interviewed them. To guarantee the anonymity of all interviewees, they are assessed to relatively broad labels. *Activists* include all interviewees that are or were working in CSOs involved in the social mobilization in one or both of the cases. These CSOs include peasant organizations, NGOs and INGOs on the provincial and national scales. Regarding their functions, five of the activists are directors of CSOs and eight are programmatic

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[27] Interview guidelines are provided digitally to the supervisors.

coordinators. The *researchers* include five senior researchers and three junior researchers working on a variety of topics, such as land, extractivism, and economic development, among others. They are part of research institutions and universities. By *IO Staff*, I am referring to two interviewees working at international organizations and one interviewee working at a governmental institution of development cooperation. *Officials* include people working in environmental, land-related and law-related institutions. The *Local Community Members* are one traditional leader and four farmers, involved in the struggle around Wanbao. One *businessperson* is a director of an investment group and one a former project head of a bi-governmental project. The *consultant* is an expert for rural development and the *group interview* was conducted with farmers.

Additional to the interviews, I conducted *documentary research* of campaign documents, such as letters, statements, or studies of CSOs to complement the primary data (Salheiser 2014, 815). Other secondary data was collected through *archival research* at the archive of the Land and Tenure Center at the campus of the University Eduardo Mondlane, to better understand the history and background of land and tenure in Mozambique.

Regarding *limitations* of the research, generalizations about a society are not possible with qualitative research, as its purpose is exploring a case as a whole (Schnell, Hill, and Esser 2011, 241ff.). Moreover, the situation of lacking comprehensive information also affected the research itself. Though research papers and other publications exist, presented facts are often contradictory, as demonstrated with the number of people affected and living in the area of Wanbao (see chapter 4.4), or the actual size of the intended ProSavana project (see chapter 4.5). Another limitation refers to the imbalance of interviewees from different positions, especially from the government. I approached several governmental institutions and submitted interview requests on the provincial and national scale, but only got very limited access. To give an example, in one particular case, an official postponed meetings repeatedly until my fieldwork ended. As a consequence, I cannot add these perspectives to the analysis. Last, the temporal dimension of events may lead to a selective memory effect of interviewees (Hsiung 2010). Particularly in the case of ProSavana, the literature suggests that Brazilian CSOs

played an important role in the social mobilization, especially in the early years, but were less involved after the withdrawal of the Brazilian government from the ProSavana project. This is reflected in the interviews, in which Japanese partners are assessed as crucial and Brazilian ones only to a lesser extent.

### 4.6.3    Data Analysis

In preparation of a *structuring content analysis* after Mayring, the interviews have been transcribed[28] in MAXQDA. To systematically analyze and interpret the material in a qualitative content analysis, one must define first the unit of analysis. This contains the unit of coding which is the smallest text element that can be analyzed, in this research a word. The unit of context defines the information used for the codes, here the answer to a question. Last, the unit of analysis refers to the set of material that is compared with the system of categories, in this study the full interview (Mayring and Fenzl 2014, 546). Thereafter, the material is assessed to categories, based on the developed rules. The categories derive deductively from the theory and are complemented by inductively developed subcategories, based on the content of the transcripts (Mayring and Fenzl 2014, 548).

To be specific, the codes for the analysis are political opportunity structures, legal opportunity structures, and repertoires. The individual perception of the opportunity structures, the related blockages, and the specific repertoires applied constitute the subcodes. Along these findings, I analyzed how social mobilization unfolds in the overall national context of Mozambique, and in the cases of Wanbao and ProSavana. The codes, subcodes, their definitions, and anchor examples can be found in annex 4.

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[28] The confidential transcripts are provided digitally to the thesis' advisors.

# 5  Comparative Analysis of Cases

In the following, the findings of the fieldwork are discussed by analyzing the perception and use of political opportunity structures, legal opportunity structures, or blockages of these in the national context of Mozambique and the cases of Wanbao and ProSavana. Also, the repertoires of action applied in these three situations are studied. The discussion of those aspects reflects the interplay of multilevel governance and transcalar networks and the role of transparency and information access to understand how they shape political and legal opportunity structures and repertoires of action in the context of LSLA.

## 5.1  Political Opportunity Structures

As elaborated in chapter 2, political opportunity structures constitute the context for social mobilization. After McAdam et al. (1996, 10), they refer to the open or closedness of a political system, the access to allies, elites, political institutions, and the state's tendency towards repression. Following Sikkink (2005, 159), blockages are constituted by force and through unresponsiveness for claims. The following section will describe the political opportunity structures and blockages activists perceived. If they reported strategies for sidestepping these blockages, they are depicted as well. To understand the political opportunity structures in the cases of Wanbao and ProSavana, a contextualization of struggles around LSLA in Mozambique as a whole is part of the analysis. Thus, before presenting and contrasting the similarities and differences of the cases regarding perceived political opportunity structures, blockages, and strategies to bypass those, the following section will sketch out these aspects in the national context.

### 5.1.1  Political Opportunity Structures in Mozambique

In the context of LSLA, perceived political opportunity structures in Mozambique include cooperation and *exchange with the government*, especially at different platforms provided by the state, such as roundtable meetings. As elaborated in chapter 4.4 and chapter 4.5, different types of such encounters exists on several scales within the country, as on the national and provincial scale. Also, another political opportunity structure is perceived by the *cooperation with donors* if they support projects addressing

LSLA. Therefore, these political opportunity structures are perceived on multiple scales, the provincial, national, and international ones. At the same time, both of these political opportunity structures are critically assessed by activists when describing perceived blockages. Regarding the first political opportunity structure, while exchange platforms provide arenas of leverage, activists claim about *neglecting* their contributions to debates in decision-making processes, and governmental interests sometimes *influence* involved actors. About the second, donors at the same time often exacerbate social mobilization against large-scale projects if they support it. Thus, *external pressure* is also described as a blockage.

Additionally, activists recognize several other types of blockages in the context of social mobilization against LSLA. While political opportunity structures include the chance to create influential allies, this path is perceived on several scales as blocked because of *exclusion* and *corruption,* resulting in decisions without involvement or information of the public. Moreover, a reported specific cultural *hearing of authorities* represents another blockage creating *internal pressure*. Internal pressure also refers to *threats and intimidations* reported by activists.

Looking more specifically at the cooperation and *exchange with the government*, all activists reported that their organizations work and partner in different instances with the government. They stressed that they are not against the government per se. Frequently mentioned in the context of the current debate about the revision of the land policy since 2017 (see chapter 4.2) and at several other occasions, platforms and councils constitute meeting points of civil society and the government for exchanging ideas and influencing policy processes. Such platforms exist on the provincial and the national scale. These examples show that the government provides arenas in which CSOs can bring up their perspective.

However, though mentioning these encounters as opportunities for leverage, at the same time, activists also perceive blockages in this context, namely *neglecting* their contributions in decision-making processes: "We don't feel represented in the document. Because parts of the things that we say is not reflected in the documents", it seems to them that they are taking part but "not because they really need us" (Activist C, 29/03/2019). Another interviewee added that activists are invited to join because

donors demand transparency of processes: "We have the feeling that our participation is ultimately to legitimize the process (…) By participating, by the simple fact that we sign an attendance list, it is said that we are in. In the dialogue, at the table, that we were consulted" (Activist D, 29/03/2019). An official also mentioned the lack of including the incentives given by civil society actors in these debates. At an inter-ministerial meeting addressing the discussion of the revision of the land law, the interviewee observed:

> "One of the things that happened [at this meeting] is that there were changes in the legislation that are not very safe from a point of view to strengthen the rights of the communities for example. Thus, they [the CSOs] were skeptical. But that happened at the margin of this big forum. So, an inter-ministerial, inter-sectoral, multidisciplinary group of people discuss how to improve the law and suddenly changes of this legislation come up (…). So, this is more or less the climate, I can say, how the land situation in Mozambique is at the moment" (Official A, 05/04/19).

This report supports the perceived limitations of influencing policy and refers to a lack of transparency in decision-making processes. Despite having an exchange meeting, decisions are made aside, excluding some groups participating in the forum. A researcher reported about further blockages perceived that limit the leverage at such a platform: "We did a fieldwork; we left the meeting (…) and said we won't do anything more there. Because those are organizations that receive orders from the government to act discouraging towards communities and their claims" (Researcher F, 06/05/2019). Thus, though platforms provide a political opportunity structure, this opportunity is partly perceived as blocked either by neglecting contributions or because of the *influence* of participating actors.

Another reported way for activists to leverage is related to the *cooperation with donors*, however, playing a double-edged role. On the one hand, if donor's interest in a topic increases, they might support activism around a specific theme. Donor support translates into access to more resources and networks, consequently better conditions for social mobilization. An activist even reported about "trends" of engagement, once donors identify specific issues as relevant, as it happened for example in the mining

sector: "It is reflected in the donor's agenda and there comes money to fund this type of projects. So, you notice a flood of organizations that apply for this money. Basically, they never worked on this subject or have done little work on that, but because there are now funds available, they work on the issue" (Activist D, 29/03/2019). Thus, new political opportunity structures open once donors decide a topic worth following upon. In other words, not only domestically, but also actors from abroad offer opportunities for taking influence.

Although donors can thus orchestrate whether social mobilization is equipped with resources or not, activists also reported about their perception of donors in blocking social mobilization around LSLA. An activist claimed that it is hard to find domestic campaign partners in the field of extractivism and monoculture plantations because organizations are hesitant to position themselves strongly against such large-scale projects. Some partners left campaigns after donors questioned their engagement, as it would contradict their work. This makes it harder to establish allies, another aspect of political opportunity structures. Thus, the influences on the strength of domestic networks are not only exercised by domestic actors but also through *external pressure*, in other words, they are located on multiple scales.

Other mechanisms leading to the perception of blockages are e*xclusion* and *corruption*. Large-scale land deals are made between elites without including the public in decisions about such projects. The procedures are described as "top-down", in which the

> "big capital comes in, approaches the central government and presents the idea. It presents the idea, presents the credit, presents the commission, presents everything. And the local elites are kind of gate keepers of the local government, they are kind of project staff; they get the staff, get the committee, and they take it to the council of ministers and approve it in the council of ministers" (Researcher B, 04/04/2019).

Suppose the decisions are made among these actors. In that case, it is difficult for activists or local communities to influence the processes, especially if they are not even aware of the planned projects. The support of such large-scale deals on the scale of local governance blocks social mobilization by simply neglecting transparency in decision-making processes and addresses another facet of blockages. Though activists stressed

that it is not the case for all, corruption in local governance structures makes it difficult to identify those they can cooperate with. This further exacerbates cooperation with elites, an element of political opportunity structures. Also, if the central government already makes decisions, there is not much local governance can do about large-scale investments, which activists described as immensely frustrating. As permissions for large-scale projects are usually made without public involvement and consultation of non-state actors, activists find themselves in a difficult position to exert influence because the contracts already exist once they learn about it.

Even when information about a project is shared, *internal pressure* blocks the chances for social mobilization on the local scale. Activists describe that it is challenging for them to mobilize on this scale because of the *cultural hearing of authorities*: "The majority of the communities still have such a great respect that is in some way confused with fear of governmental structures. If someone from the government is present, they will accept anything, or almost anything" (Activist D, 29/03/2019). Also, the *regulo*, the traditional land distributor, is very influential and enjoys much respect in the community. This authority means that his agreement is critical for decisions during community consultations. Once a traditional leader agrees with a project, the community does not neglect it: "Because he has the right, he has the influence, he is the boss there, he has the power. So, if the boss says something, you can't refuse" (Activist E, 09/04/2019). Therefore, it quickly happens that the investor or the local government corrupt either the political or the traditional local leaders to favor the project. "In some cases, those two are corrupted (…) and inform the community badly about what investment is going to happen. And about the benefits that they will get from this investment" (Activist E, 09/04/2019). The lack of speaking up and obedience towards authorities was spelled out even more drastically by another activist:

> "Mozambique still lives in a culture of excessive respect towards those who
> are rulers or bosses. We really live in a culture of bootlickers. There is a
> culture to serve those who are bosses and say 'yes, yes, yes'. Nobody
> contests the boss. The boss commands (…) It is necessary to create a critical
> mind of the people to question things (…) If we go to communities and we
> talk, talk, talk, ask if anybody has a question, nobody asks anything. If I say

this wall is white [points to a wall painted in colors], they will keep quiet. They see that it is not white, but I said so, and I am in a position of power, so nobody is questioning me. They don't confront" (Activist D, 29/03/2019).

Thus, on the local scale, activists see their opportunities for social mobilization blocked because of cultural circumstances. By only sharing information about a project once the traditional leader agreed, the lack of transparency in the early stages of the project phase prevents social mobilization due to cultural pressure for agreement. As the role of traditional leaders is crucial for the support, or at least the absence of local resistance to large-scale projects, they are targeted to favor projects. A businessperson involved in a large-scale infrastructure project reported that a local community raised claims about the project site interfering with their land in the initial phase. As the group implementing the project, the interviewee's company agreed with the local chief on compensation, including borewells for the community and a motorcycle for the chief. Providing this solved the conflict (Based on Businessperson A, 12/04/2019).

A researcher reported alike, who said that those who benefit from subsidies are the local leaders and their families. The same applies to employment opportunities, usually given first to leaders and their families. Thus, by corrupting powerful actors, large-scale projects get the agreement of communities. At the same time, this corresponds to the agreement of the whole community to the project, based on internal pressure already described. In other words, social mobilization is blocked once the traditional leader agrees. This practice is not entirely new but historically rooted: "During colonial times, this was exactly the same. By then, how was it possible that a country semi peripheral in the world system, such as Portugal, colonialized territories 30 times larger, namely Angola and Mozambique? It was with the collaboration of regulos. And the current system reproduces these old practices" (Researcher B, 04/04/2019). To sum up, once traditional leaders agree, the project implementation is smooth. However, as the last statement shows, this is nothing entirely new but rather the revival of colonial practices.

Another form of internal pressure refers to blockages perceived through *threats and intimidation*. According to interviewees, investors are sometimes accompanied by "structures of the state" in consultation processes. As just elaborated, authorities are seldom disputed, and the showing of power intimidates people to speak up against a

project. Thus, this presentation of power is perceived as a blockage. An official admitted: "I agree that this provokes a bit the confusion that those people are not totally free to say no, we don't want this, we don't sign this" (Official A, 05/04/2019). According to an activist, the confrontation with police or military forces happens frequently during campaigns and marches. Strategies in campaigns around large investments and land correspond to this perceived blockage by applying special attention and caution for personal security:

> "(…) in these types of campaigns, we try to hide a bit of what is happening. So, we don't disseminate our strategy, we don't disseminate the names of the people involved, we don't make much publicity about who are the people that are dealing with the issue. And there are campaigns that are rather smooth, and we can easily disseminate. So, it depends a lot on the type of campaign" (Activist D, 29/03/2019).

Thus, blockages in the form of internal pressure are perceived, especially in land struggles, which require specific adaptation strategies. In situations of insecurity, partnerships are essential. Some are contacted only if "someone of us is in real danger" (Activist D, 29/03/2019). Those networks and partners are, however, not only helpful in situations of insecurity but also to get access and have a dialogue:

> "(…) If [our organization] acts alone, it is much easier for the government to threaten or intimidate or simply ignore us. But if we are a group of organizations, then the power of our voice is much larger and normally the government at least gives us some space to be heard. It may not follow what we are proposing, but at least it knows that there are these people that have this agenda, and it also reinforces our agenda. It gives more credibility" (Activist A, 21/03/2019).

The strategic creation of networks and partnerships, therefore, addresses two types of blockages. First, by connecting to other groups, activists increase their safety. Second, by cooperating with other groups, they surpass a blockage of ignoring claims.

### 5.1.2 Political Opportunity Structures in the Case of Wanbao

The perceived political opportunity structures in the case of Wanbao include *exchange with the government* at meetings and platforms at the provincial and national scale, where CSOs can bring up issues of concern. Further, the support of one official, a provincial director of a governmental agency, as an *influential ally* is regarded as useful in the campaign. This support of a stakeholder from the government is important to the activists involved in the case. At several institutions and authorities, (groups of) individuals asked for clarification but were not received. Activists from CSOs partly experienced the same blockage of *neglecting*. Farmers, NGOs, and associations built units by *networking* to sidestep this blockage. Further, *internal pressure* leads to the perception of another blockage, namely *intimidations* by armed forces' confrontations at a demonstration and when farmers refuse to leave their *machamba*. Last, affected peasants claimed about *payments* of some of their fellow farmers to speak in favor of the project, which weakened the resistance.

As in the national context, platforms and government-organized meetings provide an essential space for *exchange with the government* to bring up topics that invited civil society actors would like to discuss. Activists perceive the biannual meetings[29] of the observatory of development as an opportunity to communicate their perspective about the project: "At the observatory of development should be the presentation of a statement (…) So, Wanbao was always a case of presentation, it was always a case of much concern" (Activist F, 26/04/2019). The platform thus provides a space to bring up claims directly to the provincial government. The provincial scale is not the only one where the Wanbao project is addressed. Another activist reported that complaints about the project also move to the national scale:

> "We presented last month our statement in Gaza province regarding the Wanbao issue. Because those families were taken away (…) their land in that area. They don't have other plots to produce. And this concern is going to be taken forward to the central level. To the Maputo level. We will review with

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[29] As explained in chapter 4.4, the observatory of development is a biannually meeting on development issues for exchange between local communities, CSOs and the provincial ministry for agriculture.

the Ministry of Agriculture and the government (…) the Ministry of Land and

the Assembly of the Republic itself" (Activist I, 28/05/2019).

The political opportunity to talk about the project on different scales is perceived as a point of leverage to bring up concerns related to Wanbao. Also, the quote refers to strategic shifting from the provincial to the national scale to sidestep blockages of unresponsiveness to claims. Though described as an outstanding example and thus not the rule, activists mentioned the support of an official as an important and *influential ally*. Such an ally opens access for leverage and thus translates into a political opportunity structure:

> "The only representative of the government who really criticized the
> attitude of Wanbao and of the government, who was in the struggle,
> accompanied the process, was the provincial director of [one governmental
> agency] (…) And was the only person who clearly disagreed with the attitude
> of the government and also of Wanbao" (Activist K, 06/06/2019).

The support of this political figure represents some openness to the claims about the Wanbao project within governmental structures. Besides these political opportunity structures, activists and farmers mainly reported about blockages. Once the Wanbao project implementation started and farmers faced their destroyed farms, directly affected people began reaching out to a broad range of actors, starting a conversation with the community leader at the local scale. Then, they approached political figures, such as the leader of the administrative office and the provincial government, to report and complain about the loss of their farms. However, they were not received at the different institutions on the district and provincial scale of governance, thus faced a blockage of *neglecting.* Unable to make their claims directly, they started reaching out to contacts, namely a provincial NGO platform, to bypass this blockage through *networking*. This platform was familiar, as they work closely with the communities in the province (Based on Community Members B, C, D 25/04/2019; Activist F, 26/04/2019).

The platform started conversations with the governmental agencies, who neglected the farmers before, but it did not lead to aspired outcomes of returning the land. Thus, further nationwide active CSOs were invited to join the campaign (Based on Activist F, 26/04/2019). Again, the strategy to bypass a perceived blockage was networking with

actors with a larger outreach. One of those organizations then approached the same institutions, such as the RBL. The agency is responsible for managing the Limpopo irrigation scheme, the area of project implementation. During a meeting at the RBL and a meeting with the provincial director of environment, both confirmed that an agricultural project had started. Then, the activists approached the district administrator, who did not receive them, just like the farmers. While trying to get an opportunity to talk to him, the activists and affected farmers met by coincidence:

> "While waiting, we saw a group of peasants sitting outside with destroyed corncobs and more. So, we went to them and asked: 'What is wrong with you?' So they told us: 'we have been here for many days asking for a meeting with the administrator so that they can explain to us [what is going on]. Why do they send us this company of Wanbao to destroy our crops? But he does not receive us'" (Activist K, 06/06/2019).

A farmer also confirmed this encounter with the NGO while waiting for the reception of the administrator. After this meeting, the peasants took the activists directly to their destroyed farms. The NGO then approached the RBL to ask for further clarification of the situation. Finally, the agency sent an expert to the area of concern to talk to the farmers about the project. All of these steps took place in 2012. Still, only the pressure increased through the involvement of a nationwide active NGO on the institution enabled surpassing the blockage of neglecting the peasants' requests. In other words, only after the intervention of domestic NGOs, transparency was granted. Strategic scale shifting from the local sphere of individuals and groups of peasants to the provincial one of the NGO platform and the national one in the form of domestic CSOs enabled accessing information concealed before. In other words, after perceiving blockages of being neglected, scale shifting opened new political opportunity structures to make claims and access information. It must be added here that though some information was shared as soon as larger organizations and NGOs joined the social mobilization, several requests are still neglected. For instance, by the time of the field trip, peasants still did not receive any compensation for destroyed crops (Based on Activist L, 06/06/2019).

Another blockage perceived when contesting Wanbao refers to *intimidations* through the confrontation with armed forced at different instances. Though demonstrations are,

according to Mozambique's constitution and the according law of reunion and manifestation (Law no. 9/91) legitimate if they are announced at least four days in advance[30], the police hampered a protest about the Wanbao project:

> "We did a march in May 2014 and there were around 400 farmers. And the march was first blocked by the police commander saying that we couldn't march, because we don't have authorization. We said that by Mozambican law we don't need authorization (…) we informed 15 days before. So, we are within our explicit right (…) We had to wait, they told us to wait three, four hours in the sun. Policemen with guns, peasants with hoes (…) And later they said: 'okay, you can march but you cannot use the main road because you can't obstruct the traffic and you also can't call the attention of the people when you are marching" (Activist K, 06/06/2019).

By referring to the Mozambican law, the activist points towards the violation of a domestic right and a consequently illicit blockage of activism. The presence of police blocked the manifestation of claims. In another encounter, armed forces confronted farmers who occupied their land and refused to leave. Even though threatened, they said they would rather die than lose their farm (Based on Community Member E, 25/04/2019). An activist working in a domestic organization further reported that they were confronted with armed forces when collecting data at the project site: "We were received with armed force, unfortunately. And we cannot respond to arms" (Activist I, 28/05/2019). At these different events, local, provincial, and nationwide actors, individuals, associations, or organizations face blockages of repression through *intimidations*. In other words, blockages occur in form of *internal pressure*.

Last, *payments* of fellow farmers who initially claimed the loss of land were perceived as a blockage and weakened resistance. More specifically, peasants reported that those with close relationships with the government received their land back, and others received money. While money was also offered to them, they refused and claimed that it was not a compensation but was "paid so that they keep their mouth shut, and they [the other farmers] stopped complaining about Wanbao, but rather campaigned for the

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[30] Art 10.1 República de Moçambique 1991.

other peasants to leave" (Translation of Local Community Members B, C, D, 25/04/2019). Thus, the joint resistance was divided and weakened by offering payments, as some started lobbying for the project.

### 5.1.3   Political Opportunity Structures in the Case of ProSavana

In the case of ProSavana, activists perceived political opportunity structures on different scales, both domestically and transnationally. Again, *exchange with the government* constituted a political opportunity to bring up concerns. First, at meetings of the provincial observatory of development and later at exchange meetings established particularly to discuss the ProSavana project. Such platforms enable claim-making directed to the government and access to information. *Networking* is another important political opportunity structure to increase leverage and unveil information about project plans. On the domestic scale among CSOs and on the transnational scale with Japanese and Brazilian ones. Through the networking, the campaign to reconsider ProSavana also accessed political institutions in Brazil and Japan.

Besides those access points as political opportunity structures, activists perceived a couple of blockages. On the transnational scale, the networking also constituted a strategy to sidestep a blockage*,* the *neglect* of Mozambican activists. Neglect here refers to the lack of transparency about the project, on the one hand in form of not sharing comprehensive information at exchange meetings. On the other claims about sharing any information in the project's early phase in 2011 and 2012. Specially to access information, the connections to Japan were crucial. Besides the neglect, *exclusion* of exchange meetings if being too critical about ProSavana constitutes a blockage. The hesitant sharing of information substantially damaged the trust of civil society towards the project and was triggered even more through the *strategic assessment* of civil society by agencies involved in ProSavana. I argue that this constitutes a blockage because activists described it as influential on the overall environment of the project. The experience of being categorized heats the general situation of mistrust and creates hardened fronts. Based on the strategic assessment, activists report about *payments* of some organizations that broke up coalitions. Another perceived blockage closely related

to the evaluation of organizations involved in activism around ProSavana is the *manipulation of public opinion*. Other blockages refer to *internal pressure*.

On the one hand, *threats and intimidations* include arrests and interrogations of peasants participating in the campaign and, on the other, the *withdrawal of public spending* if rejecting the project. In both cases, the reported internal pressure may prevent social mobilization. Last, donors created *external pressure* by discouraging some organizations from joining the social mobilization by threatening to *withdraw funds*. Financial pressure was thus not only created on the domestic scale but also on the transnational one.

On the domestic scale, the *exchange with the government* is perceived as an opportunity structure to raise claims and requests directly. First, the already existing observatory for development, an exchange platform on the provincial scale in Nampula, offered activists an opportunity to ask for clarification about the ProSavana project:

> "Coincidentally, we were preparing a meeting of the observatory for development of the province. And this meeting creates a space for intervention of civil society (…) And among the questions that we put there, we asked about the knowledge of the government of Nampula province about the program (…) what are the measures, taken by the program in relation to land tenure security aspects, in relation to food security aspects of the people, the population that would be covered in the program, what are the measures taken on environmental issues and what are the measures taken on genetically modified seeds (…)" (Activist, 16/05/19).

The already existing platform of this observatory, in which civil society and governmental bodies meet biannually, provided an important arena to raise concerns regarding the social and environmental impacts of ProSavana. Activists thus used this political opportunity structure to ask for information about the project. As described in chapter 4.5, ProSavana lost attention in 2014, and the project planning and the mobilization slowed down. A year later, MASA started the annual roundtable meetings to exchange with CSOs to discuss further revisions of the master plan. This exchange platform, located at the national scale, constitutes another political opportunity

structure to access information and bring up their position in the revision of the ProSavana project.

Referring to the preparation of these meetings, activists described another perceived political opportunity through *networking*. In the meeting itself, networks and platforms of domestic civil society send representatives to the encounter. Beforehand, they coordinate their positions and strategies among themselves. Pre-meetings were reported in March 2019 in preparation of the roundtable meeting with the government in April 2019. Involved CSOs discuss their plan and decide about relevant topics related to ProSavana. After the roundtable meeting, they reconvene to evaluate the outcomes. The close interaction and information flow among CSOs on the domestic scale is perceived as strengthening their leverage by cooperating. Though this roundtable and the accompanying networking are described as political opportunities to bring up social and environmental concerns and request information, some perceived blockages in terms of *neglecting* are closely related to it. As said earlier, the activists do not believe that the granted transparency is comprehensive:

> "(…) they say that currently, we are giving all information out that are existing about ProSavana. Who wants to can consult the ministry on the level of the website [of ProSavana] etc. etc., but on the other side the civil society says that no, there are some information that we don't have, that are not available there and also, we have to halt and look at what was changed already and see if this is held or not" (Activist E, 09/04/2019).

The blockage of neglect here refers to the perception of not getting satisfying information about the project. This skepticism roots in the experiences with the ProSavana project itself and with projects of LSLA in Mozambique in general. Another form of reported neglect dates to the early stages of the social mobilization around ProSavana in 2011 and 2012. Once activists first learned about an intended project in the area, they tried to learn more about it. However, requests for information and exchange remained unresponded in that period: "The ministry itself didn't give a space in terms of debate to include what the organizations of civil society and peasants think about it. And what they think about alternatives to include within that program. Thus,

this space was not existing" (Activist E, 09/04/19). In other words, activists faced blockages on the domestic scale when claiming clarification about the project.

To bypass this blockage, activists linked up with partners in Brazil and Japan as described in chapter 4.5. They perceived transnational networking as a political opportunity structure to access information that was blocked domestically. Through their Japanese partners, Mozambican activists had the opportunity to bring up their perspectives at the Japanese Ministry of Foreign Affairs, the Japanese Bank for Cooperation, and the Japanese Ministry of Finance during a trip to Japan, which they also assessed as a success of their campaign[31]. Many activists stressed the importance of the linkages with Japan in the social mobilization around ProSavana, particularly the responsiveness of Japanese institutions:

> "I would say that at ProSavana, if we wouldn't have had the connections to Japan and to Brazil, perhaps our campaign wouldn't have been as it was. Why? Because sometimes Japan's system of democracy works better than ours. The access to information is different (…) There are ministers and when civil society requests information, for example information about ProSavana to which we don't have access here, our partners in Japan would have access. Because of the Japanese law (…) if you ask for information, they give it to you. Here in Mozambique, when we ask our government for information, they don't even respond. But from our partners, we get the information" (Activist A, 21/03/2019).

The different ways to access information, rather transnationally than domestically, were mentioned repeatedly: "(…) we got a large part of information from the Japanese civil society. We, here, internally, were never able to get any information" (Activist B, 28/03/2019). These statements clearly show how the Japanese connections help to bypass blockages on the domestic scale to access information. After perceiving blockages, activists approach their partners to get this information through their networks.

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[31] As described in chapter 4.5, Japanese academics and activists invited Mozambicans. A trip in 2013 coincided with the Tokyo International Conference on African Development. The trips were financed by INGOs, and political foundations (Shankland, Gonçalves, and Favareto 2016, 23).

Looking once again at exchange platforms, activists further perceived blockages in terms of *exclusion*. Following an interviewee, if they opposed the project strongly, they were simply excluded from such meetings:

> "There was a time when there was a meeting in Nampula to create mechanisms of coordination of ProSavana. A mechanism of dialogue. We, organizations of the campaign [*No to ProSavana*] were not invited to the meeting. But other organizations received invitations (…) And us, they knew about our existence, but they didn't invite us. Thus, they didn't want us there" (Activist B, 28/03/2019).

Taking influence on the conceptualization of the ProSavana project is blocked if activists are excluded from exchange meetings. Especially the groups strongly opposing the project also perceived another blockage, resulting from the *strategic assessment* of CSOs in Mozambique, particularly regarding the study of the stakeholder mapping (see chapter 4.5):

> "There was a time when [Japanese and Mozambican institutions] contracted a consulting company to collect sensitive data about organizations of the campaign *No to ProSavana* and in the context of this consultation, the organizations were mapped. Some were put as red, other as green, others as yellow" (Activist B, 28/03/2019).

According to interviewees, this study[32] was supposed to identify "weak spots" of organizations. As described in chapter 4.5, those identified as generally open to the project should be convinced to support it. According to the interviewee, some organizations got *payments* of agencies involved in the ProSavana project to speak in its favor. The same was also reported about provincial committees. These interrelated blockages are perceived because the structural assessment of CSOs first lowered the already damaged trust towards the ProSavana project as a whole. Second, the payments weakened the joint activism around ProSavana. Closely related to the strategic assessment is another blockage, described as the *manipulation of public opinion*.

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[32] The leaked stakeholder mapping in different colors can be found here:
https://www.farmlandgrab.org/uploads/attachment/Map.2.pdf

Further investigations of civil society through researchers on the domestic and transnational scale contributed again to the spark of mistrust:

> "We already had situations (…) with researchers of name. Nationals, internationals that were already on the side of the government. So, making research is a way of influencing public opinion (…) They took those and made studies to simply manipulate public opinion. So, if there is an article of someone renowned, you obviously agree with him. We already had such situations" (Activist B, 28/03/2019).

This statement refers to another perceived blockage of, on the one hand strategic assessment of civil society and on the other, the manipulation of public opinion. What is regarded as a blockage here is precisely the feeling of mistreatment and the creation of, following the interviewee, a wrong picture about organizations opposing ProSavana, which weakens the social mobilization and the support of the public. Also, this further feeds into the overall situation of mistrust.

*Internal pressure* in two regards represents blockages. First, in the form of *threats and intimidations* both on activists working in organizations and individual peasants on the local scale. According to an interviewee, the organizations involved in campaigns against ProSavana are regarded as striving for power and undermining the state, "and when you are treated as a usurper, you are a target, an enemy of the state (…) and nobody wants to be the enemy of its own state" (Activist A, 21/03/2019). Threats also targeted peasants involved in protests against the project. An interviewee specified how they, and farmers in the campaign, were threatened: "We had difficult times indeed. We had people who were threatened, threatened with arrest, we had people who were even locked (…) peasants that were called to the head of the post and were hours and hours in interrogation. We had difficult moments, yes" (Activist B, 28/03/2019). These statements refer to blockages insofar as individuals and groups are discouraged from participating in the campaigns.

Second, internal pressure discouraging resistance to the project was described in form of threatening the *withdrawal of public spending*. According to an interviewee, the government said it would withdraw funding for infrastructure development, such as schools or hospitals if communities do not accept the project. As the project would

support infrastructural development through private investment, the communities appear not interested in this development. Otherwise, they would have agreed to it. The neglect of funding if disagreeing with a project increases pressure on local communities to accord and at the same time exacerbates social mobilization against the project. Additionally, *external pressure* from the transnational scale represents another blockage activists talked about. This blockage is again closely related to financial means, this time of donors who threaten to *withdraw funds*. An interviewee reported about losing allies due to donors putting pressure on organizations: "Look, at the beginning of our campaign, there were a lot of organizations, but others left. Why? Because some were threatened by their donors of retrieving funds (…) they said if you continue with that campaign, we will withdraw funds. And because they have to pay salaries, some of them quit" (Activist B, 28/03/2019). Others also elaborated on the lack of donor support for ProSavana:

> "ProSavana is one of the campaigns with less funding because there is the question of accountability of the donors, of the partners, etc. Because we easily see that there are certain campaigns where we can have the support of developed countries or of some donors from developed countries but in many of them nobody wants to touch them. Because everybody has interests. So, there is no funding for those, simply because they don't want us to get the campaign going. ProSavana is one of those cases" (Activist D, 29/03/2019).

This donor-driven pressure refers to the orchestration of funding organizations to their partners and how they shape activism. It represents a blockage insofar as the opposition of donors to the ProSavana campaigns translated into a lack of resources. These resources include financial means and partners in the form of a network and a common goal. Thus, the pressure created by donors results in blockages of linking up organizations to form a large movement.

### 5.1.4 Conclusion

The political opportunity structures and blockages around the cases of Wanbao and ProSavana and the overall national context share many similarities but differ in some

regards. They unfold on multiple scales and are often closely related to transparency claims or the access to information. In summary, they are gathered and reflected. Also, the perceived political opportunity structures and blockages are conceptualized by referring to the literature.

In both cases, and on the national level in general, political opportunity structures are perceived in platforms and roundtables, enabling *exchange with the government*. Such institutionalized opportunities exist on the provincial and national scale and enable leverage on the one hand and access to information on the other. They constitute access to domestic institutions, thus referring to the political system's openness, which is, following McAdam et al. (1996, 10), one element comprising political opportunity structures.

Another political opportunity structure described refers to the *cooperation with donors*. They provide resources in the form of funding, their support of campaigns, which may also raise pressure on domestic and international actors and lift a campaign to the transnational scale. Following Meyer (2004, 126), cultivating alliances depends on the political opportunity structures envisaged. While this was reported in a general way, in both cases studied, activists did not talk about allies with donors. Regarding *influential allies*, activists mentioned the support of a governmental actor who sympathized with the campaign.

Once claimants form associations through *networking*, especially with actors or groups located on higher scales, the responsiveness of their addressee increases, mainly the government and agencies involved in investment projects. Higher levels here refer to stakeholders with a broader range. Thus, in the case of Wanbao it means a shift from individuals and groups of farmers to provincial networks and nationwide active organizations. In contrast, in the case of ProSavana, it refers to nationwide active CSOs creating allies, mainly in Japan and Brazil. Networking thus broadens the political opportunity structures and is used strategically if facing blockages. In the case of ProSavana it refers to multilevel opportunity structures, just as described by Tarrow and Della Porta (2005, 235).

The different scales on which social mobilization takes place also refer to the main difference between the cases. ProSavana's transnational relevance in the campaign is

much more vital than in the case of Wanbao. However, I argue that the same logic of broadening political opportunity structures applies in the case of Wanbao, even if not going transnational. By reaching out to partners with a broader range, multilevel opportunity structures opened and enabled leverage and sidestepping blockages. Using these political opportunity structures, activists in both campaigns got access to previously unavailable information. More generally, in the landscape of political opportunities in the country, several NGOs and organizations are part of transnational networks, evidenced by different campaign's reference to the strategic use of transnational connections. ProSavana's case represents an exceptional situation concerning partners on the transnational level, as it was often described as outstanding.

In the national context and both cases, activists reported about several blockages they faced, exacerbating social mobilization. In all three contexts, different forms of *neglecting* appeared. In the overall national context, activists claimed that their input to debates was symbolic rather than seriously included in decision-making processes and resembles what Dedieu (2019) calls tactical concession. He describes how some spaces for interventions are admitted to claimants to satisfy them without substantially changing the procedures' structures (Dedieu 2021, 14ff.). While this example refers to the national realm, other forms of neglect are perceived on the national, provincial, and local scales. In the cases of Wanbao and ProSavana, activists complained that they were not received or that requests were ignored, so they did not get access to any official statement about the projects. At the beginning of the social mobilization in both cases, it represents a blockage, Sikkink (2005, 159) calls unresponsiveness. In the same regard, *exclusion* of the public in general, or strongly opposing groups from exchange meetings and decision-making processes is equivalent to the blockages of unresponsiveness and neglecting activists and claims. Moreover, exclusion reduces access to information and in-depth details about such decision-making processes.

Different forms of *internal pressure* discourage individuals or groups from joining campaigns, such as *hearing of authorities*, *threats and intimidations,* and threats about the *withdrawal of public spending*. The first is described as a culture-specific element of Mozambican society. *Corruption* of traditional leaders, who enjoy much respect within communities, constitutes another blockage. Once they are convinced to support a

project, the community rarely complaints about it, even if dissatisfied. This strongly shapes the ability of individuals and communities to advance claims. *Threats and intimidations* refer to fears about personal security, particularly if confronted with armed forces. The last, *withdrawal of public spending*, puts local communities under distress as it may prevent infrastructural development in their area.

Following Della Porta and Diani (2006, 16), repression also shapes the perception of political opportunity structures. I argue that individuals and groups are confronted with blockages if exposed to internal pressure, which occurs in threats and intimidation. The threat of withdrawing public spending puts pressure on local communities to agree to a project rather than resisting it. Likewise, domestically and actors on the transnational scale in the form of donors put *external pressure* on organizations mobilizing against large-scale projects by threatening to *withdraw funds*. This happened reportedly in the case of the campaign *No to ProSavana* and in other instances of LSLA.

Referring again to Meyer (2004) and the role he assesses to cultivate allies, activists saw *payments* of campaign members as a blockage, as this breaks apart allies and weakens their social mobilization. In the Wanbao context, peasants received money to argue against the project, while in ProSavana, organizations were accused of doing the same. *Influence* of different groups that could potentially cooperate in campaigns also happened reportedly in the overall national context. Last, the *strategic assessment* of civil society organizations in the form of research and publications, especially in the case of ProSavana, triggered mistrust. The findings were allegedly used for the *manipulation of public opinion* and represent a blockage insofar as activists feel categorized and rated. Again, this influences how they perceive opportunities to create allies with actors who did these studies.

To sum up, political opportunity structures in the cases are perceived in the form of access to exchange platforms on different levels and sometimes through allyship with influential actors. Networking is regarded as a strategic political opportunity to sidestep blockages by reaching out to partners with a broader range. These political opportunity structures enable leverage on the one hand and access to information on the other. Thus, activists are not confronted with total blockages, as in Keck's and Sikkink's (1999) boomerang effect, but rather with limited ones. Limited because though having access

to debates, activists perceive their impact as minor if content-related remarks are apparently overheard or neglected. This occurs in different forms and is often related to impeding access to information.

Blockages are not limited to the domestic scale but also occur on the transnational one, especially when considering that pressure in its varying forms acts as an element that hinders the creation of allies. Using an interplay of multilevel political opportunity structures to react to multilevel blockages resembles strategies of insider-outsider coalitions (Sikkink 2005). Finally, what resonates in several apparent blockages is the mistrust towards projects of LSLA. Especially the strategic observation triggered suspicion even more and reflects what Polívka and Reicher (2019) discussed in the context of urban planning, where secrecy in a planning phase feeds into an atmosphere of skepticism towards a project.

## 5.2 Legal Opportunity Structures

Legal opportunity structures include legal instruments, like regulations, rights, norms, and access to legal institutions, such as courts. If activists perceive and use legal opportunity structures, they may increase chances for success, as references to institutionalized regulations put claims on a legal base (Cummings 2017, 260). Similarly, referring to such instruments may also point towards the failure of existing rules and calls for improvement (Andersen 2008, 24f.; Vanhala 2012, 543). Thus, legal opportunity structures are either used to show that a claim is legally justified or indicate that a legal instrument was violated. The perception of legal opportunity structures influences how social movements shape goals, repertoires, and strategies. In the following, first, perceived legal opportunity structures in the overall national context, second in the case of Wanbao, and third in the case of ProSavana are depicted, before contrasting the findings, also with regard to the role of rights regulations used that are including the *land norm*.

### 5.2.1 Legal Opportunity Structures in Mozambique

The legal opportunity structures used in the national context of LSLA in Mozambique include referring to *domestic* rights and *transnational* regulations to *increase the*

*legitimacy* of claims. The references to rights and regulations on different levels are sometimes strategically intertwined, often dependent on the *addressee*(s) of the claims. Either to hold the addressee accountable or to create pressure on the own government from outside. Rights and regulations may also provide a legal opportunity if activists use them to point towards a *violation of existing rules*. Another legal opportunity structure is used by bringing cases to *legal institutions*. Further, *co-authoring* legal instruments is described as an important legal opportunity structure for CSOs in Mozambique, both domestic and transnational.

Perceived blockages include the *ambiguity of legal documents*, which activists assess as challenging when claiming based on unspecific rights or regulations. To confront this blockage, transnational governance proves useful to interpret ambiguous regulations. Another impediment is described concerning *regulations of the AU* which are regarded as less useful, due to the AUs role in large-scale land investments. In the context of legal institutions, perceived blockages refer to a *poor negotiation position* of peasants when confronted with well-equipped opponents that can engage good lawyers, slow *bureaucracy*, a *lack of independence* of courts, and the fact that cases at court can only be made, once a right has been violated and *not preventively*. If confronted with blockages in terms of *losing a case*, claims may also move to transnational legal institutions to strategically sidestep this blockage.

*Domestic* rights are perceived as an essential legal opportunity structure to *increase the legitimacy* of claims. This is particularly true for the Constitution of the Republic and the land law. Every interviewee referred to these legal instruments when talking about rights and regulations. As most of the Mozambican population lives in rural areas and from their land, its importance cannot be overestimated: "I think this is the central point. Normally it is exactly where we start (...) land is such a central aspect of development in Mozambique, and particularly because it is reflected in the constitution for example that agriculture is central to development, and agriculture depends on land" (Activist D, 29/03/2019). Additionally, the active role of CSOs in the creation process of the land law makes it a key instrument of reference:

> "Our land law is the base. It was created with the involvement of civil society
> organizations from '95-'97. So naturally, it is the first point that we evoke.

So, if it comes to land, we always prove very cautiously because we think that land is that main thing that the peasant has. If the land will get privatized one day, we are going to see many more conflicts, worse than now" (Activist E, 09/04/2019).

The land law is thus perceived as a crucial legal opportunity structure in every activity and campaign. Such opportunities are recognized not only domestically but also transnationally. *Transnational* regulations likewise provide references points for social movements to embed claims in legal frameworks. Suppose Mozambique is a signatory of transnational regulations. In that case, claims sometimes refer to compliance with those and can hold actors in Mozambique accountable based on that rule: "Because Mozambique is signatory of a whole series of international instruments. And if you are signatory of these instruments, you have to respect these laws" (Researcher C, 05/04/2019). An official likewise stresses that treaties, once ratified, are equally solid legal instruments just as domestic laws:

"Mozambique is a country with many ratified international conventions (…) Which means, and then in our Constitution of the Republic it is clear that all those conventions once ratified, they have the same value as our laws under our constitution. So they can be applied. I think that the culture of referring to these conventions is growing. At least to strengthen the arguments of intellectuals and civil society organizations that are usually watch-dogs of situations" (Official A, 05/04/2019).

Looking at specific regulations that are described as useful legal opportunities, some transnational regulations are prominent in every campaign and the everyday work of activists. This is especially true for the Universal Declaration of Human Rights (e.g., Activist E, 09/04/2019). Another activist explained: "We work a lot with the Universal Declaration of Human Rights (…) Because the main part of our activities that we are implementing is a lot about those human rights are respected" (Activist M, 07/02/2020). Several other transnational regulations of the UN or UN bodies, such as the MDGs and the SDGs, and regulations about food security and sustainable investments are central transnational instruments for many groups. Additionally, UNDROP was mentioned repeatedly (e.g., Activist A, 21/03/2019; Activist E, 09/04/2019). As shown in chapter

3.5, UNDROP is a transnational regulation, activists firmly pushed for. Like the Mozambican land law, the legal instrument created with the support of CSOs is regarded as particularly useful.

The multiple levels of governance are not perceived as parallelly existing legal opportunity structures but are closely intertwined. An activist explained that different legal instruments are used in a complementary way to show that claims are, on the one hand legally legitimized and on the other that existing rights are violated. By referring to an example of a forest plantation in Mozambique, the interviewee elaborated:

> "So, you have a company that is violating the land law, (…) that is not complying with the Maputo Declaration (…) that is not observing the African Union guidelines. You have also a company that is not complying with the indigenous peoples' rights declared by the United Nations (…) but it's something that has been instituted, enacted by various national, transnational, international bodies. So, I think that it gives more strength to your struggle (…) And this is the reason why we (…) refer to all these instruments" (Activist B, 28/03/2019).

By listing a variety of legal instruments on multiple levels, including the domestic, regional, and transnational one, this comment shows that legal opportunity structures are perceived and created through the interplay of several rights and regulations.

Whether a legal opportunity structure is regarded as useful and selected is decided strongly depending on the *addressee*(s). This might refer to the scale at which the addressee is located, whether the addressee approved or ratified a specific regulation, or if an addressee is approached strategically to put pressure on the own government. An interviewee explained:

> "If we have a case at the permanent peoples' tribunal[33], we use all the international instruments over the national ones, depending on the level to which we are turning to, we use different types of instruments (…) At the national level we refer to [national] laws and regulations. So, any violation

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[33] The Permanent Peoples' Tribunal is an independent civil society human rights tribunal linking movements and pushing for "effective laws that can meet the growing challenges of globalization and economic impunity" (Fondazione Lelio e Lisli Basso 2015).

of those is a violation of the law. So, it has more weight. It has a binding weight" (Activist D, 29/03/2019).

Not only does the scale of the addressee influence which legal opportunity structure is chosen as an instrument to enable leverage, but also to hold governments accountable:

"(…) investments are often supported by countries that are signatories or that have approved for example the Goals of Sustainable Development; they are undermining those goals themselves. It is a contradiction to have a program (…) that is going against (…) the very definition of food security, the very mechanism of the FAO and the United Nations. As we note, for example, if you expropriate land, if you expropriate water, obviously you have no way to arrive at the goals of sustainable development" (Activist A, 21/03/2019).

Thus, if an addressee violates regulations approved by him- or herself, activists try to identify precisely this contradiction to support their claims legally. Another legal opportunity structure identified refers to transnational instruments to pressure a government through external actors, such as other governments, especially donors.

"In the case of conventions, of the international treaties, some of them are binding, they help us a lot. And it has the great advantage of exerting a great influence on the government because many times this is also where the support of the state budget comes from for various programs. So, the government wants to look good in the outwards picture. It doesn't want to be challenged at that level, it doesn't want to be criticized on that level, so it wants to follow these conventions. And these conventions bring obligations, and they bring other things. So obviously, they are also used" (Activist D, 29/03/2019).

This perception of transnational instruments constitutes another legal opportunity structure as external actors may help to increase pressure on the own government by holding it accountable.

While rights and regulations are regarded as legal opportunities to give a claim a legal ground, another way of using the legal opportunities is to point to the *violation of*

*existing rules*. As a staff member of an international organization commented, it is not only about having "pretty rules" but also applying them (Based on IO Staff A, 10/05/2019). As described at the beginning of this subchapter, pointing towards the failure of legal instruments is also a legal opportunity. Activists reported specific examples of resettlement in the context of land by the government and frequently about the violation of the rule for community consultation. Looking at specific violations of rights, an interviewee reported: "We have a constitution that says that land is the property of the state, okay, that land can be taken away when national interest is at stake. It is true that this is part of the law. But in fact, in reality, many times those things are not respected. They are not respected by the very people who pass the law" (Researcher C, 05/04/2019).

Every interviewee talked about problems or even violations of the law in consultation processes that should happen in the planning phase of an investment project, if the land is already used (e.g., Activist, 21/03/2019; Researcher 05/04/2019). Activists frequently point to the violation of these rights, thus using legal opportunities to show that their claims are legitimate as specific legal rules have been violated. One of the reasons why right violations happen in the context of LSLA is, according to a researcher, a lack of transparency in the processes of planning and agreeing on projects (Based on Researcher F, 06/05/2019).

The legal opportunity structures that are regarded as useful in Mozambique refer to rights and regulations and to accessing *legal institutions*. Organizations and networks of CSOs regularly bring cases to court. Interviewees reported about land loss or cases of monoculture-induced pollution, of which some were decided in favor of affected farmers. But even if a verdict is not decided in the claimant's favor, bringing a case to court is still regarded as valuable for capacity building:

> "So the peasants, besides knowing the law, have to know, okay, if the peasants have their land taken from them, how to make a claim. So, there are these tools that reinforce the peasants and that are given in terms of experience how to bring up a case, where to start the case, to go to the district court (…) so this is an experience that was a good success" (Activist E, 09/04/2019).

Besides using the court as a legal opportunity structure for leverage, activists reported that they could establish a good relationship with the prosecutor's office of the capital and other institutions related to human rights and justice (Based on Activist D, 29/03/2019).

Another type of legal opportunity structure goes beyond the reference to rights, regulations, or institutions. By *co-authoring* legal instruments, activists influence the creation of tools they may use in future mobilization. I argue that by bringing in expertise into debates about rights and regulations, activists use an additional legal opportunity structure to create the instruments they can use later strategically. It is no coincidence that the land law is the main domestic reference point, as CSOs co-authored it:

> "So, the big debate was launched in '96 and [two CSOs] were invited to participate in this process actively. And an interministerial group was formed that would be responsible to conduct discussions first at the provincial level, (…) to find out what thoughts about it are there. There are some essential points that [were] defended. First, of course, the consensus of civil society (…) is that land should remain the property of the state. In other words, land should not be privatized. Second, there are some aspects that need to be addressed, such as the question of the customary law and the right to occupation. The right of inheritance for example" (Activist E, 09/04/2019).

As shown in chapter 4.2, the involved organizations were able to enforce some of their interests against transnational players who preferred a more liberal design and pushed for a law that is crucial in their campaigns. The involvement of the groups in the context of this legal instrument continues, as the land policy currently underlies a debate about its revision:

> „At the end of 2017, [started a] review [of] the national land policy. The national land policy is the most comprehensive regulatory instrument about land (…) So this is a process that was launched by the government, unfortunately without much information in the sense of what are the fundaments that lead to this. In the sense of what the government should but doesn't say why the national land policy should be reviewed" (Activist E, 09/04/2019).

The lack of clarity about the revision process was further elaborated: "Another aspect that we want to be indicated clearly (…) is which articles are going to be revised. Because as we know, there is no clarity (…) why the government wants to revise the national land policy. We don't know" (Activist E, 09/04/2019). Though CSOs are involved in the revision process of the land law, they see a situation of lacking transparency regarding the purpose, background, and further details. Regarding the revision process, a staff member of an international organization elaborated another perspective on the procedure:

> "The first feeling that I want to reinforce is that regarding rights normally, it is the case that everybody here, in the government, civil society, is very afraid of change. It is my hunch that it is a little bit this (…) Many don't want to change it because they are afraid of retrogression (…) And this, I think, is an issue that has generally led to a certain stagnation in the area of legislation (…) So, an incredible law that was passed in `97 is not necessarily an incredible law in 2019" (IO Staff B, 28/05/2019).

Focusing on which changes the law would require, the interviewee further explained: "I think that carefully, I understand the preoccupations, but I think that it should gradually reach to a regulation that allows a person to use their land as collateral to get financing. I think it should be regulating a little more to admit that there is a market for land. Because it does exist" (IO Staff B, 28/05/2019). I argue that civil society's hesitancy is based on two experiences made repeatedly. First, the observation of several instances of LSLA projects deteriorating the living conditions and situation of rural communities. Second, the overall context of lacking information in terms of motivations and intentions behind the behavior in the context of LSLA results in the fear to further deteriorate the situation.

Co-authoring instruments is not limited to the domestic realm. CSOs also bring in their opinions on different occasions about transnational regulations. An expert of a UN organization explained that they invited and consulted organizations for a meeting to discuss a draft of a regulation about agriculture in Mozambique. With this feedback, they advise the government, which then decides on the outcome and form of the framework (Based on IO Staff C, 11/06/2019). Also, LVC lobbied strongly for the already

mentioned UNDROP (see also chapter 3.5). Various organizations from Mozambique participated either directly, as members of LVC, or indirectly, by giving feedback on the regulation, in domestic debates in this process. As in the case of the land law, I argue that this is a reason why this transnational instrument is central in many campaigns and activities. Using the legal opportunity of co-authoring instruments, activists create the legal tools they may use later to work towards their goals.

Activists reported that it is sometimes challenging to refer to rights or regulations due to the *ambiguity of legal documents*. If rules do not specify procedures and allow room for maneuver, they might be interpreted differently than what activists perceive as appropriate. If the law narrowed the space for statutory interpretation, it would be easier to indicate a violated, or, in other words, constitute legal opportunity structures that would point to the violation of law:

> "When it is possible to show that there was a clear violation of the land law, it is much easier to take legal action. The big problem is that there are issues that are a bit unclear (…) Like the question of public consultations, which is a key point in the land law and is one of the key steps in the whole process. It is not in the land law and in the regulations clearly defined how these public consultations should be conducted. What is the information that must be given? How this information must be given?" (Activist D, 29/03/2019).

The rules for community consultation were specified in 2011. Since then, at least two of these meetings are required, which was not the case before (see also Associação de Comércio e Indústria 2012, 18). According to an official, this change was incentivized to reduce conflicts (Based on Official A, 05/04/2019). However, community consultation is an aspect that is still often criticized for being too vague and thus violated. By pointing towards this issue, activists use a legal opportunity structure of referring to the violation of a legal instrument. The ambiguity of the community consultation regulation excludes local community members easily from consultation processes in which they could obtain information about a planned investment project. If these terms are not clearly defined, farmers lack information about ongoing processes that may concern their land. An interviewee specified:

"So, many times we observe a violation of the law, but we have noy way to prove it because it is not defined exactly what access to information is. Is access to information giving you a copy of a document or is it you coming here to read the document? So, if I put something on the internet, I've already given access to information?! But what is the percentage of the Mozambican population that has access to the internet? (…) there are several aspects in the law that are not properly defined and that give room for this kind of situations" (Activist D, 29/03/2019).

One strategy to counter the lack of clarity of rights and regulations is referring to transnational regulations, if they specify an issue that remains vague on the domestic level. For instance, referring to additional transnational concepts, such as the FPIC to supports claims and the interpretation of the legal documents: "And of course, when there is ambiguity, or lack of definitions, people need to get some principles and I found that they go back to the principles that are sometimes more consolidated at the international level" (IO Staff B, 28/05/2019).

The analysis of the legal opportunity structures so far showed that mainly domestic and transnational regulations are perceived as useful tools to put claims on legal ground. While several rights and *regulations of the AU* exist on the regional level, several activists perceive them as less useful. Many activists describe these instruments as less important in their campaigns around LSLA because of the promotion of large-scale land investments of the AU, which contradict the rules themselves. The AU Charter for Human and Peoples Rights is an instrument that is sometimes referred to but not undisputed. Activists criticize AU regulations because of the model of agricultural production they promote and because of the role of African governments in projects of LSLA: "Normally, the African Union documents are very turned around, very agribusiness oriented as well. And for a revolution of agriculture etc. etc. So, they are not instruments that we normally use in our work" (Activist D, 29/03/2019). Also, "We are using the AU Declaration [of Human and Peoples Rights] very little, partly also because unfortunately, African governments are the main promoters [of investments]" (Activist A, 21/03/2019).

Those comments describe the contradiction between promoting LSLA that threatens the very human rights of peasants and rural communities and therefore lead to hesitancy in

applying regional regulations in activism around land. Once again, the choice of regulations is actor-oriented. Not only as described above regarding the addressee, but also the author of instruments. Legal instruments are consequently never independent from actors who created them, but their perception and assessment as legal opportunities are closely related to their authors.

Regarding the legal institutions, activists also reported about a couple of blockages they face when using this legal opportunity structure. First, peasants find themselves often in a *poor negotiation position* in comparison to their opponents at court: "The companies have advocates that are very well paid etc. And the communities don't. And the state also doesn't want it either" (Researcher F, 06/05/2019). Second, due to *slow bureaucracy*, decisions take a very long time:

> "The organizations of civil society (…) know the legislations (…) But they have difficulties in exercising them. Because either there is repression or there is inertia on the part of the judiciary, there is a lot of complicity between the state and big companies, so there is difficulty exercising rights, in monitoring and exercising rights" (Researcher F, 06/05/2019).

This comment already points to third, a perceived *lack of independence* of courts: One interviewee reported about human rights violations in the context of extractivism. Still, the verdict disfavored them: "So clearly, the juridical system is linked to the government. It should be independent, but it isn't. It defends the companies, the money and the economic interests and it doesn't properly defend the communities" (Activist D, 29/03/2019). Forth, another blockage is perceived as claims at court can only be made once a right has been violated and *not preventively*:

> "And many times, to take the case to court of example, one of the big flaws also in the issue of laws is that if the investment hasn't happened yet (…) there hasn't been usurpation of the land yet, then I can't use the land law (…) If the facts haven't happened yet, you can't do anything. So, I have to wait for that it happens to go to court" (Activist D, 29/03/2019).

All these blockages restrict the use of legal institutions as a legal opportunity structure. However, *losing a case* at court may open transnational legal opportunity structures to claimants:

> "If we intend to do the campaigns continuously, we have to first do all the internal mechanisms, the national courts, the local courts and then the African court, to other forms. So, our intention is also to use the whole systems of the national and execute first the cases that are possible there at the national level, to then also being able to bring it up on the other levels, regional and international" (Activist D, 29/03/2019).

This strategy shows how activists interrelate legal opportunity structures and shift along scales if confronted with blockages. Once national paths are depleted, new legal opportunity structures open at the transnational scale.

### 5.2.2 Legal Opportunity Structures in the Case of Wanbao

References to rights and regulations as legal opportunities around the Wanbao project serve two purposes. On the one hand to *increase the legitimacy* of claims through legal embeddedness and on the other to point towards the *violation of existing rules*. The legal opportunities include in both perspectives referring to a broad range of *traditional, regional, domestic*, and *transnational* rights and regulations. Such references are generally made by naming a concrete instrument. Content-wise, the instruments include social rights, such as community and labor rights, environmental issues, and information sharing. References to social, environmental, and transparency issues are not made separately but are closely intertwined. In other words, the lack of transparent processes is often the rationale why claims about social or environmental issues are raised. The different regulations, especially domestic, regional, or transnational ones that serve as a reference point depend on the *claimants,* the *addressee,* and the *type of investment*. Usually, domestic rights and regulations constitute the main reference points of claims but are complemented with regional and transnational regulations if activists perceived blockages.

Activists view blockages in terms of *unresponsiveness* of governmental institutions towards their claims. Though legally embedded, claims are often ignored, which is

comprehended as disinterest in solving problems. Another blockage refers to the *lack of dissemination* of legal instruments, especially domestic laws, to local communities. It is impossible to refer to such in complaints without being aware of their existence. Therefore, activists strategically offer *educational trainings* for community members about their rights, thus sidestep this blockage.

Regarding the use of legal instruments activists refer to rights and regulations to *increase the legitimacy* of claims. By embedding claims legally, they show that their inquiries are not sensitivities but legally grounded and justified requests. This use of the law is one way of realizing legal opportunities. An activist explained about the reasons for referring to legal instruments when protesting the Wanbao project: "And we, in everything used the laws. Of which we can say is the rule, use the personal rules in the collective fights. You can't use personal concerns; what you have to use are the legal rules" (Activist K, 06/06/2019). References to rights and regulations to legitimize claims are reflected in different campaign documents. An announcement of a group of organizations for a demonstration in May 2014 concluded with, "We are poor, but we have rights" (Fonga 2014).

While making legally embedded claims, activists refer to rights and regulations on multiple levels. First, on the *domestic* level, a broad variety of laws serve as reference points to show that the countries' rules support the raised concern. The Mozambican land law and the Constitution of the Republic of Mozambique represent the main reference points in the activism around the Wanbao project regarding land use and land loss. In an NGO report about the Wanbao project and surrounding area, the constitution also serves as a reference point to claim for compensations of destroyed possessions (Art. 58), preserving Mozambican identity and traditions (Art. 11), respecting traditional rights and authority (Art. 118), and promoting rural development that supports the people (Art. 103) (Justiça Ambiental 2016, 32).

Second, references to *transnational* regulations add to these legal opportunities because activists perceive them as useful for further embedded claims. By showing that domestic rules and transnational ones support their cause, legitimacy is extended to the transnational realm. An interviewee explained the importance of transnational regulations in their work about Wanbao: "It gives more weight, more emphases to show

that not only the national right, but also internationally this issue is recognized and defended. So, this gives more weight and more emphasis" (Activist K, 06/06/2019).

Third, referring to rights, regulations, or norms to show that a statement is justified may also apply to the *traditional* level. I argue that traditional and customary rights constitute normative rules within a local community and are consequently perceived as a legal opportunity by community members. Thus, one of the reasons why a specific rule is chosen to support a complaint depends on the *claimant*. Peasants who resisted the Wanbao project linked traditional and domestic rights and reported that the land belongs to them because they inherited it from their ancestors. This means that they can make their *machamba* and produce there. The inheritance from their ancestors legitimized their right to use, cultivate and grow. The argument for their claims refers to customary rights, but the peasants further elaborated that they are aware of the land law, explaining that the land belongs to the state, but they have the right to use it, and nobody can expel their rights (Based on Translation of Local Community Members B, C, D, 25/04/2019). The translator explained: "Until now, they don't have an outcome, but they still make noise. Even now, they are still making noise, they are still going ahead, they are not leaving it (…) because they know that they have the right because they are Mozambicans, to use the land" (Translation of Local Community Members B, C, D, 25/04/2019).

As explained at the beginning of this section of the analysis, I also understand legal opportunities in terms of referring to rights or regulations to show that a *violation of an existing rule* happened. By doing so, claimants do not only perceive an action as unfair but show that it violated a rule, which gives a claim legal ground. For activists, the first legal reference about the violation of a right or regulation usually addresses the *domestic* land law and the requirement to consult communities using the land of concern in the planning phase of a project. As the Wanbao project started without any information of the affected communities about it, activists pointed towards this clear violation of the law:

> "When we had the information that the government had granted those hectares to that company without following the national legislation, the Mozambican organizations took a position to complain about how the

process was carried out (…) there was a violation of a right of the communities with regard to the question of consultation. Because the consultations were not done. And by not consulting and allocating land to an investor, this process or this license is illicit" (Activist I, 28/05/2019).

After getting a response from the RBL that said the Wanbao project would not need community consultation, because it benefits the community, an activist stressed: "We questioned that the law doesn't say this, even if it is good for the people, because it is their land. They have the right to use and benefit from the land, so they must be consulted. If they really want the project on the land or not" (Activist K, 06/06/2019). Activists closely linked the lack of community consultation to withholding information. Only after the intervention and mobilization with CSOs working in the whole country, information about the project was shared and some peasants received their land back briefly after its destruction in 2012. When reporting about this process, an interviewee stressed the violation of the domestic legal framework:

> "We managed to mediate this land negotiation between the government and the investors, until we reached a point of returning the land that had been taken away. It means there was a recognition of a process that happened in a way that was not according to law (…) They already had their DUATs, the right to use and benefit from the land, without having conducted the consultations. The people didn't know which company it is, they saw Chinese destroying their fields and starting their rice cultures. But without them knowing, without being informed. Only after this mobilization and when the local government started to interact with the communities, they passed the necessary information" (Activist C, 29/03/2019).

An NGO report also referred to the DUAT, as part of the land law. More specifically, to the fact that people in the area were using the land for more than ten years, meaning that they do not need any document but already have the right to use and benefit from it (Justiça Ambiental 2016, 30, 33). Also, this report addressed the lack of compensation, which is another legal requirement if land use rights are transferred to other actors (Justiça Ambiental 2016, 21).

The lack of information and community consultations is criticized in the context of the land law and by referring to specific domestic rules about information access. In another report about the Wanbao project, the same NGO refers to the freedom of expression and the right to information, based on the Constitution of the Republic of Mozambique (Art. 48): "It is not justified, for example, in a country that has various natural resource exploration projects that are developed (supposedly) in the name of the people, the same people do not have clear information about those projects, said to be of 'public interest', available, and, worse than that, this information is systematically denied when requested" (Justiça Ambiental 2014, 5).

Though the land law is the main reference point of claims and a legal opportunity to point towards violations of laws, additional domestic laws are perceived as useful to embed claims legally. This includes references to the labor law regarding the employment conditions of those working at the Wanbao project, the environmental law, the policy of land, and the decree of resettlement, which specifies the terms of compensation in case of relocation: "We also used the environmental law. Because those products that they use pollute not only the people, but also the environment itself and the people. And we used also the policy of land (…) And we also used the decree of resettlement" (Activist K, 06/06/2019)

In the context of environmental disputes, the already cited NGO report from 2012 claimed that a legally required document for an investment project such as Wanbao, based on the regulation of the evaluation process of environmental assessment was lacking. It claimed about a "direct violation of the (…) decree 45/2004, of September 29, which establishes the requirement of realizing an EIA [Environmental Impact Assessment] for any project with economic activities, as well as obtaining the respective environmental license, obtained upon the unavoidable payment of the appropriate fee", which however, did not happen even though the project already started (Justiça Ambiental 2016, 20). By referring to specific laws and its violation, activists show that their complaints are legally legitimatized. Even more bluntly, an interviewee concluded: "The project started its activities without the environmental assessment study approved. It has not been proven. Legally, right. That's illegal. First, you have to prove

your environmental impact assessment study and then you can start your activities" (Activist K, 06/06/2019).

When using a legal opportunity in terms of rights and regulations, domestic rules are often complemented by legal instruments on other levels of governance. By doing so, claims are legitimized on multiple levels. The already quoted NGO report of 2014 not only referred to domestic information laws but additionally added the *regional* and *transnational* level: "It is important to note that the access to information, as agreed in regional, continental, and international protocols, charters, and conventions is a fundamental right and as such, Mozambique has the duty to respect, protect, and comply with this right" (Justiça Ambiental 2014, 5).

An interviewee explained how they referred to transnational regulations and the FPIC in a statement addressing the provincial government:

> "Together with [other organizations], we wrote a statement (…) to express our opinion because there was in a first step a clear violation of the rights of the local producers (…) about 200 individual producers, and we must multiply it here by their family aggregates 200 x 5, so about a thousand people were taken of being affected by this decision. And this is what calls attention in the sense that our Mozambican legislation is clear, but the actions of our government find themselves violating this legislation. And from there, from the violation of this national right, there was also a violation for example of international law, of the United Nations charter, the free and informed consent that is a condition of being able to allocate land to an external actor from the communities, [that] was also violated" (Activist I, 28/05/2019).

Like in the statement above, the claim at core addresses the violation of the domestic legal framework but is supported by mentioning transnational regulations. The transnational regulations that are perceived as useful legal opportunities are norms and specific regulations, as a campaign document shows. In a petition, claims formally and directly addressing the provincial governor refer to domestic and transnational regulations and a wide variety of topics. These include indigenous rights, the violation of community rights, and claims for more transparency.

In the social mobilization around the Wanbao project, several organizations and 62 individuals signed a petition in 2014. Claims referred to the lack of community consultation and a lack of transparency in the project planning process. About transnational regulations of community consultation, the document relates to articles 6 and 7 of the ILO Convention 169. Further, the World Bank OP4.10 regulation is mentioned, which deals with indigenous peoples in investment projects. The petition also addresses the land and labor laws on the national level. Regarding the latter, claims are about: "imposing employment relationship without contracts, with wages below the tariff, overtime without pay, unilaterally terminating contracts without cause and in some cases, mistreating Mozambican workers, we demand that the lives of workers are respected within national and international standards" ("Petição 1" 2014).

Besides this use of legal opportunities in terms of referring to rights, regulations, and norms either to embed claims legally or to stress that existing legal instruments were violated, activists also reported about blockages. One blockage is perceived in terms of *unresponsiveness* of governmental institutions to claims. To strategically sidestep this blockage, activists address regional and transnational institutions and raise legally embedded claims. Addressing supranational institutions may increase pressure on the own government. The decision about which legal instrument is assessed as useful not only depends on the *addressee* but also the *type of investment*. An interviewee explained about the orientation on actors and contexts, and strategies to sidestep apparent domestic blockages:

> "For instance, Wanbao is an international investment (…) So, for us, if we do advocacy in correlation with the violation of rights of the communities, we refer to international rights (…) For example, we assume that at the national level, the government is not interested in solving the problems. So we can only make claims at the international level because if we address for example the United Nations, if we address the African Union, if the address the SADC, and we would say the Mozambican government doesn't comply with these requirements or that international regulations regarding investments. And the Mozambican government can be held responsible at

the international level exactly because we address it, the international rules,
to strengthen our actions of advocacy" (Activist I, 28/05/2019).

Another blockage refers to the *lack of dissemination* of laws. As mentioned above, farmers refer first to the traditional land right and sometimes add the domestic land right in the context of the Wanbao project. At the same time, other peasants made the same remarks about inheritance but did not root it in the national legislation or reported about knowing about the existence of the land law. To be clear, the Mozambican land law is a formalization of the customary right and thus very similar. Still, activists stressed that it is important when using legal opportunities to embed them in legal instruments that are theoretically enforceable: "It is the foundation. It is the laws that regulate. So, if you don't know your rights, you are hardly going to be able to insist on your rights" (Activist K, 06/06/2019).

To sidestep this blockage of the lack of dissemination of law, several CSOs thus offer *educational trainings* about legal instruments for local communities to familiarize farmers with the laws: "Our role as organizations is to support the communities because they do not know about (…) what are the national rules to strengthen their rights" (Activist I, 28/05/2019). At the same time, an activist made clear that this dissemination gap of the domestic law is not the failure of the communities but rather rooted in the exclusion of the local population in the creation of law:

> "The laws are produced without the participation of the communities. Therefore, the laws are exclusionary. The legislative production, the production of the legal commands is done in the absence of the communities. The communities possess knowledge, but not about what is produced behind closed doors (…) So, it's not ignorance. It is the dysfunctionality, the detachment between the knowledge of the communities and those who produce the legal instruments. Because there is no communication (…) The communities know their rights. They just don't know the rights that are produced in Maputo" (Activist F, 26/04/2019).

Following this comment, the difficulty lies also in the neglect of the expertise of local communities which detaches local knowledge from the production of legal tools.[34]


### 5.2.3   Legal Opportunity Structures in the Case of ProSavana

In the activism around the ProSavana project, legal opportunities include mainly references to governance instruments to *increase the legitimacy*. By doing so, both *domestic* and a wide variety of *transnational* regulations serve as reference points. Though, compared to Wanbao, the activism around ProSavana is rather oriented across borders, the first legal instrument activists describe as crucial in their campaign is still the land law. Further domestic rights point to the access to information and transparency. On a transnational level, a broad range of rights and regulations are perceived as useful legal opportunities to support claims, including peasant rights, food security regulations, and indigenous rights, specifically the FPIC. The primary rationale in the case of ProSavana to include transnational rights and regulations as reference points for claims is an orientation towards its *addressee*(s). As the project did not yet start by the time of mobilization, some references to rights and regulations, but to a minor extent than in the case of Wanbao, thematize the *violation of existing rules*.

Another perceived legal opportunity structure refers to accessing *legal institutions*. Domestically, a case at the administrative court in Maputo was decided in favor of the claimants in 2018. The land law, the Constitution of the Republic, and a wide variety of other domestic laws provided the legal base to claim for sharing information about the project's plan. Transnationally, the case of ProSavana was raised at the Permanent Peoples' Tribunal, where similar cases on the continent were collected in 2017.

In the context of legal opportunity structures, activists perceived blockages in the form of *disregarding a court decision* by MASA. Also, activists reported about the *abstention* of Japan in the vote about the UNDROP resolution at the UN General Assembly in 2018[35], which they interpreted as disinterest in supporting peasants' rights and consequently as a blockage. Last, one transnational regulation, namely the Principles for Responsible

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[34] For a discussion about the emergence of 'traditional knowledge' as influential on the transnational level, see López Rivera's (2020) work on environmental governance.
[35] See United Nations Digital Library n.d.

Investment in Agriculture and Food Systems, included in different versions of the ProSavana master plan, received harsh critique from activists. In contrast to other legal instruments, it was perceived as a blockage, a regulation with *weak protection* of community rights.

The legal opportunity of referring to domestic rights and regulations was used to *increase the legitimacy* of claims. The *domestic* land right based on the Mozambican land law and the Constitution of the Republic of Mozambique are perceived as particularly useful and essential to protect the rights of local peasants by a wide variety of actors, including activists, officials, or staff of international organizations. They constitute reference points in the *No to ProSavana* campaign as a legal opportunity. Again, by referring to domestic rights, claims are embedded to show that they are not vague demands but legally grounded. A publication of the campaign states: "We encourage the government to scrupulously observe the Land Law and the Article 109, paragraph 3 of the Constitution of the Republic and ensure its implementation" (Não ao ProSavana 2017). This article says: "As a universal means for the creation of wealth and of social wellbeing, the use and enjoyment of land shall be the right of all the Mozambican people" (Assembleia da República 1975). Likewise, Paragraph 103 of the Constitution of the Republic came up several times in interviews and campaign documents (e.g., UNAC et al. 2015). It says that agriculture provides the base of national development and that the state supports the agricultural development in social and economic terms while respecting the needs of its people (Assembleia da República 1975).

An interviewee working at an international organization stressed the key role of the land law to support and protect the rights of the rural population: "I believe that Mozambique has currently one of the best land laws. At least looking at our country, looking at the level of development that we have (...) almost 70% of the population lives in rural areas, so if this land law can't protect them, with the big investments (...) we are going to have big problems with land conflicts" (IO Staff C, 11/06/2019).

As described earlier, the resistance against the ProSavana project is characterized by strong networks and exchanges across borders. Accordingly, domestic legal instruments and *transnational* regulations play a critical role as legal opportunities. These legal instruments include especially human rights and the concept of FPIC. The transnational

regulations activists refer to address the topics of agriculture, human rights, and transparency in processes. Looking at documents of the *No to ProSavana* campaign, a statement relates to: "1) respect for human rights, 2) improved transparency and accountability, and 3) valid and 'Meaningful Dialogue' based on FPIC" (Não ao ProSavana 2016). Also, the Maputo Declaration on Agriculture and Food Security in Africa of the AU, which specifies that "at least 10% of the national budgetary resources" should be used for "agricultural and rural development" is frequently mentioned as a useful regulation in the activism around ProSavana to stress that claims are legitimate (African Union 2003). The UN SDGs and MDGs are reportedly important transnational instruments in the same context.

Whether domestic or transnational instruments are perceived as legal opportunities also depends on the *addressee*(s) of claims. An activist explained that the rights and regulations they use differ between transnational campaigning and their everyday work with local communities:

> "Now, this instrument Universal Declaration of [Human] Rights, we used this instrument actually in situations like debates about ProSavana (…) We applied this type of declaration, for example we said it is a universal declaration. And as it is a universal declaration, it means that both Brazil and Japan have to take into account this declaration (…) But in our daily work with local communities, we basically take the national legal instruments" (Activist H, 16/05/2019).

Suppose an actor who is target of a claim comes from outside of the country and is signatory of a transnational regulation. In that case, this instrument is perceived as useful to hold the actor accountable. With the example of the ILO convention 169, an interviewee explained that this convention is a useful regulation in the activism around ProSavana because Brazil is a signatory. If addressing their own government, they do not refer to it because Mozambique is not among the signatories. Therefore, whether a regulation is perceived as a legal opportunity structure also depends on actors that can be held accountable as signatories:

> "The [ILO] convention about indigenous and tribal peoples, here in Mozambique, we don't apply it because Mozambique didn't sign it. But we

are using this convention in the context of ProSavana because Brazil is signatory. And Brazil has to respect it. And in Brazil is a prosecutor's office that is investigating whether Brazil is complying or not. So that's what we are using as a way to call, to denounce the negative practices that the investments are making and Brazil itself, supporting and causing it, and is going against this convention" (Activist A, 21/03/2019).

As stated earlier, I understand legal opportunities in the form of rights and regulations as either referring to such to show that claims are legally justified or to point towards the *violation of existing rules*. Activists explained that one of the reasons they refer to transnational instruments in their claims around ProSavana is the violation of it by the three countries involved in the project: "And now, the example of ProSavana, the example of the international regulations, they apply to ProSavana because (…) Japan and Brazil were violating, and Mozambique, are violating what is the international right of the Mozambican people" (Activist I, 28/05/2019). About specific regulations, an interviewee explained that UNDROP is a useful legal opportunity to claim about the violation of this instrument:

> "And we referred there [in the case of ProSavana], for example to the Declaration of the United Nations about the Rights of Peasants. And we said that it is a clear violation of the Declaration of the United Nations of the Rights of Peasants. Why does this violation of the international legislations help us? Because the international investments, when they arrive in the country, they try to ignore those which are the international rights and make agreements with our government; they overrun our legislation" (Activist I, 28/05/2019).

Rights and regulations are not the only legal opportunities for social mobilization. In the case of ProSavana two different *legal institutions* are perceive as legal opportunity structures. First, the Mozambican Bar Association brought a case to the administrative court in Maputo in 2017, claiming broad and detailed access to information and more transparency about the ProSavana project. Those claims root in the Mozambican right to information. Besides the land law and the Constitution of the Republic, a variety of further domestic regulations provided the foundation of the case. According to a lawyer

involved, next to the just mentioned domestic law, the right to information (Law no. 34/2014)[36], as well as regulations touching the issues of food security and agriculture, all on the domestic level, provided the base for the legal claim, among others. Also, the law and decree of public administration, again referring to information access and clarification on request of individuals, were part of the lawsuit (Law no. 14/2011)[37]. In 2018, the judgment made it mandatory for the government to publish the project plans within ten days[38]. The outcome shows that this legal institution is accessible as a legal opportunity structure and provides an arena for leverage.

Second, the case of ProSavana was also presented transnationally at the Permanent Peoples' Tribunal on Transnational Corporations in Southern Africa in 2017. It collected cases of extractive investments in Southern Africa with negative social and environmental impacts between 2016 and 2018. Based on the reported examples, it developed recommendations for deals between states and transnational corporations, including transparency and community involvement, among others (Mgoqi et al. 2018, 4f., 30f.). Linking up with groups in the region is part of the transnational networking to form collaborations and represents, as a legal institution, another legal opportunity structure: "We have also been involved in the Permanent Peoples' Tribunal and several of these cases that have to do with land conflicts have been presented. The case of ProSavana was presented" (Activist D, 29/03/2019).

Though the administrative court decided in favor of the claimants, they faced a blockage. The MASA did not share the plans within ten days and was thus *disregarding a court decision* and neglecting more transparency. An informant involved in the court case said they are still dissatisfied with the information provided on the project's website[39]. According to the person, it is unclear whether it lacks due to unwillingness to share more information, MASA itself not knowing the details, or whether they are only too chaotic and disorganized.

The behavior of the three governments involved in ProSavana is critically observed by CSOs and interpreted with regard to the trilateral project. The *abstention* of Japan at the

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[36] República de Moçambique 2014, 34/2014:8.
[37] República de Moçambique 2011.
[38] Tribunal Administrativo da Cidade de Maputo 2018, 12.
[39] Since the project ended, the website is down.

General Assembly vote about UNDROP is perceived as a blockage, as activists understand its voting behavior as neglecting the interests of peasants. As repeatedly mentioned (e.g., chapter 3.5), UNDROP is a key transnational governance instrument for CSOs in land struggles. Thus, in the Tokyo Declaration, a resulting statement after the fourth Triangular Peoples' Conference against ProSavana in 2018, the document addresses the Japanese vote and comments: "By choosing to abstain, Japan sent us a clear message. It would be illogical to believe that the most important Japanese State cooperation agency intends to support the Mozambican peasants if this country regards peasantry as not worthy of rights" (Não ao ProSavana 2018).

Last, some transnational regulations are not perceived as valuable instruments in the activism around ProSavana but instead only offer *weak protection* of community rights. In different campaign documents of Mozambican and Japanese CSOs, the Principles for Responsible Investment in Agriculture and Food Systems are criticized for being too vague and unspecific (e.g., in UNAC et al. 2015). This regulation is part of the first, and the revisited ProSavana master plan but is viewed as a blockage. Specifically, in a joint statement of a group of different NGOs addressing the content of the leaked ProSavana master plan of 2013, the authors mention the "ProSavana Guidelines on RAI (Responsible Agricultural Investment). These guidelines are (…) based on the seven RAI principles that were developed by the World Bank[40] and have been widely denounced by peasant organizations and civil society groups" and raise further: "The guidelines are weak and only voluntary and the plan does not call for any new laws or regulations that could really defend communities against land grabs" (Footnote added by author. "Joint Statement. Leaked Copy of the Master plan for the ProSavana Programme in Northern Mozambique Confirms the Worst. Civil Society Groups Warn Secretive Plan Paves the Way for a Massive Land Grab" 2013, 3).

As just said, not only Mozambican actors criticize the document, but Japanese civil society groups as well. In comparison to other regulations as "rather than specific measures and guidelines such as The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security" (Funada Classen, Watanabe, and Akimoto 2014, 5). To conclude, not every

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[40] FAO et al. 2010.

legal instrument is automatically perceived as a legal opportunity, but it depends on the specific content, whether activists describe it as useful, or even as a blockage.

### 5.2.4   Conclusion

Several rights, regulations, and legal institutions constitute legal opportunity structures in the national context and the cases of Wanbao and ProSavana. While the perceived legal opportunity structures overlap in all three perspectives, the apparent blockages are very specific in each particular context. If rights and regulations are used as reference points for claims, they usually cover social, environmental, and transparency issues. Many of these instruments, such as UNDROP, include the access to and tenure of land as a crucial part of rural livelihoods and human rights, thus building on the *land norm* (see chapter 3.2).

As explained in chapter 2.1, based on the literature, I differentiate two forms of how legal opportunities of referring to rights and regulations unfold. First, as a way to embed claims and thus show that they are legally grounded and not random requests about sensitivities without a regulatory base, as described by Andersen (2008) and Cummings (2017). By doing so, activists *increase the legitimacy* of their claims. In this first type of referring to rights and regulations as a legal opportunity, claims are raised in an anticipatory way and address the compliance with rights and regulations in the future, for instance, about a project that did not yet start. In all three perspectives, i.e., the national context, the case of Wanbao, and the case of ProSavana, claims are made in this way, but I argue that it is more prevalent in the case of ProSavana. This is mainly due to the fact that social mobilization started in the period before the actual project implementation. Though the case at the administrative court refers to the violation of rights to information, the majority of concerns in the case of ProSavana, including a broad variety of campaign documents and the findings from the fieldwork, are about anticipated impacts of the project in the future.

Second, another way of using rights and regulations as legal opportunities is pointing towards the *violation of existing rules*. Even if the legal instruments were unable to protect specific rights in the given circumstances, activists might still raise claims based on the violation of rights. In the context of LSLA, many claims about right violations are

closely linked to a lack of transparency. In this regard, they often thematize the breach of the land law, more specifically of the community consultation in planning processes of projects. Following Vanhala (2012), activists are not subjects in objectively given legal opportunity structures but instead create their own (Vanhala 2012, 525). By referring repeatedly to rights and regulations, even if they have been violated or disregarded in the past, activists push for their application and the "opening" of this legal opportunity (Vanhala 2012, 543). In the national context in campaigns around LSLA, in the case of Wanbao, and the case of ProSavana, activists used legal opportunities in this way. I argue that in the case of Wanbao, most claims point towards the violation of existing rules. This is also due to the fact that the social mobilization around the Wanbao project only started once the project began and thus rights were already violated.

In both types, the legal opportunities were mainly used in the forms of *domestic* and *transnational* rights and regulations. Domestically, a broad range of laws and policies are used as reference points. Especially the Mozambican land law and the Constitution of the Republic of Mozambique provide benchmarks for references. Both legal instruments specify the necessary involvement and exchange with potentially affected communities in investment projects and thus closely interlink the topics of land use, inclusion, and transparency. Transnationally, a broad range of different rights and regulations are perceived as useful reference points to raise legally grounded claims, such as human rights and, again, norms addressing transparency and inclusion of local communities. For instance, in both cases, regulations about the rights of indigenous peoples provide reference points, even if the designation of indigenous peoples is not undisputed in the context of Mozambique. In the case of Wanbao, *traditional* rights also serve as reference points for peasants claiming the loss of land. By referring to rights and regulations on multiple levels, activists show that claims are broadly legitimized in a multiplicity of governance instruments.

Another reason for using multilevel legal opportunities in the form of rights and regulations is the *addressee*(s). In the national context and the two cases, references to transnational regulations are often made to hold signatories accountable and increase pressure on the government through external actors, such as donors. The case of

Wanbao showed that the choice of rights or regulations also depends on the *claimants* and the *type of investment*.

In addition to these two ways of using rights and regulations as legal opportunities, I add a third type of legal opportunity related to rights and regulations. Activists are also involved in the (re)creation of legal instruments by *co-authoring* such. Through their involvement in creation processes of rights and regulations, for instance, domestically in the land law (see chapter 4.2) or transnationally with the VGGT and UNDROP (see chapter 3.5), activists create legal instruments they may use in future campaigns. Using this legal opportunity of co-authorship, they can create new norms, such as the land norm (see chapter 3.2), which offers another legal opportunity.

Rights and regulations are not the only types of legal opportunities that are perceived as enabling leverage. *Legal institutions* also constitute a legal opportunity structure in activism around LSLA in Mozambique and the case of ProSavana. In the latter, the case specifically addressed the lack of information in the project's planning process, embedded in a wide variety of domestic rights to information. Also, the Permanent Peoples' Tribunal is another transnational legal institution accessed with the case of ProSavana.

The blockages perceived in the context of legal opportunity structures often refer to domestic courts but also to multilevel governance regulations. In the context of courts, domestically, the access is perceived as limited in terms of a *poor negotiation position* of those with few resources, such as peasants, *slow bureaucracy* and thus delay of decisions and a *lack of independence* of the courts. Also, one blockage about courts refers to the nature of laws. Cases can be raised at court only once a law has been violated and *not preventively*. Though the main claims about the Wanbao project refer to the violation of specific rights and regulations, no claim was raised in court. As depicted before, a court case was raised in the context of ProSavana about the secrecy of project plans. Even though decided in the claimant's favor, activists perceived a blockage as MASA as was *disregarding a court decision*. Despite these hindrances, bringing a case to court is still perceived as helpful, even if the verdict is not in the claimant's favor. *Losing a case* enables bringing the case to prosecution on regional and transnational institutions. Moving to the transnational scale to sidestep domestic

blockages is a common strategy of transnational social mobilization (e.g., in Keck's and Sikkink's Boomerang pattern or Zajak's pathways of influence). Besides the neglect of a court decision in the case of ProSavana, *unresponsiveness* towards legally based claims was described by activists in the case of Wanbao.

Other blockages address rights and regulations. On the one hand, the *ambiguity of legal documents.* To sidestep the vagueness of domestic rights, transnational regulations are sometimes used to support the interpretation of such legal instruments. On the other, several interviewees specifically referred to the RAI principles in the context of ProSavana as only offering *weak protection* of community rights and are consequently not perceived as a legal opportunity. The rejection of these guidelines is not unique to the case. Rather, a broad alliance of peasant and civil society networks criticize the principles as being too large-investment friendly, which would unavoidably result in local producer's land loss (FIAN International et al. 2010, 1f.). In the same regard, *regulations of the AU* were criticized as weakly protecting peasant rights. In the case of Wanbao, the *lack of dissemination* of existing rules is perceived as a blockage, which activists try to sidestep by offering *educational trainings* to local communities.

## 5.3   Repertoires

Repertoires describe different activities social movements implement while working towards their goal (Caren 2007, 3457). Based on Diani's differentiation, the analysis explores the typical repertoires of action in the national context of struggles around land and the ones used in the cases of Wanbao and ProSavana.

Following Diani, *protest repertoires* refer to direct action, such as demonstrations, sit-ins, or blockages. *Pressure repertoires* describe "classic lobbying strategies", and *consumerist repertoires* include "protest-oriented actions such as brand boycotts". Another type of repertoires of action are *electoral repertoires*, which refers to the support of candidates in elections (Diani 2005, 55f.). While the other types occurred in different instances, the last type of action was not reported during interviews or extractable from campaign documents. However, Monjane and Bruna (2020) traced the decrease in the popularity of the Frelimo party in districts located in the ProSavana project area. Activities in the cases studied are sorted into the different types if suitable.

While not reported in the cases of Wanbao and ProSavana, *everyday forms of resistance* in Scott's sense occurred in other contexts of LSLA in Mozambique.

Additionally, the fieldwork showed that further activities constitute action repertoires in different contexts. These include *research and assessment* of projects of LSLA to find out more about details, intentions, and potential impacts, in other words, information. Also, (transnational) *networking* to enlarge social mobilization along multiple scales constitutes another type of action, and *community training* is typical in struggles around LSLA. I argue that these activities represent further repertoires of action because interviewees, especially activists, described it as part of the social mobilization in the different contexts. As agents, actively creating their repertoires of action, every repertoire described as such must be considered.

Last, understanding political and legal opportunity structures that are perceived and used by activists as the conditions that shape how social mobilization can unfold, the interrelation of these with the repertoires is discussed in the conclusion of this section. Broadly speaking, the perceived political opportunity structures constitute the spaces and relations along which repertoires of action evolve, and legal opportunity structures provide points of reference within repertoires of action.

### 5.3.1  Repertoires in Mozambique

This part sketches out typical steps of activism in the context of land investments in Mozambique before contrasting them with the repertoires in the cases Wanbao and ProSavana. The section does not provide a comprehensive overview of every action confronting LSLA because campaigns, activities, and social mobilization are too diverse and context-dependent. Still, it gives a general understanding of typical repertoires that frequently occur in the context of social mobilization around LSLA. These include *research and assessment* of a case of LSLA, *networking* on different scales, *pressure repertoires* in the form of various campaign documents or lobbying at exchange meetings, *consumerist repertoires*, *community training,* and *everyday forms of resistance*.

In the early stages of the social mobilization around a project of LSLA, activists usually seek to find out more about the cornerstones of it, such as involved actors, plans, and

other details. *Research and assessment* thus constitute an initial repertoire of action of social mobilization in the context of LSLA. Strategies to get broader information about these elements include requests at different governmental institutions: "The initial stage of any campaign of ours is to try to find more information. So it's writing letters, requests for information to the relevant institutions. For example, in [a] particular case it was the Ministry of Agriculture because it was an agricultural program. If it's an energy program obviously it's to the Ministry of Energy, etc." (Activist D, 29/03/2019).

The research findings are then assessed and provide the base to develop a strategic plan. Campaigns are drafted accordingly and may include publications, negotiations with different involved actors, or using social media, depending on the information gathered through the initial research:

> "It is important to do a pre analysis. Of how you are actually proceeding to achieve your goals (…) you need to map out who is doing landgrabbing. Against whom the campaign will be (…) it is also necessary to know what are the strategic interventions that you can, as a campaign, that you can do to reach your goals. If we are talking about publishing articles, if we are talking about broadcasting or publishing reports, videos, we are talking about bilateral conversations with the state, with the companies. It could be the case that it is important to create a Twitter or Facebook account. So, you line up a set of interventions that you think are fundamental to achieve (…) your goal" (Activist B, 28/03/2019).

Research and assessment of a project are not limited to the domestic scale. In the context of a project of LSLA, a group of national organizations studied its impacts and created allies with organizations from the countries of origin of the investment: "The study was carried out and we then did an international advocacy with the support of some partners from European countries (…) to explain what the negative impacts of this investment on the communities and peasants in Mozambique are" (Activist E, 09/04/2019).

Besides researching and assessing a project, another crucial part of social mobilization around LSLA is transcalar *networking*. It serves mainly two purposes. First, it helps to unveil information about a project. An interviewee explained that allies are a crucial

element of every campaign. As information is often vague in the early stages of social mobilization, activists reach out to partners at various scales to better understand the details of a project. To do so, they contact a large variety of actors through institutionalized networks they are already part of: "We don't always know who the investor is. This is an information that is often difficult to find. What was worthy in many cases are the international partnerships. Partnerships with other international non-governmental organizations" and the other interviewee added: "Generally of the country of origin of the investment", while the first stated: "Yes, but until we don't know from which country, we contact all, we are part of some networks of international organizations, and ask for information" (Activist C and Activist D, 29/03/2019). At the same time, the interviewees explained that not only the transnational scale provides information about a project. Domestic informants, sometimes not even personally known by activists, play a critical role in getting insights into project plans. Examples reported include USB sticks and emails with documents or information about a project, delivered or sent without revealing the sender's identity. Thus, informants that leak insights through domestic networks also play a critical role in accessing project plans.

Second, by creating a network of several actors, campaigns are perceived as more effective: "A campaign is not something that can be run by a single organization. It needs to be produced by two, four, five, ten organizations to go forward" (Activist B, 28/03/2019). Moreover, networks are often oriented in a transcalar way, linking local, domestic, and transnational actors to exchange thoughts on a specific project. By doing so, they enlarge the campaign and raise attention for local struggles on the transnational scale:

> "We are part of agglomerations of national organizations, which we call campaigns. Of which we are involved in lobbying activities, advocacy at the central level in Maputo but also at the local level. The other thing is that we also guarantee the articulation with other international movements. With other international movements, with other international actors so that the voices of those communities can be heard at the international level" (Activist B, 28/03/2019).

Once a project of LSLA followed the initial steps of research and assessment and networking in preparation for a campaign, further action repertoires unfold. A common strategy in Mozambique is using a variety of *pressure repertoires.* In the strategic planning of which pressure repertoire is assessed as suitable for the case at hand, activists exchange with affected communities about different types of creating pressure, such as written documents, exchange with relevant stakeholders, and also which stakeholders to address: "And those communities (…) with them we discuss what is the best way forward. Whether the best way is to set up a meeting with the administrator or the governor, or write a letter to the parliament, to the deputies or to write a petition, or write a letter to the President, it depends" (Activist A, 21/03/2019). On the domestic scale, the addressees of the pressure repertoires are usually either governmental agencies or the investing companies: "What we are organizing here in Maputo, what we guarantee what we do here massively is advocacy and lobbying. And we do lobby with the companies that are here in Maputo, as well as with the government, with the ministries around" (Activist B, 28/03/2019).

The lobbying often includes written documents, such as petitions to the Assembly of the Republic or letters to district authorities (e.g., Activist E, 09/04/2019). Besides those statements, meetings and exchange platforms of CSOs and provincial and national governmental institutions (see also chapter 4.4 and chapter 4.5), are spaces at which activists bring up their position about cases of LSLA: "(…) we also work directly with the government making documentaries, participating in national policy discussions, laws, etc. So we have had interventions at various levels. At the community level, at the civil society level in general and at the government level as well" (Activist D, 29/03/2019). Pressure repertoires not only unfold on the domestic scale but also transnationally. Activists strategically address transnational actors to increase pressure on them. Therefore, pressure repertoires are transcalar, depending on the campaign targets and strategies (Based on Activist A, 21/03/2019).

Another type of repertoires activists see as useful on the transnational scale are *consumerist repertoires.* Foreign investors are addressed by creating pressure and through consumption decisions. In other words, if consumers decide to boycott a product because it causes harm, for instance, socially or environmentally on the local

scale, they can put a company under pressure. The activism unfolds in this example through interconnections of multiple scales:

> "Also, on the international level, a lot of the resources that are extracted here are used in those countries. So, this also generates a consciousness of the people (…) that buy and that have a direct impact for example on the sales of the company because if people know that this product is associated to a conflict, obviously there are people that are not going to buy it" (Activist A, 21/03/2019).

As already mentioned in the context of legal opportunity structures (see chapter 5.2.2), *community training* constitutes a core element of the work of CSOs. When asked about their different activities, several interviewees described it as a crucial part of their repertoires of action. This task is closely related to the rise of LSLA on a global scale. An activist explained that the importance of training communities about their right to land shifted particularly into the focus since 2011, as LSLA increased globally. Besides domestic rights and laws, regional and transnational regulations are likewise instruments that are disseminated in community trainings:

> "It was this time that [we] started to engage in working with communities about their land rights, about the need to participate in community consultations, about the importance of communities knowing the land law, knowing the constitution of Mozambique, knowing the international instruments, the international conventions that protect communities about their rights to stay, to use and protection of the goods they have in their communities" (Activist A, 21/03/2019).

Besides disseminating laws, rights, and regulations, the community trainings also inform about potential impacts of a specific project and the importance of cautiousness when signing documents, as they are crucial in the context of community consultations and community agreements to the transfer of DUATs. Activists suggest not signing any document without double-checking the content with a lawyer, an organization, or an individual who is literate (Based on Activist A, 21/03/2019).

Going one step further, the trainings are not only about explaining the existence of rights and regulations. They are also used to support local communities in developing awareness that perceived unjust treatment should not be accepted. Instead, the communities should independently speak up against mistreatment and the violation of their rights:

> "Part of our strategy is to provide information and empowerment. Another part of our action strategy is also to provoke in the communities their own will to struggle against this. And not just wait for outside organizations to come and do this work for them. That they have to demonstrate the kind of rights that they have, by giving information and knowledge and they, themselves start to question these kind of projects" (Activist D, 29/03/2019).

Last, some activities on the local scale resemble Scott's description of *everyday forms of resistance*. According to a consultant working on agriculture and rural communities, a common way to express dissatisfaction is destroying property at plantations or other large-scale projects (based on Consultant 1, 22/05/2019). Researchers explained that it is sometimes difficult for local communities to openly state their dissatisfaction with a project and thus use forms of everyday resistance. Open and direct confrontation is not always possible due to investors' "privileged relations with the provincial and central government (…) the state can send the police because of pressure from the investor" (Researcher B, 04/04/2019). Especially the example of eucalyptus plantations was mentioned frequently by different interviewees. Frustrated by the lack of commitment to given promises, the everyday resistance unfolds either through theft, sabotage, or burnings (Based on Researcher B, 04/04/2019; Researcher G, 07/05/2019). According to an official, the resistance of locals in that form can have huge impacts on a project and affect investor's awareness about the power of people. In reference to burnings of forest plantations, the interviewee commented: "It's just a little thing, a little matchbox and then, millions of dollars are gone. I think that led to an awareness from the side of the investors, seeing that it is better to have a good relationship with the community" (Official 1, 05/04/2019).

The repertoires of action in Mozambique thus cover various activities, including the transnational, domestic, and local scale, often interrelated, to develop case-dependent strategies.

### 5.3.2 Repertoires in the Case of Wanbao

The broad range of repertoires of action in the social mobilization around the Wanbao project includes *research and assessment* of the project to get more information about plans and details, confront the government with findings, and inform the public about the results. By *networking*, individuals, associations, and CSOs link up to access broader information and work jointly. *Protest repertoires* unfold in form of a demonstration and heated encounters. *Pressure repertoires* are used by contributing to discussions at exchange meetings with governmental institutions to lobby for the affected communities and through written documents, such as statements or letters. *Community trainings* are another way of work to familiarize locals with legal instruments.

As stated earlier, some types of taking action that occurred do not fit in any of the repertoires differentiated by Diani. One crucial activity to familiarize with the project and its impacts is *research and assessment*. Several interviewees reported that project intentions, plans, and social and environmental impacts are studied and assessed as an initial step. This helps to understand the project better, identify actors, and relevant topics. For instance, the study *No Regadio do Baixo Limpopo* (Justiça Ambiental 2016) is a research report about the case addressing social and environmental impacts. An interviewee referred to the violation of rights revealed in a study about Wanbao (Based on Activist I, 28/05/2019).

Besides studying the project itself, research and assessment activities also include collecting experiences of affected local communities to get a better understanding of the impacts on the ground. To do so, activists organized meetings for exchange and surveys to collect comprehensive data: "We listened to everything they had to say, and we did a survey of the people affected, the degree of affection. What type, how many hectares each person had, we made these records and put them in the hands of the government" (Activist F, 26/04/2019).

As a key element of social mobilization, one repertoire of taking action was networking to create partnerships across different scales. By partnering with a broad variety of individuals and organizations, the support network of a campaign grows. It constitutes both a repertoire of action in itself and enforces other repertoires of action, such as protest repertoires or pressure repertoires.

Beginning on the local scale, after facing the blockage of rejection and neglect by governmental institutions, farmers approached an NGO platform to seek support, in other words linking the individual local scale with the provincial one. Throughout the campaign around the Wanbao project, communities formed associations to engage jointly. Additionally, affected peasants started collaborations and formed associations. By taking action locally, they become agents in their struggle. As described earlier, activists in NGOs complained about a lack of initiative to resist unfair and unlawful treatment of peasants. The local activities and resistance in the case of Wanbao are therefore perceived as a great success of the campaign (Based on Activist D, 29/03/2019).

The involved NGO platform continued the networking by reaching out to its already existing partners on the national scale, including NGOs and INGOs. This triggered a transcalar social mobilization, in which concerns of activists on the local scale moved to the national one. The main aim of claims raised on different scales referred first of all to the generation of information about the project:

> "And we heard about this in the reports that the provincial government presented. And it said that there was an investment approved in the province of Gaza which was for the promotion of rice. So we asked what were the mechanisms undertaken to approve this land to the investment. We heard about this and then we tried to mobilize other organizations to better understand" (Activist I, 28/05/2019).

After linking individuals and groups on multiple scales, other repertoires of action unfold. These activities include *protest repertoires*, ranging from approaching institutions to demonstrations and tense, confrontational situations. As described in the context of the political opportunity structures around Wanbao, directly affected peasants went to different institutions to claim the loss of their farms and asked for

clarification about what was going on. This included addressing the community leader, the leader of the administrative office, and the provincial government (Based on Community Members B, C, D 25/04/2019). A traditional leader reported about a similar procedure when he brought up complaints about indirect consequences of the Wanbao rice farm. Due to the plantations of Wanbao, the area for cattle pasture was reduced, and the leader approached the governor's office (Based on Community Member A, 22/04/2019). Thus, bringing up claims directly at institutions was a common activity at the local scale to get information and complain about the loss of land due to the Wanbao project at the beginning of its implementation.

The same institutions were also approached during a demonstration in May 2014. At the end of the march, the protestors handed a petition to the provincial government. During this demonstration, more than 400 farmers and activists claimed about the projects' impacts and particularly addressed the lack of transparency (Based on Activist F, 26/04/2019). When handing over the petition, the demonstration procession directly addressed the directory: "We called right there with the population, using a loudspeaker, to the provincial director of agriculture, we said: 'Man, we are here with the people gathered that say they do not understand what is happening'" (Activist F, 20/04/2019).

Besides approaching institutions and protesting to express dissatisfaction and ask for clarification, interviewees also reported confrontations with governmental actors and Wanbao staff. I added these examples to the protest repertoires because even though not being planned, they represent an expression of dissatisfaction. First, during the demonstration in 2014, the march was blocked for several hours by the police (Based on Activist K, 06/06/2019). During this time, the atmosphere was increasingly tense because both groups, police and protestors, were armed while waiting for the march to continue: "We had to wait, they told us to wait three, four hours in the sun. Policemen with guns, peasants with hoes" (Activist K, 06/06/2019). Likewise, the translator explained: "They did demand their rights, with whistles, with drums, noise indeed, when

they marched to the provincial governor. With hoes, they put their hoes on their shoulder, and *catana*[41]" (Translation of Local Community Members B, C, D, 25/04/2019).

Second, another encounter resulted in a tense situation when the NGO pressured the RBL to send an expert to the *machambas* of concern. Angry about the loss of their land and the lack of information about the Wanbao project, farmers raised claims about the procedure and consequent destruction of their crops. Dissatisfied with the answer of the expert, they almost attacked the person:

> "They sent the expert to the field, and the peasants were there, the peasants were very angry, obviously. And the expert said: 'no, because we are going to solve the problem and we are going to see if we diminish those crops, we didn't tell them [the workers of the Wanbao project] to destroy your crops' and the population asked: 'how is it that you send them to the fields that have crops ready to harvest and then say that you didn't tell them to destroy the crops? So, for what did you send them here? And why did they also come accompanied by government representatives?' The people were almost hitting the expert of the RBL but we calmed them down, they shouldn't hit them or lose their senses, that's not how to manifest yourself. Let's treat everything in a peaceful way" (Activist K, 06/06/2019).

Third, another encounter on the local scale happened when peasants refused to leave their land when workers of Wanbao approached the farms. With their farming tools, peasants resisted by intimidating the workers: "Because they, the Chinese, were afraid. Because when the Chinese got there, they took their hoes. Pointing at them (…) they are also afraid of death. Even though the government said that forces are coming, they didn't accept and said: 'we are not leaving'" (Farmer, 25/04/2019). All three incidents describe very direct forms of confrontation as part of the protest repertoires around Wanbao.

As already described, the protestors handed a petition to the provincial government of Xai-Xai at the demonstration. Written documents are one of the ways how *pressure repertoires* around Wanbao unfold. Others include lobbying for the farmers at exchange

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[41] „Catana is a tool used to open machamba, in other words, to clear the land from trunks, stones and weeds in order to plant a production area" (Translated from Rocha et al. 2020).

meetings, debates with governmental bodies, and creating pressure through the media. In the petition that followed the demonstration, and in other written statements, such as letters, or position papers, activists claimed for clarification, compensation of crops and harvest losses, as well as the return of the land (Based on Activist K, 06/06/2019). These claims are based on legal opportunities in the form of referring to the violation of farmers' rights (Based on Activist I, 28/05/2019). Signatories of the different documents are individual farmers and organizations, including NGOs and INGOs, thus actors from a multiplicity of scales. An interviewee working at an INGO explained: "We work very much in partnerships with various organizations. So, when the organizations that are our partners start an initiative, and we think that this initiative is also a worthwhile struggle, we get on board. We sign the petitions" (Activist M, 07/02/2020). Thus, once associated and organized with partners, farmers and activists wrote several documents to advocate their interests. Claims raised by actors from multiple scales increase pressure compared to individuals complaining.

Other arenas to lobby for land return and compensation are exchange platforms with governmental institutions, such as the provincial observatory for development. Besides the already explained provincial scale on which the pressure repertoire unfolds, the struggle moves on to the national scale addressing national governmental institutions:

> "We presented last month our statement in Gaza province regarding the Wanbao issue (…) And this concern is going to be taken forward to the central level. To the Maputo level. We will review with the Ministry of Agriculture and the government (…) the Ministry of Land and the Assembly of the Republic itself" (Activist I, 28/05/2019).

Moving from the local scale to the provincial and then national ones increases pressure to work towards their goals. Additionally, while the social mobilization started in 2012 with the implementation of the project, the struggle thus continued in 2019. This means that the pressure to claim compensation and return of land endures over time.

Another way of lobbying in support of the social mobilization around the Wanbao project is the creation of partnerships with the media, both domestically and

transnationally. Some domestic[42] and international[43] journals and blogs[44] reported about the resistance against the loss of land. News about the project on several scales are useful to increase the pressure for a cause. An interviewee explained: "We invited journalists from all over the world to come here, French, Italians, Brazilians, all came here to help us, to understand how to help the communities in this campaign about the Wanbao project" (Activist F, 20/04/2019).

Activists also describe *community trainings* as a vital part of their repertoires of action around Wanbao. All interviewees involved in the social mobilization reported about explaining legal instruments, especially the land law and the registration of the DUAT, to local community members. Though being aware that a DUAT is already in force even without registration, undergoing this bureaucratic act is regarded as useful and important to resist the loss of land in the context of Wanbao (e.g., Activist M, 07/02/2020).

### 5.3.3 Repertoires in the Case of ProSavana

The repertoires in the case of the activism around the ProSavana project are characterized by a broad transnational social mobilization that applied various activities. In the first step, domestic and transnational *research and assessment* helped to better understand the projects' details. Through local, domestic, and especially transnational *networking*, activists link the campaign to multiple scales, exchange information, and apply further repertoires of action in a transcalar way. These repertoires of action include *pressure repertoires*, in form of written documents, and lobbying for their cause at exchange meetings with different stakeholders. Also, *community training* is another repertoire to show which rights and regulations exist and give insights into details about the ProSavana project.

As already elaborated, the first step around a large-scale project is *research and assessment*. In the case of ProSavana, it includes activities both on the domestic, as well as on the transnational scale. Research on the transnational realm was one of the first

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[42] E.g., A Verdade 2013.
[43] E.g., The Guardian (Assarsson 2014); Bloomberg Businessweek (O'Brian and Nhamire 2017).
[44] E.g., Hanlon 2014; Wise 2018.

activities around the ProSavana project. Through networks of CSOs, Mozambican activists easily connected with partners from Brazil and traveled to the Cerrado in 2012 to better understand the project that supposedly should serve as a role model for the ProSavana project. After implementing interviews and observing the area, the findings of large plantations with social and environmental harmful impacts led to the conclusion that they do not favor a similar project in Mozambique: "Unfortunately, the results we got were not in our agreement. They were not encouraging" (Activist I, 28/05/2019). The generated information provided the ground for the social mobilization back in Mozambique. For instance, the activists produced a video to present the situation and raise awareness about the project (Based on Activist H, 16/05/2019).

On the domestic scale, research has two purposes: On the one hand, activists want to investigate the extent of information that is provided about the project to different actors, and on the other, to use findings and results as the base of their activism around ProSavana. Regarding the first, the findings showed that in the early phase around 2012 and 2013, nobody on the local scale was aware of the project:

> "[We asked] if they have already heard in any way, via radio, via newspaper, or through other channels, if they had heard about ProSavana. And the results that we got, nobody has heard about it, nobody knows anything about ProSavana. So, because of that we started to work together with the communities, with the local leaders about this program" (Activist H, 16/05/2019).

About the second form of domestic research, activists approach governmental institutions and actors to generate more information about the project and draft evidence-based strategies, claims, and demands accordingly: "In ProSavana, the question is about studies and documentaries and getting evidence" (Activist E, 09/04/2019).

As already indicated above, a crucial part of the activism around ProSavana is domestic and transnational *networking.* The strong transnational, or rather trilateral, orientation in the social mobilization around the ProSavana project is, following a researcher, an outstanding example of networking across borders. Especially the connection with Japan was steadily important throughout the resistance: "It [the cooperation with

Japanese groups] was consistently present throughout the whole process. The Brazilian civil society was rather a come and see. But the Japanese civil society was very strong" (Researcher G, 07/05/2019). The collaboration with Brazilian and Japanese partners played a key role in the social mobilization around the ProSavana project at different stages.

The trilateral connection remained in form of the trilateral conferences, but Brazilian partners were especially important in gathering initial information about the project in 2012. Connections between CSOs from the two countries root in both transnational thematic networks and historical interrelations. The latter refers to existing lusophone, Portuguese-speaking, interrelations and networks. So in 2012, partners from Brazil passed information about the intentions of implementing a large-scale development project, similar to the Prodecer project in the Brazilian Cerrado, to partners in Mozambique (Based on e.g., Activist A, 21/03/2019, Activist H, 16/05/2019). As elaborated above in the context of research and assessment, the connections with Brazilian partners proved useful in gathering further information through the study conducted in the Cerrado.

Looking closer at the collaboration with Japanese partners, they constitute important allies when using pressure repertoires, such as exchange with governmental institutions. This is also due to the openness of political institutions in Japan, thus a transnational political opportunity structure, in form of the exchange platform of CSOs and the Ministry of Foreign Affairs in Japan (see chapter 4.5). The connection to Japan was established through the same thematic networks of CSOs as in the case with Brazil (Based on Activist H, 16/05/2019).

About the networking activities, once the initial information about the ProSavana project reached activists in Mozambique, they intensified the connection with Brazilian partners but also reached out through their networks to Japanese CSOs: "[The project is] involving three governments, so the civil society must naturally also work from the three countries" (Activist E, 09/04/2019). The rationale behind this step is enlarging the campaign to exchange about strategies, connecting with the countries involved in the project, and to address the respective governments in their own countries:

"We thought strategically (…) we should interact with the civil society in Japan and with the civil society in Brazil. To have the support, and really from Brazil we got great support from civil society, that advised on what actions we should take and at the same time this civil society of Brazil also appealed to the need to avoid mistakes, making a program that was creating problems in Brazil. And in Japan, the civil society also strongly collaborated because we were appealing to the government of Japan, the parliament of Japan, to not allow them to support a program that was going to create big problems in Mozambique" (Activist H, 16/05/2019).

Another important aspect of the trilateral interconnection is the close exchange of information to unveil details about the project. Documents are sometimes inaccessible in Mozambique but accessible in other countries. Or internal informants leak information, both from the transnational, as well as from the domestic scale. For example, the project's master plan was finalized in March 2013 but under lock. However, briefly after, informants from one of the countries involved leaked the document to Mozambican CSOs (Based on Activist H, 16/05/2019). These secret informants play a crucial role in accessing information and are a substantial element of the networks. An interviewee explained:

"It is good that you know how things work. Within the [governmental] team, there is always someone; look, here in Mozambique we use the term, bring information out, we can use the word snitching. Snitching in the sense of bringing information out. So, we managed to identify these friends (…) In this specific case for example of [a country involved], we perceived friends in the [project planning] that passed us some details that we didn't have here by that time. So, we work strongly with various members within a network that is very large" (Activist H, 16/05/2019).

Thus, networks are crucial to get a broader understanding of project plans and insider information that is not shared publicly.

As a result of the trilateral connection, the *Triangular Conferences of the Peoples* intensifies the networking of involved groups. The first meeting took place in 2013 in Maputo, and partnering organizations traveled to the country (Funada-Classen 2019,

16). In the following years, the conference took place again in Maputo, Brazil, and the last one in Japan in 2018. During these meetings, activists exchange ideas, strategies, and information. Also, the travels enable the implementation of further repertoires, for instance pressure repertoires at meetings with the respective governments or governmental bodies to lobby for their cause (Based on Activist B, 28/03/2019; Researcher D, 10/04/2019).

The trilateral cooperation is often assessed as crucial in the resistance to ProSavana, but the network is not limited to the transnational sphere. Instead, the domestic and local scales also constitute important spheres of social mobilization. Scale-shifting is therefore typical in this case. Also, the thematic background of the actors involved in the campaign covers broad topics, from peasant, environmental, human rights to gender groups (Based on Researcher G, 07/05/2019).

On the domestic scale, a large conglomerate of CSOs cooperate in the struggle around ProSavana. To further deepen the resistance, the campaign *No to ProSavana* was launched in 2014 ("No to ProSavana! Launch of National Campaign" 2014). It was created on the national scale but briefly after became transnational as the cooperating partners joined: "So, the campaign was born on the national, then it was also linked to these three places. Which is also lecturing those governments of those two places about the negative impact this program could have here in Mozambique" (Activist E, 09/04/2019). Locally, peasants also constitute members of the struggle and bring their perspectives and expectations into the campaign. An activist explained:

> "We do (…) community workshops. From where we discuss how we work. Our methodology is not going to the communities and saying: 'look, this has to be this way, this has to be that' no. Because we assume that the people, the communities, the members of the communities, they have knowledge, they know. The peasants in particular know what they want, they know what is good for them. So, this is a question, it is a horizontal discussion" (Activist B, 28/03/2019).

Through the collection of peasant's perspective, domestic CSOs create transnational – local linkages. The exchange results with farmers also serve as a source for debates at the trilateral conferences.

As indicated before, several activities around the ProSavana project unfold in the form of *pressure repertoires,* both domestically and in the countries involved in the project. These include lobbying for their cause at different exchange meetings with governmental bodies and writing a large variety of campaign documents addressing all project partners. Additionally, media reports on a transnational scale further increased pressure. Once CSOs gained first knowledge about the intended project, they raised concerns about ProSavana at a meeting of the provincial observatory of development, that met by coincidence shortly after. At this meeting, activists addressed the lack of transparency about the project plans, and related the topics of land tenure security, food security, the inclusion of the population, and genetically modified seeds (Based on Activist H, 16/05/2019).

Another platform for lobbying are the roundtable meetings of MASA and CSOs. The purpose of this roundtable is improving the ProSavana master plan. This annually meeting is an institutionalized exchange platform and provides another opportunity for activists to bring in their point of view, which is harmonized among the organizations in advance. As not every organization involved in the campaign is participating in the exchange platform, they are represented by their partners. In preparation of each meeting, the CSOs exchange about their positions and arguments: "We are taking part through the different platforms in which we are involved (…) We don't only participate as [our organization] but as a platform that has various voices there and we think that being a group of organizations, our voices can be heard more instead of just going as individual claimants" (Activist M, 07/02/2020).

Addressing all governments and governmental institutions involved, the trilateral network prepared a large variety of different documents, such as open letters, petitions, or statements. In this context, the trilateral network proved useful to reach out to the three different addressees: "So, there was a lot of lobbying, not only at the national level. The comrades from Brazil put pressure on the Brazilian government and the comrades from Japan put and continue to put pressure on the Japanese government" (Activist I, 28/05/2019).

In 2013, a large association of civil society groups and individuals, mainly from the three countries, sent an open letter to the three presidents, raising concerns and claims about

the project ("Carta Aberta Para Deter e Reflectir de Forma Urgente o Programa ProSavana" 2013). Also, the *Trilateral Conference of the Peoples* usually closes with a joint statement to continuously insist on their claims (e.g., Não ao ProSavana 2018; No to ProSavana Campaign 2017). These documents, pressuring for the halt of the project refer to different rights and regulations to support the claims: "In addition to studies (…) one of the things we did in 2013, 2014, we wrote to the National Assembly because 14.5 million hectares is a matter of the sovereignty of a country and the government can't simply find 14.5 million hectares without observing what should be that national rule" (Activist I, 28/05/2019).

Last, as yet another pressure repertoire, the use of media proved as helpful to increase the salience of the case. A broad variety of transnational media channels such as blogs[45], domestic[46] and international[47] newspapers reported about the case. Reaching out to a broader transnational public again constitutes a pressure repertoire. On the domestic scale, activists also presented their concerns in television debates (Based on Activist I, 28/05/2019).

Last, as in the case of Wanbao, another important action is *community training* on the local scale. This activity has two purposes. First, to explain about the existence of legal instruments and how they can provide a resource in struggles around land: "Our space is also in training the farmers (…) sensibilize and educate the farmers to know the law. This is also a strategy" (Activist E, 09/04/2019). Second, community trainings are a possibility to share information about ProSavana itself, discuss potential implications, and positions towards the project (Activist B, 28/03/2019).


### 5.3.4 Conclusion

A variety of repertoires of action constitute social mobilization in the national context in Mozambique, and the cases of Wanbao and ProSavana. In the following, the identified repertoires are summarized and reflected, taking political and legal opportunity structures into account. Understanding repertoires of action as activities implemented

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[45] E.g., Hanlon 2015.
[46] E.g., A Verdade 2015; O Pais (Chiure 2017).
[47] E.g., IPS News (Mapote 2013); Al Jazeera (Parenti and Liberti 2018); Japan Today (Richard 2013); The Guardian (Zacarias 2014).

to reach goals, they can be differentiated into types (Caren 2007; Diani 2005). Besides those described by Diani, activists also applied some other repertoires in all three contexts of this research. I added these types because different interviewees repeatedly reported them as activities to work towards goals in the respective struggle. Understanding activists as agents that create and use repertoires if they perceive specific activities as such, it is only logical to add the following types:

First, transcalar *research and assessment* is an initial step to gather information about project details and assess (potential) effects to underpin claims. These background and impact studies are mostly about transparency, social and environmental issues. In the case of ProSavana, the activism included transnational research on the consequences of the Prodecer project to conclude on potential effects in Mozambique. On the local scale, research is a tool to learn about the expectations and aims of communities to draft strategies accordingly.

Second, activists are *networking* in a transcalar way from the local to the domestic, and sometimes transnational scales. In both cases, individuals or activists reached out to strategic partners on broader scales to enlarge the resistance. Referring to Wanbao, this means reaching out to organizations and their respective networks on a domestic scale. About ProSavana, it corresponds to the transnational scale, at which organizations and their networks in all three countries became part of the struggle. On the one hand, after facing blockages, both followed the same logic of broadening the campaign network to increase the pressure while working towards their goals. This corresponds to several models of transnational social mobilization, such as Keck's and Sikkink's boomerang pattern. I argue that enlarging the campaign to other scales, no matter if one is transnational or not, follows the same logic of surpassing blockages and thus opening (transnational) opportunity structures. On the other, as in Temper's catapult effect, in which information about a project of LSLA pass from abroad to the country, transnational networks provide a source for project information, not only through public documents in other countries but also via secret informants and leaked documents in the case of ProSavana. This is, however, not unique to the specific case but also happens in the context of other campaigns on the domestic scale in Mozambique.

Third, *community training* is described as a key activity in campaigns around land, in which activists and local communities exchange, share knowledge and information. One purpose of these trainings is to disseminate existing legal frameworks and explain strategies to claim for their application. Another purpose mentioned in the national context is raising awareness to take action if treated unfairly or unlawfully. By doing so, activists aim to familiarize people with legal opportunity structures to claim their rights and recognize their violation, which constitutes another form of legal opportunities.

Other types already described in the literature used in all three contexts are *pressure repertoires* in the form of lobbying for own positions at meetings with relevant stakeholders and publishing a wide variety of documents, such as petitions or letters. After identifying allies and targets, different interventions are chosen depending on the specific case. In the case of ProSavana, pressure repertoires also include addressing Brazil and Japan in form of lobbying through open letters, statements, or documents, and exchange with governmental agencies, particularly in Japan. In both cases, the pressure was further supported by media reports about the campaign, also transnationally. Exchange meetings that provide a space to lobby for a specific cause are constituted through political opportunity structures that open arenas of contestation. In the written documents, legal opportunities in form of rights and regulations oftentimes provide reference points for claims, as extensively shown in chapter 5.2.

In the case of Wanbao, *protest repertoires* unfold in form of a demonstration and tense confrontational situations in which peasants stood their ground. Repertoires of action are often connected and cannot be strictly distinguished. For instance, at the demonstration which ended with handing over a petition, protest and pressure repertoires are closely linked. In the case of ProSavana, none of the interviewees reported about demonstrations or other protest repertoires. This means it was either not part of the campaign or not assessed as similarly important to other repertoires.

Though not evident from the data gathered in the fieldwork, following Monjane and Bruna (2020), *electoral repertoires* apply in the area of the ProSavana project. Between the elections of 2008, 2013, and 2018, the Frelimo party votes mainly decreased for the benefit of Renamo party, specifically in rural districts, such as "Malema District, which was one of the regions where peasants were contesting the most, due to ongoing

ProSAVANA activities" (Monjane and Bruna 2020, 88). With decreasing the vote of the ruling party, people express their disagreement.

In a general way in Mozambique, an interviewee also reported the possibility of applying *consumerist repertoires* in the form of boycotts implemented by partners abroad. Last, in the overall national context, reports pointed to *everyday forms of resistance*, particularly in the context of forest plantations, where locals set the plantations on fire to express dissatisfaction. One reason for resisting this way are blockages of not being able to complain openly. The everyday forms of resistance are thus a strategy to sidestep this blockage.

The cases of Wanbao and ProSavana share several similar types of taking action. Strategically, in both, activists reached out to partners and networks, maintained the campaign over time, and addressed a variety of targets. Following Della Porta and Diani (2006), relations between campaigns are also created by using similar repertoires. This might be the case in Wanbao and ProSavana, as both resist agricultural investment projects in the same period. Also, several of the involved CSOs are part of the social mobilization in both. The difference between the cases is that while in one land was already lost, the other feared the same because of the project.

# 6   Concluding Integrated Case Comparison

This thesis analyzed transcalar social mobilization in struggles around large-scale land acquisitions, embedded in situations of durable lack of information. At the same time, land is increasingly governed on multiple levels, offering additional opportunity structures for social mobilization. Aiming to understand how these circumstances influence and shape transcalar activism, two cases of resistance to projects of LSLA in Mozambique offered insights into the respective dynamics and mobilization. The country in one of the main targets of LSLA since the beginning of this phase in the mid-2000s. First, I traced the development of the land governance on multiple levels, and second, the social mobilization in two comparative case studies: The resistance to the project Wanbao and the project ProSavana.

In reference to the guiding research questions, first, *How did multilevel land governance develop and change over time and offer opportunity structures to social movements?,* it became evident that the issue of land in multilevel governance plays an increasingly important role. In the context of rising LSLA, rights and regulations about tenure, access, and land control increased. While social movements pushed for different regulations addressing land already before the growth of LSLA, this development created more salience of the topic. The linkage of the topic of land with established norms, such as food security, development, and human rights, led to the adoption of a land norm, meaning that land became an inherent element of multilevel governance about people's well-being in rural areas.

In struggles around LSLA, social movements refer to several rights and regulations that interlink information access, land control, community consultation, and human rights. These multiscale legal opportunity structures constitute reference points either to legally embed claims or to protest the violation of existing rules. Additionally, activists use political opportunity structures of accessing debates about rights and regulations for leverage in form of co-authoring legal instruments that, then again, are potential legal opportunities in social mobilization.

Addressing the second research question, *How do social movements in the context of LSLA refer to multilevel governance in their repertoires and how do they address situations of lacking information?,* the analysis showed that lacking information

substantially shapes social mobilization, repertoires, and claims. Details and plans about projects of LSLA are often unclear or unknown to the public. Consequently, the preliminary interest of social mobilization in this context, once the public learns about the existence of a project (intention), is getting transparent access to the project's design and conditions. In this study, I identified three new repertoires of action that aim to unveil information. First, transcalar research and assessment to gather project's outline and identify potential impacts. Second, transcalar networking to access information through individuals, organizations, or actors and institutions abroad. Both are strategies to get insights into a project of LSLA. Third, community training constitutes another activity in struggles around land in which local people are familiarized with multilevel governance instruments to show which opportunities exist and how to resist the loss of land. In other repertoires of action, such as pressure repertoires or protest repertoires, multilevel governance constitutes important reference points for claims about access to information, security of land, or protection of livelihoods. In the following, these conclusions are discussed in more depth before closing with the contributions of the thesis.

## 6.1 Interrelated Multilevel Governance and Opportunity Structures

Regarding the development of multilevel land governance, the dissertation showed that land gained more attention since the mid-2000s in several rights and regulations. This coincides with the rise of LSLA since 2007, thus the topic of land gained more attention through the salience of the growing economic interest in land on a global scale. Already struggling for the adoption of regulations to deal more directly with land, such as depicted with the VGGT, the salience helped social movements to push for the adoption of these guidelines. Activists created thematic linkages of land with already established norms of human rights, food security, and alike. By creating such a norm cluster, land became easily adoptable as part of already established norms once the topic gained more attention due to rising LSLA.

While tracing multilevel land governance, I identified four phases that describe the nature of rights and regulations that offer reference points, directly or indirectly, about land. First, instruments of pre-2000 dealing with land and tenure fall in the phase of

*basic human rights*. This phase is followed by *development agendas*, offering still mostly indirect reference points since 2000. With the rise of LSLA, a new phase of specific *land investment regulation* addresses the governance of land projects since 2007. Overlapping with this phase and starting from 2010, more and more rights and regulations on various topics contain land access, tenure, and regulation as important elements of livelihoods, development, and human rights. In brief, an *internalization of the land norm*. With the example of UNDROP, I followed the adoption of a human rights regulation that includes this land norm.

Multilevel rights and regulations of all four phases offer opportunity structures for social mobilization in the context of LSLA. As depicted in chapter 2.1, activists perceive and thereby create opportunity structures (Della Porta and Tarrow 2005a; McAdam, Tarrow, and Tilly 2001; Sikkink 2005). Political opportunity structures refer to the political context in which social movements are embedded. The perception of access points for leverage on political institutions and processes shapes social mobilization (McAdam, McCarthy, and Zald 1996; Meyer 2004; Zajak 2017). Legal opportunity structures are about legal processes, including references to rights, norms, or other regulations, as well as access to courts or judicial institutions and actors for leverage (Andersen 2008; Cummings 2017; Vanhala 2012). As in the case of political opportunity structures, the perception and use of legal opportunity structures influences how strategies are developed or repertoires unfold.

The analysis of the two cases of social mobilization around LSLA showed that the political opportunity structures shape the access to actors and arenas of contestation in form of *exchange with the government*, *cooperation with donors*, *influential allies,* and *networking*. By establishing these contacts and opening these avenues, activists can bring up their claims, which are often based on multilevel governance. At the same time, blockages in the form of *internal* and *external pressure*, *influencing* the *public opinion* and actors, including *corruption* and *payments*, the *strategic assessment* of activists, and *exclusion* and *neglecting* represent hindrances for leverage. The blockages are not only perceived as created by the government, but also by external actors, specifically donors who (threaten to) withdraw funds if they disagree with social mobilization against a specific project.

The political opportunity structure of networking is also a strategy to sidestep, especially the last two blockages that translate into a lack of transparency. Though following the same rationale, in both cases networking was implemented on different scales. In the case of Wanbao, individuals and local groups reached out to provincial and domestic CSOs to get support for their claims. In the case of ProSavana, domestic CSOs used networking to collaborate with partners in Brazil and Japan to sidestep blockages, access information, and increase leverage. The literature on transnational social mobilization suggests that activists take a struggle to the transnational scale to surpass blockages. I argue that the same logic also applies when taking a struggle from the local to the provincial and national realms.

By using legal opportunity structures in form of references to multilevel governance, activists aim to sidestep or break these blockages. Referring to multilevel legal instruments is perceived as useful either to *increase legitimacy* or to point towards the *violation of existing rules*. I argue that references to rights and regulations in the case of ProSavana are rather according to the first, and claims referring to rules in the case of Wanbao rather about the second. This is due to the fact that the social mobilization around Wanbao only started once rights had been violated. In contrast, the mobilization around ProSavana started in the project's planning phase.

The *transnational*, *domestic*, and *traditional* rights and regulations providing reference points in claims around LSLA are thematically mainly about the access to information, land rights, or social and environmental regulations, in other words, within the norm cluster of land. Which specific governance instrument is used in a specific campaign depends on the *addressee(s)*, *claimants,* and *type of investment*. Several blockages of legal opportunities in relation to rights and regulations are about the *ambiguity of legal documents* or *weak protection,* as was often mentioned regarding *regulations of the AU*. Activists try to sidestep the blockage of the *lack of dissemination* of legal instruments by conducting *educational trainings.*

Another legal opportunity structure in struggles around LSLA is accessing *legal institutions*. Activists bring cases based on domestic rights and transnational regulations to court, as in the case of ProSavana, where the main claim was about unveiling project details. In this context activists described a blockage of *disregarding a court decision*.

Other blockages perceived in the court context are a *lack of independence*, *slow bureaucracy*, a *poor negotiation position* of the local population, and that a claim can only be raised once a law has been violated and *not preventively*.

Last, I identified another legal opportunity structure in this study: *Co-authoring* of legal instruments. Through the access to debates, also in form of the perceived political opportunity structures, activists contribute to drafts of rights and regulations. This legal opportunity structure unfolds both in the domestic and the transnational realms. Transnationally activists engage and struggle for the adoption of different regulations as traced with the examples of VGGT and UNDROP. Domestically the Mozambican land law is a key instrument used in struggles around LSLA in Mozambique and was co-authored by CSOs. These instruments in turn, constitute important reference points for future social mobilization around land.

## 6.2 Piercing the Fog: Repertoires and Multilevel Governance

Looking more closely at social mobilization within enduring lack of information, different repertoires of action, with multilevel governance as reference points, unfold to challenge this situation. As elaborated in chapter 2.3, several models of transnational social mobilization study how activists mobilize across borders to sidestep blockages. By strategically creating allies and raising claims from outside on governments, activists influence policies or state behavior. The blockages are perceived either on the domestic scale and thus require transnational social mobilization (as in Keck's and Sikkink's boomerang effect or Risse's and Ropp's spiral model), or the blockages and political opportunity structures are perceived both domestically and transnationally, requiring strategic scale-shifting (as in Sikkink's insider-outsider coalition, Zajak's pathways of influence, or Zippel's ping-pong effect). In the context of LSLA, Temper developed two models of transnational social mobilization (minefield effect and catapult effect) in which activists aim to stop specific land deals, targeting networks of investors. This approach does not address the role of opportunity structures or blockages.

What all of these models lack is an explanation of how information is generated in the first place to start social mobilization. Though some describe its exchange as an important aspect of the activism, the information is usually taken for granted.

Characteristic for LSLA, details about projects are usually not comprehensively shared, if at all. Consequently, to understand the dynamics of social mobilization around LSLA, it is necessary to put strategies for unveiling information in the focus. Referring to the literature on transparency in social mobilization, I elaborated on two important elements of it. First, transparency is not an objectively existing fact but is easily influenced and shaped by those in power (based on Zajak and Scheper 2019). Second, the exclusion of the public in planning processes has long-term effects on the trust in a project, even if transparency is granted at a later stage (based on Políkova and Reicher 2019).

As the cases showed, inquiries for broader information are often neglected in the beginning and only successively granted after activists raise claims on multiple scales, often backed in legal instruments to stress their legitimacy. To better understand a project of LSLA, activists apply three specific repertoires addressing the situation of lacking information. First, once initial information that a project of LSLA is planned or started is out, through transcalar *research and assessment*, activists aim to learn more about the projects' peculiarities. The research is conducted on several scales, including the local, provincial, national, and transnational one, to study (potential) effects of a project, get details about the intentions and aims of the investment, and find out who obtains knowledge about the program. The results serve as the base for further claims about either still more information or social and environmental impacts. These claims are usually backed by multilevel governance to either ground them legally or point to specific regulations that have been violated in the process.

Second, transcalar *networking* constitutes another repertoire of action that addresses the situation of lacking information. By using already existing networks and deepening strategic partnerships, activists move along different scales to access broader information, through transnational political opportunity structures but also through informal channels at different scales, in the form of (secret) informants who leak details to such networks. The case of ProSavana showed how partners from Brazil proved important in the early stages to access the initial information about the intended project and to enable the research in the Cerrado. The relations to Japan were useful at later stages to access information through political opportunity structures in the country. In

the case of Wanbao, networking with partners on the provincial and national scales helped unveiling information inaccessible for actors locally. The claims raised at the different scales of the networks then again build on multilevel rights and regulations to pressure for insights.

Third, *community training* represents another repertoire in situations of lacking information in which activists disseminate rights and regulations to the local population. Explaining formalized rules that protect communities' rights and ways to claim for these legally constitutes another strategy to confront projects of LSLA and spread information about legal instruments that can be useful when facing large-scale land projects.

Besides those three repertoires that specifically unfold in situations of lacking information, further repertoires of action are part of social mobilization around LSLA. *Pressure repertoires* occur either in form of lobbying at exchange meetings or through documents, such as letters, petitions, or statements that often refer directly to a wide variety of multilevel governance. *Protest repertoires* include demonstrations and confrontations at the local scale at which individuals express their dissatisfaction. *Electoral repertoires* to show disagreement occurred in some regions of the ProSavana area (see Monjane and Bruna 2020), *consumerist repertoires* constitute a strategy on the transnational scale, and *everyday forms of resistance* unfold on the local scale.

Regarding transparency or the lack of it, specifically in the initial stages of projects of LSLA, effects that trust is substantially damaged, not only within a specific project but also about future projects on a large scale. This was evident around the ProSavana project, where broader provided information at later stages did still not satisfy demands for transparency. Generally speaking about the repertoires used in both cases, more repertoires at Wanbao unfolded in direct confrontation. I argue that this is due to the fact that the project already started and thus provoked more direct encounters in the area. In the case of ProSavana, the project itself did not yet begin and the repertoires therefore addressed rather abstract plans and not concrete and observable effects. Still, the repertoires addressing lacking information are very similar in both cases. Though the research and assessment and the networking moved in the case of ProSavana to the transnational scale, their application followed in both cases the same logic of unveiling information and reaching more transparency by moving along scales.

## 6.3    Contributions

Theoretically, the findings address the gap of the generation of information of (transnational) social mobilization, identified in chapter 2.4 and chapter 2.5. While existing models of transnational social mobilization focus on strategies to sidestep blockages, including the exchange of information, they do not explain how information is generated in the first place. This thesis explored strategies to access information about projects of LSLA or, generally speaking, about a target. Project plans are often not shared, and thus intentions, details, or the overall existence of the project plan is unknown to the public. Once activists get initial information about a project, they apply various strategies to unveil further information (see figure11). On the one hand, specific repertoires of action address the lack of information, namely *research and assessment*, *networking*, and *community training*. On the other, by referring to multilevel governance as legal opportunities, activists claim for more transparency.
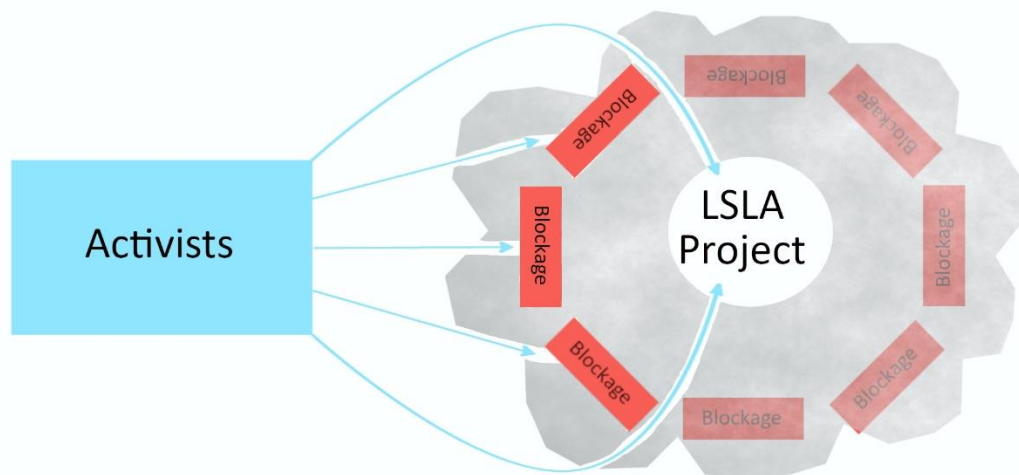


Fig. 11: Strategies of transcalar social mobilization in situations of lacking information about an LSLA project. The arrows represent different strategies that unveil information and either face blockages or help to sidestep those. Own figure.

About legal opportunity structures, the research showed that activists are not only using existing rights and regulations for references in their campaigns but are moreover actively *co-authoring* legal instruments and thus creating further legal opportunities themselves. Also, by pushing for the adoption of specific regulations on the

transnational scale, activists contributed to the establishment of a *land norm*, which I identified in multilevel governance.

Empirically, the dissertation contributes a study of resistance to LSLA in Sub-Saharan Africa, which highlights the interplay of transcalar social mobilization and multilevel governance. Putting the lack of information and the opportunities that multilevel governance offers at the center gives insights into the effects of both on dynamics of social mobilization around LSLA.

Methodologically, this study contributes to the research of comparative cases which are alike in key aspects but differ in the details. Both cases are large-scale agricultural projects in Mozambique of which the public did not have any knowledge in the early stages. Once an initial information was out, both experienced resistance since the early 2010s in the form of individuals and CSOs linking up and protesting the projects. In the case of ProSavana, the struggle was from the beginning transnationally oriented and linked local, provincial, domestic, and transnational actors, while it remained in the case of Wanbao within the national borders, where it connected local, provincial, and domestic actors. Despite the differences, the comparison of the cases showed that strategies and steps taken in the two cases are very similar. Both moved along scales to sidestep blockages, only that the case of Wanbao was not taken to the transnational scale. Still, the proceeding was the same in both. By transcalar research and assessment and transcalar networking, activists gained further insights into the projects. Therefore, I argue that social mobilization must not necessarily move to the transnational scale when applying the mechanisms of transnational social mobilization to sidestep blockages.

## 6.4   Outlook

Based on theories on norm emergence, the analysis showed how land became a norm in multilevel governance. Social movements created thematic linkages with already established standards, and the salience of land through LSLA led to the establishment of the norm. With close observation of current topics activists contest on the transnational scale, future emerging norms could be foreseen, if they are connected to topics that will probably get more salience. Normative relations of climate and land could lead to the

adoption of further standards that secure rural livelihoods not yet formalized. In the same regard, activists could also orient strategies along with topics of which the salience might increase in the future to push for the adoption of new norms. Another example could be the field of global health, in which new norms about an equal distribution of vaccinations or medicine could become part of legal instruments, as the topic has currently high salience due to the Covid-19 pandemic.

Regarding the repertoires of action identified in this dissertation, further cross-case analyses should test if they constitute a part of social movements strategies in LSLA in general or only in specific contexts. As political opportunity structures are shaped by and shape social movements, the repertoires of action in situations of lacking information could unfold differently in other political settings. Comparisons with other cases of LSLA could offer interesting insights in several contexts. First, comparisons with cases in similar political contexts. Second, comparisons with cases of LSLA in different political contexts and world regions. While the literature on LSLA mainly describes investments as a phenomenon in the Global South, LSLA also occurs in Northern settings. Cases of resistance to large-scale projects, such as the Białowieża forest in Poland or the Hambach mine in Germany, might offer interesting material for comparisons. For instance, which repertoires, multilevel governance of land, and legal opportunities are perceived as useful in the different cases.

The ongoing situation of lacking information shapes, as presented before, how social mobilization in the cases unfolds. While I looked closely at political and legal opportunity structures and repertoires of action, future research could investigate how the lack of transparency influences the *diagnostic*, *prognostic*, and *motivational framing* of struggles that aim to unveil information. Additionally, as the rise of LSLA dates back to 2007, it could be fruitful to compare on a macro-level whether resistance to LSLA likewise increased, both due to the investments and the growth of multilevel governance of land, which would translate into a *protest cycle*.

Also, I focused on the perception of political and legal opportunity structures to unveil information. Future research could explore in more depth how the perception and use of these aspects change once more information is shared. Assuming that political and

legal opportunity structures are not static, it should be expected that their perception shifts once activists assess a project with the information gathered. Last, the analysis draws to a large extent on interviews with activists, compared to the number of interviews with officials or actors involved in the two projects due to restricted access. It would be promising to investigate heterogeneous perspectives of different actors further to understand better the conditions of projects of LSLA and their relation to transparency.

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# Annex

## Annex 1: Overview Multilevel Land Governance

### Multilevel Governance of Land

| Regulation | Year | Rule Setter | Purpose |
|---|---|---|---|
| **Universal Declaration of Human Rights** | 1948 | UN | Fundamental human rights |
| **African Charter on Human and Peoples Rights** | 1981 | AU | Human rights in Africa<br><br>Eradicate colonialism<br><br>International cooperation, esp. among African states |
| **ILO Indigenous and Tribal Peoples Convention** | 1989 | ILO | Human rights of indigenous peoples<br><br>Protection of their identity, customs, tradition, and institutions |
| **Millennium Development Goals** | 2000 | UN | Halve poverty and hunger by 2015 through addressing global challenges, including peace, security, and disarmament; development and reduction of poverty; protection of the environment; human rights, democracy, good governance |
| **OP 4.12 Involuntary Resettlement** | 2001 | World Bank | Safeguards to address and mitigate impoverishment risks of involuntary resettlement under development projects |
| **Equator Principles** | 2003 | International Banks | Identify, assess and manage environmental and social risks in projects |
| **Declaration on Agriculture and Food Security in Africa (Maputo Declaration)** | 2003 | AU | Agricultural development, stating that 10% of national budget should allocate to agricultural development |
| **Declaration on the Rights of Indigenous Peoples** | 2007 | UN | Human rights of indigenous peoples<br><br>Noting "specific situations" applying to indigenous peoples |
| **Declaration on Land Issues and Challenges in Africa** | 2009 | UNECA | Urging the development of land policies in member countries and the institutional framework for its implementation |
| **Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources** | 2010 | FAO<br>IFAD<br>UNCTAD<br>World Bank | Promoting sustainable, transparent, and fair investment |

| | | | |
|---|---|---|---|
| **Framework and Guidelines on Land Policy in Africa** | 2010 | AU AfDB UNECA | Promote socio-economic development through agricultural transformation and modernization<br><br>Land as a natural resource that requires coordinated and comprehensive governance |
| **Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security** | 2012 | FAO CFS | Improve governance of tenure and aiming to achieve food security while putting land and tenure rights in the center |
| **Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Livelihoods** | 2014 | AU | Agricultural growth goals to be achieved by 2025 to end hunger halve poverty, promote intra-African agricultural trade and increase the resilience of livelihoods |
| **Principles for Responsible Investment in Agriculture and Food Systems** | 2014 | CFS | Increase responsible investment to contribute to food security and nutrition |
| **Guiding Principles on Large Scale Based Land Investments** | 2014 | AU AfDB UNECA | Promote responsible large-scale based land investments |
| **Agenda 2063** | 2015 | AU | Create Pan-Africanism of "an integrated, prosperous and peaceful Africa, driven by its citizens and representing a dynamic force in the international arena" |
| **Goals of Sustainable Development** | 2016 | UN | Eradicate poverty and hunger by 2030 through addressing global challenges, including poverty, inequality, climate change, environmental degradation, peace, and justice |
| **Declaration on the Rights of Peasants and Other People Working in Rural Areas** | 2018 | UN | Human rights of peasants |

## Annex 2: Information for Participants & Consent Form

Name of the project: "Multilevel dynamics of social movements in the Global South"
Name of the researcher: Laura Gerken
Institutes: Max Planck Institute for the Study of Societies (MPIfG)/ University Duisburg-Essen (UDE) (Germany)

<div align="center">INFORMATION FOR PARTICIPANTS</div>

Thank you for considering in participating in this study. This document describes the interest of the research and presents a description of your participation and your rights as a participant. Your participation is voluntary and not paid. Please read the information below, before you decide whether you want to participate or not in the study.

GOAL OF THE STUDY
The goal of the project is to understand which regulations (on local, national, international, and global level) of land grew and were object of modification since the year 2000; how social movements use these regulations (and which of them) in their strategies and definition of their goals; and to identify, how regulations and social movements influence each other mutually. The collected information will be used to write a dissertation in the context of the doctoral studies in sociology at the MPIfG and the faculty of social sciences at the UDE.

PROCEEDING
If you would like to volunteer in this study, you are invited to participate in an interview. The duration of the interview will take approx. 60 minutes. The interview will be conducted according to the conditions established in the consent form.

WITHDRAWAL OF PARTICIPATION
It is entirely free to participate in the study or not. If you volunteer to participate in the study, you are free to withdraw from it at any moment without any consequences. You are also free to refuse to answer single questions.

USE OF DATA
The data will be used for the project mentioned above and the subsequent publications as well as other publications related to the dissertation.

TREATMENT OF DATA AND CONFIDENTIALITY
It is guaranteed that the collected data will be anonymized, and it will not be possible that any use of the data reveals the identity of the participants. No association of the data will be possible to identify specific persons. The data will be saved on safe servers and stored in rooms that are physically safe. The interviews will be cited only of the interviewee agrees so.

IDENTIFICATION OF RESEARCHER
If you have any question or apprehension about the study, contact the researcher, Laura Gerken, gerken@mpifg.de .

If you are willing to participate, please sign the attached consent form (Page 2).

CONSENT FORM

Your participation in this study is voluntary.

|  | YES | NO |
|---|---|---|
| I read and understood the information for participants. I had the opportunity to ask questions about the study and my questions were answered in a satisfying way. |  |  |
| I agree to participate voluntarily in this study and understand that I can withdraw anytime from answering a question or stop the whole interview, without giving reasons. |  |  |
| I agree that an audio record will be made. |  |  |
| I agree that the information of the interview will be cited. |  |  |
| I agree that my data will be archived confidentially for future research. |  |  |

Please keep one copy of the consent form.

Name of participant:

Signature of participant:

Date:

Name of researcher:  Laura Gerken

Signature of researcher:

Date:

## Annex 3: Overview Interviewees

| # | Interviewee | Date | Duration | No. of Persons | Audio Record |
|---|---|---|---|---|---|
| 1 | Activist A | 21/03/2019 | 148min | 1 | Y |
| 2 | Activist B | 28/03/2019 | 146min | 1 | Y |
| 3 | Activist C & Activist D | 29/03/2019 | 110min | 2 | Y |
| 4 | Researcher A | 02/04/2019 | 81min | 1 | Y |
| 5 | Researcher B | 04/04/2019 | 56min | 1 | Y |
| 6 | Researcher C | 05/04/2019 | 57min | 1 | Y |
| 7 | Official A | 05/04/2019 | 74min | 1 | Y |
| 8 | Activist E | 09/04/2019 | 169min | 1 | Y |
| 9 | Researcher D | 10/04/2019 | 75min | 1 | Y |
| 10 | Researcher E | 11/04/ 2019 | 81min | 1 | Y |
| 11 | Businessperson A | 12/04/2019 | 26min | 1 | Y |
| 12 | Businessperson B | 17/04/2019 | 63min | 1 | Y |
| 13 | Activist F | 20/04 & 26/04/2019 | 66min & 38min | 1 | Y |
| 14 | Community Member A | 22/04/2019 | 66min | 1 | Y |
| 15 | Group Interview Community | 23/04/2019 | 25min | 1 | Y |
| 16 | Community Members B, C, D | 25/04/2019 | 65min | 3 | Y |
| 17 | Community Member E | 25/04/2019 | 62min | 1 | Y |
| 18 | Activist G | 02/05/2019 | 35min | 1 | Y |
| 19 | Researcher F | 06/05/2019 | 81min | 1 | Y |
| 20 | Researcher G | 07/05/2019 | 47min | 1 | Y |
| 21 | Official B | 09/05/2019 | 53min | 1 | Y |
| 22 | IO (International Organization) Staff A | 10/05/2019 | ~35min | 1 | N |
| 23 | Activist H | 16/05/2019 | 73min | 1 | Y |
| 24 | Consultant A | 22/05/2019 | 51min | 1 | Y |
| 25 | Researcher H | 27/05/2019 | 52min | 1 | Y |
| 26 | IO Staff B | 28/05/2019 | 44min | 1 | Y |
| 27 | Activist I | 28/05/2019 | 69min | 1 | Y |
| 28 | Activist J | 28/05/2019 | 50min | 1 | Y |

| 29 | Official C | 06/06/2019 | ~25min | 1 | N |
|----|-----------|------------|--------|---|---|
| 30 | Activist K | 06/06/2019 | 41min | 1 | Y |
| 31 | Activist L | 06/06/2019 | 36min | 1 | Y |
| 32 | IO Staff C | 11/06/2019 | 21min | 1 | Y |
| 33 | Activist M | 07/02/2020 | 36min | 1 | Y |

Annex 4: Codes, Definition, Anchor Example, and Subcodes of Analysis

| Code & Definition | Anchor Example | Subcodes |
|---|---|---|
| **Political Opportunity Structures**<br><br>Refers to the political context of social mobilization | "The only representative of the government who really criticized the attitude of Wanbao and of the government, who was in the struggle, accompanied the process, was the provincial director of [one governmental agency] (…) And was the only person who clearly disagreed with the attitude of the government and also of Wanbao" (Activist K, 06/06/2019) | -exchange with government<br>-cooperation with donors<br>-influential allies<br>-networking<br>-neglecting<br>-exclusion<br>-influencing<br>-hearing of authorities<br>-threats & intimidation<br>-withdrawal of public spending<br>-corruption<br>-withdraw funds<br>-payments<br>-strategic assessment<br>-influencing public opinion |
| **Legal Opportunity Structures**<br><br>Refers to the legal context of social mobilization | "And we referred there [in the case of ProSavana], for example to the Declaration of the United Nations about the Rights of Peasants. And we said that it is a clear violation of the declaration of the United Nations of the Rights of Peasants. Why does this violation of the international legislations help us? Because the international investments, when they arrive in the country, they try to ignore those which are the international rights and make agreements with our government; they overrun our legislation" (Activist I, 28/05/2019). | -increase legitimacy<br>-violation of existing rules<br>-domestic<br>-transnational<br>-traditional<br>-addressee(s)<br>-claimants<br>-type of investment<br>-co-authoring<br>-legal institutions<br>-lack of dissemination<br>-weak protection<br>-ambiguity of legal documents<br>-regulations of AU<br>-educational trainings<br>-unresponsiveness<br>-losing a case<br>-disregarding a court decision<br>-not preventively<br>-lack of independence<br>-slow bureaucracy<br>-poor negotiation position |
| **Repertoires**<br><br>Refers to all types of activities that are done in the struggle | "(…) demonstrations on the local level with the producers, we held debates at the level of the provincial government itself, we wrote (…) a statement that was presented at the observatory of development, (…) there was for example (…) a study about Wanbao (…) that showed clearly which ones are the violated rights of those communities. And we were in the site, the area of implementation of the Wanbao project itself (…) This is basically what we did in relation to the program (…) these are the advocacy actions that we did (…)" (Activist I, 28/05/2019). | -research & assessment<br>-networking<br>-community training<br>-pressure repertoires<br>-protest repertoires<br>-consumerist repertoires<br>-everyday resistance |

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