



RURAL LAND MARKETS IN MOZAMBIQUE, ITS IMPACT ON LAND CONFLICTS

**by
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I. Introduction

With the new politico-economic environment that offers attractive investments possibilities to national and foreign investors, Mozambique has undertaken an economic development program, which largely depends on the improved administration and utilization of land and associated resources. With an abundance of land, Mozambique possesses an excellent potential for agricultural development, animal and forest production, urban, industrial, tourism developments, etc.

Land use conflicts, however, are widely considered to be the major obstacle to economic development in the country. These conflicts have been associated with the large irrigation schemes in the south of the country; questionable tourism development initiatives along the coast; the unplanned location of foreign investment; the lack of transparent procedures in relation to land allocation, between different land uses, and questionable practices with respect to utilization forest and wildlife. Another major factor contributing to land conflicts is the fact that land is becoming one of the main commodities in rural areas, but it still belonging to the government. Land has a market value and communities are very often making transactions, and land markets are emerging which could incorporate smallholder's communities into larger commercial interests. These conflicts are negatively affecting the socio-economic, political and physical environments of the country. Therefore this paper discusses some of the impacts resulting from the land market in rural areas of Mozambique, and discusses the causative factors behind some of the conflicts resulting from commercialization of the land.

2. Historical overview of land allocation and market

During the colonial period in Mozambique the customary system of land and natural resources ownership was not clearly defined. Only by an effective occupation a person had a right to use a portion of land. During that period land was a collective property in which the division of land within the tribe or social organization had to do with the needs of families. However, the statutory systems was clearly defined in which the Colonial Portuguese government attributed concessions for cotton,

sisal and tea exploitation in the northern Mozambique, timber and mineral extraction in the central part of Mozambique and the scheme of *colonatos* in the southern Mozambique to large companies and Portuguese individuals.

For example, in the northern part of Mozambique land was allocated based on international cotton demand and price. According to Isaacman and Isaacman (1983), in the early 1940s a slight increase in cotton production led the companies to introduce quotas among smallholder growers and to take repressive measures against local farmers which resulted in an increase into the total area of cotton production, from 27,000 ha to approximately 300,000 ha. Almost all-productive farm land was diverted to cotton and sisal production.

In the Central part of Mozambique the Mozambican company was the majority concessionaire, which administered more than 100.000 sq. km. According Newitt (1995), the Mozambican company operated in the areas from 1878 through 1941 and they had the right to grant land and mineral concessions. This company acquired also the monopoly to market all the natural resources in the area including cash crops, constructed roads and improve ports. In exchange the colonial government received 10% of the shares and 7.55% of the total incomes from the exploitation of large plantations of coconut, wild rubber, sugar, sisal and cotton (First 1971).

In the 1950's, the colonial government introduced an incentive policy to attract colonial settlers, the military and other Portuguese residents to Mozambique to take an active role in commodity production. As a result a large number of colonial settlers who employed seasonal African wage laborers came to Chokwe and seized large tracts of land from the local population to create their own plantations called *colonatos*. With an increase of large-scale rice plantations under the control of João Ferreira dos Santos (JFS) in Chokwe and forced rice cultivation in some parts in the valley of Limpopo river, land become a very important commodity, in particular the land located in the irrigation schemes (Bowen 1994).

After independence, land was nationalized and the customary system, considered feudal and tribal, was undermined (Meyers 1994a) although some of the traditional systems continued in place, i.e. Macua traditional system continued to be used although with less authority. The official development strategy to collectivize agriculture—i.e., the establishment of state farms and cooperatives was introduced and they had an impact on land markets. In many areas—but not in all—rural dwellers were forced into communal villages, often located far from their own land. They could not effectively farm both their own fields and cooperative land, resulting in abandonment of family land. Land becomes an abundant resource. In many parts of the country, people moved into communal villages—a process that accelerated with the encroachment of the war in the early 1980s—and grew mostly

in the cooperatives, leaving little labor to farm their own land. Land markets at this period were inexistent.

Following Mozambique's adoption of a World Bank and International Monetary Fund (IMF) structural adjustment program in 1986, the government changed its development policy from socialist to capitalist. Under capitalism, communal villages, cooperatives, and state farms have been largely reduced, if not eliminated. But Mozambican farmers have been confronted with new challenges: international financial institutions (e.g., World Bank and IMF), working hand-in-hand with the government, have given resources and funding projects that promote an increasing utilization of land. In addition, parastatals (e.g., SODAN) and large privately-owned companies (*João Ferreira dos Santos*) have been given large tracts of land to grow cash crop (Tique, 1996). Land competition started again and the land law become outdated.

No transparent measures for land allocation were in place. For example a same piece of land could be allocated to someone by the district, provincial and national authorities, even though there was people living and using it. Conflicts over land arose from an overlap of the traditional tenure system with the governmental system. The traditional system was counterbalanced by the government system which attributed the right of use to a parcel of land under legal title, recognized by the state and commonly managed at provincial and district levels by the state officials (Meyers 1994b).

The governmental boards at the provincial level had the responsibility to concede land for commercial use and other national projects, while land concessions for smallholder agriculture was defined at the local level. However, the absence of a clear definition on what constitutes commercial and smallholder farmers and the absence of a clear land policy by the government has resulted in illegal takeovers by private groups as well as by both local and provincial authorities (Bowen 1992; Pitcher 1996). According to Meyers et al. (1993), land conflicts between the local and official systems in Mozambique have increased, and showed trends of intensification if the current governmental policies continue to grant large concessions to Joint Venture Companies (JVC) and the private sector without the participation of the local authorities. For example, in Nampula approximately 85,000 hectares of land have already been granted to JVC, of which 90% have been given by the provincial authorities (Meyers et al. 1993).

After the civil war, the power of the customary authorities and their relationship with their communities and local governments officials vary throughout the country depending in most cases the degree to which the authority, Frelimo in this case, was successful in replacing them. In the northern and central Mozambique where

Renamo is the most influential in many areas the customary authorities are the most dominant authorities. While in some parts of these areas controlled by Frelimo the official authorities had a very slight power of the land, since customary leaders continued to operate unofficial. The dual authorities result from the fact that the local populations does not recognized the governmental as the authority in the area.

In 1995 the traditional chiefs (*regulos, mwenes, cabos* and *capitães*) requested the government to restore their authority as leaders of their community with all benefits and rights acquired during the colonial period. Their authority, mainly of the *regulos*, was partially restored to include land allocation, resolution of land disputes and authorization to temporarily use the land they cultivated during the colonial period. They had preferential access to land which, in general, they divided among themselves, taking the large and most fertile parcels.

3. Land Reform in Mozambique

In the late 1990's, after the first democratic elections in 1994, the Mozambican government under the pressure of civil society and national and international organization drew up a new National Land Law and Policy. One of the main objectives of the law was to recognize peasant land rights to local communities, also referred on its regulations (1998) and the Technical Annex (1999) on forms how to make land delimitation. The new legislation maintains that all land belongs to the State, but seeks to protect peasant land rights through the recognition of occupation rights to the land. These regulation objects to recognized local land users since they are the ones who have protecting the land and other resources from degradation and that the land which they have historically use and occupied constitute the basis for their livelihood. Therefore community channel for land market may be established with the community rights since they have the right to acquire a collective title for using and benefiting from the land.

3.1. Implanted system for Land Rights

There are in Mozambique two systems from which someone can gain access to land, namely the statutory and customary laws. The land law and its regulations that regulate the rights and access to land and other natural resources recognized both forms of rights and use of natural resources. In general private sectors use the statutory system to gain access and rights to land and the family sector exploits the customary law. Although past laws since the colonial period through out the period after the independence tend to favor the statutory, the New Land Law (1997) attributes large importance to the customary law (community tenure rights).

3.1.1. The customary law

Mozambique is dominated by many customary tenure regimes based on traditional procedures, geographical contexts and cultural histories. These customary tenure systems are molded by different socio-economic and political processes occurred since the pre-colonial and the colonial Portuguese penetration in Mozambique to the post-independence period. According to Kloeck-Jenson 1998, the rules and norms guiding access, use control over land use, within the customary tenure system, is usually associated with a person's membership status in social groups. In general, in Mozambique the customary system is divided by two systems, patrilineal and matrilineal kinship principles although it is believed that there is some variations of these systems according to the socio-organization of the local community, cultural group and geographical position, population density, kinship organizations, inheritance patterns, land quality, markets, and historical experience.

The matrilineal system most practices in the northern part of the country, area most occupied by the Ajaua and Makua tribes, is very often associated to the agrarian societies living in small and large scale settlements, in which the allocation of land and natural resources is determined by matrilineal rule. In general, it can be stated that the matrilineal system can be applied to succession and, or inheritance through the female line, in which a woman inherit from their mothers or maternal uncles transmit the family properties to their nephews (sister's son). The patrilineal systems are mostly practice in the central and southern part of the country is more associated in the southern with the raising of livestock, expansive grazing lands and irrigation areas. While in the central part it is associated with Nguni Empire that occupied the south of the Zambezi River in the nineteenth century (Meyers 1995). This system refers to succession and or inheritance through the male line, in general from father to his son or other descendants. Generally, women do not inherit land since, according to local perceptions, a woman should leave the family land when she marries. She will then have the right of access to her husband's land, though in the case of divorce she would lose that right.

Land held by a customary system is often held by a group, community lineage or clan, family or individuals. In many cases when land is held by a community, families and individuals have a great deal of control over their resources and are responsible for day-to day management. In many cases private rights exist and many types of land and resources transactions take place daily among community members. In general landholders may also sell or lease other rights while not selling land itself,

such as rights of tree, animals, plants and other natural resources (Whithwater, 2001).

In sum, it appears that customary tenure norms still operate widely in Mozambique. According to these norms, men have privileged access to and control over land, through inheritance. They have greater security of land tenure, at household level. Customary norms are changing, however, through increasing pressure on the land, land conflict and the emergence of a land market. The capacity to access new and fertile land is increasingly linked to the ability to pay and to mobility. In both these respects, it would further seem that men are advantaged, relative to women.

3.1.2. Statutory Law

The constitution of 1979 states and the 1990 all land and other natural resources located in land and other natural resources located in the soil and subsoil, in territorial waters and on Mozambique continental shelf are owned by the state. The state shall decide the conditions for their use and exploitation. Thus all land rights are secondary to the state's primacy. The laws prohibit the marketing of land by sale, rent, mortgage or other types of alienation. However the law allows the selling of the infrastructures and the state to confiscate land for improper use or for public domain. In the case of wildlife this state ownership pattern aspects rises problems for game farming and ranching, for private reserves, and for community based wildlife and forest management.

The Land Law Regulations promulgated in 1987 specify how the land law should be implemented, including the competence's of different levels of the government over the administration. For In the new land law (1997) the provincial governor grants titles to areas from 0-1000 ha, the Ministry of Agriculture to areas between 1000-10,000 ha, while the council of Ministries to areas above 10,000 ha.

According to Meyers et al (1997) these laws tended to centralize and to allocate greater control over the natural resources in the hands of the state, particularly the central government. As a result these laws failed to recognize the administrative power that existed in the local communities. However in the new Land Law the communities are now supposed to be consulted prior to approving a concession and title) request within their territory and that they participate in the resolutions of land and resource conflicts with these private interests. The law also requires that the Land Commission develop legislation that define the mechanisms to identifying representative of local communities. Another important feature of the law is that the customary systems are recognized for conflict resolution.

Furthermore, the land law recognizes that a land use rights may be acquired by the nationals" occupation in good faith" of a piece of land considered as free, and as long as they have been using the land for more than 10 years; it also says that the absence of a title does not preclude the recognition of a land use rights, especially in relation to local communities. This is based on the basic principles of new vision of the management of natural resources in which encompasses an equitable and sustainable use of the natural resources by all sectors with objective of supplying equal opportunities of access by local communities to land, while adopting appropriate practices to conserve and preserve its natural resources.

For private investors the regulation stipulated that security of tenure for private investors (non-family or non-communities) is guaranteed by a registration title, and that security of tenure for the family sector and communities is guaranteed by occupation. In these regulation, privates individuals approach the state directly for assistance in identifying "free or available" land. The law requires that a private sector interests register the holding, acquire a title and pay a land tax.

4. Current Rural Ways for Accessing Land

There is a large diversity of ways local people can get access to land and natural resources. Inheritance, requests, grabbing, buying and borrow are the most common ways from which local people can get access to land. These forms are guaranteed based on customary system. The family sector can have land security through one of those forms as long as it is know by the community.

It is important to state from the onset that all the farmers in the most of rural areas have land. This includes single women, unmarried men, and women living under a polygamy system and boys. Some families have divided land between husband and wife. The husband's land produces for sale and the wife's for consumption. This situation is not however universal. This is strictly a family decision on which the local structure has no influence. In some cases access to land has been allowed to people who are not resident. The family sector can have land security through one of those forms as long as it is know by the community.

A number of studies have been carried out in many parts of the country to establish existing tenure systems and ascertain the access rights pertaining to the tenure systems. According to the New Land Law (1997), in Mozambique all land belongs to the state, but two broad tenure systems exist: traditional and modern. Land in the peasant sector is generally managed according to customary land tenure norms, where individual membership of the community gives that person the right to use community land, with the local leaders' knowledge. Land tenure security is acquired

through community membership, which may be strengthened by planting trees on the land.

The most common channel for the transmission of lands is via inheritance. In general the amount of land rural people use (‘own’ under traditional rules) depends on the type of crops they produce, the amount of household labour, the type of production systems, the micro-climate variation and pressure for fertile lands.

Given a general shortage of labour power in the peasant sector, capacity to use the land is one of the key determinants of landholding, at household level. However, the increasing land shortage in the area has meant a tendency to parcel out family land ever more frequently, creating constraints on the ability to practice fallowing or crop rotation. Despite this pressure, not a single, official request has been made by local peasant farmers, for the Government to title their land. All requests for land have been made informally, via the traditional authorities, and principally through the regulo.

Most peasant households in the area cultivate two or more fields, situated slightly distant from each other to take advantage of different soil types and precipitation. Normally, a husband and wife / wives have their own, separate fields.

a) Inheritance

This is the most common system for local people to have access to land under customary systems is the inheritance. Under this system a person get access to land from his ancestors. However, this has to come through a patrilineal system. According to Shumba et al (1996) the individuals from the area and with common ancestors can inherit a number of rights over the land and the natural resource from this traditional system. In general this process is respected by all members of the community and ruled by traditional leaders. Local families tend to occupy large area in order to their descending to have access to land under this process.

b) Request

After the identification of unoccupied portion of a land and in some cases land not reclaimed, the individuals not residents in one areas can contact the leadership of a community to occupied that portion of land. After that the leadership has to verify if that portion of land is occupied. If not they can allocate the land to the person who request it. This process is done by the authority of the area, traditional or official or both.

c) Land grabbing

Some people can get access to land by just grabbing by building a house or by cultivating a portion of land in the area without informing the local authorities.

This process occurred particularly after the civil war . However these people are not security in the land because they are part of the community.

d) Buying

In some area when a person wants to use a portion of a land or a resource in the land, particularly for a person living in the urban areas who wants to use a resource in the area he can buy to a local community. In this case the owner and the user establish a price in some time without the knowledge of community leaders and the occupation occurs after the agreement be reached. These types of agreements are very secret because they are not allowed by law. Usually who sells that are young people who want to get some money to move to urban areas.

e) Borrowing

Some families can get access to land by borrowing based on the family relations and friendship or by a third person. This type of access to land occur within a family or a lineage and does not request an intervention of the community leaders. These who can allocate land using this system are elder people who can not use the resource and by humanity reasons and they allocate their land to some relatives or friends who are able to use it. In another cases a person can be allocated because the owner moves to other areas for long periods.

5. Emergence of Rural Land Market

Although land tenure arrangements have remained somewhat similar to the post-independent, state owned structure, in which and is still owned by the government, which issues permits for its use, there is an emerging and promising rural land market. Problems have arisen as peasants without title deeds have often been threatened with eviction to make room for large-scale commercial farmers.¹ This system is now changing through Mozambique's recently approved Land Law, according to which local communities' rights and participation in land tenure and administration are stronger with long-term leaseholds granting use rights to land, although the state retains ownership of all land. Thus permanent rights can be granted to communities by fact of occupation, while individuals and corporations can apply for long-term leases, and land use title may be granted to good-faith occupiers on unclaimed land. Local communities can now apply for land use titles and enter into contracts with commercial farms. They must also be consulted and participate in the approval process for land concessions.²

¹ <http://www.sapem.co.zw/saindigenous.html>

² Land Tenure Centre and Bard of Regents, Univ. of Wisconsin (<http://www.wisc.edu/lc/news79a5.html>)

² UNFAO "District Profiles"

5.1 Community Land Markets

Community markets are emerging through out the country, in particular after the approval of the new Land Law. Under the new Land Law (Decree 66/98), a private investment project, which need land use rights acquisition, needs to verify if a community occupies the requested piece of land. If the area is occupied by a community, which is almost always the case for land close to the roads, and infrastructures (community rights achieved through occupation in good faith ³within the area being applied for), the communities have the rights to decide if the investment will be allocated in their areas or not. To be accepted by a community, a private investor has to fulfill some of community needs. The negotiations start when a private investor wants a piece of land located within a community area and for exchange with such a piece of land, a community usually requires some type of compensation. In general this compensation is not based on money, but in kind (i.e. for example in Namitória, district of Angoche, part of community land is borrowed or sold to urban individuals, who pay back with part of their produce at the end of the farm season). The decision on how to pay occurs during a local community consultation⁴.

For example the community of Goba, Southern Mozambique, required for a private investor to provide them with a mechanic gin, and access to their sources of water (DNFFB 2001). While a community in Mucombué, village in Manica province requires to a private investor to provide them with a primary school. Conflicts start in this case when a private investor fenced his land, limiting consequently community's accessibility to the river, their only source of water. Furthermore, the investor brought a certain amount of cattle, but at the time of the fieldwork (May 2001), it exceeded the carrying capacity of the area, leading consequently to his cattle to invade most of the community member's farms. In the district of Manica at Malidza/Penhalonga village, there is a new conflict between local communities and IFLOMA, a private company, since a company does not allow local people to use existing land located within IFLOMA's area (PROAGRI 2001). The conflict is originated by the fact that during IFLOMA privatization, conducted at Ministry of

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⁴ The community consultation is an important part of the titling process to obtain provisional authorization and a key element in the evaluation of application for a land by outside interests who seeks access to land and other resources located within the borders of one or more communities. The objective of the local community consultation is first to clarify if there are existing land use rights in the area being applied for, and the second is to establish clarity if possible between existing rights and the application in question.

Agriculture in Maputo, the country's capital, the local people were using the land located within the IFLOMA for more than 10 years and this factor was not taken into account. Other examples of conflicts occurred during land transactions are related by the fact that an investor promises to use community members as employees, but then he recruits people from outside of the area. This is the case of Mozal, the largest aluminum factory in Mozambique.

In general communities see a private investor who requests land in their areas as a "big brother" since he can provide them with needed infrastructure. Some investors agreed to provide what the community request, but afterwards they take long to implement the promised request. This results from the fact that some private investors do not recognize the community leaders as the true community representatives⁵ or in the cases when community representatives who did always include traditional authorities.

There is a common concern for most of people and institutions dealing with land issues on communities' representatives for bargain with investor during land transaction. Who is representing the communities in the land negotiations and transactions? This is a valid question as there have in the past been cases where investors have done deals with just a few community leaders who in fact have not been legitimate representatives of the wider community. Some confusion seems to exist amongst communities regarding who is in control of the land. Some areas local people consider the village headman, while others speak of district authorities, heads of households, chiefs, and leaders of political parties, etc. It would appear as though all these different sectors of authority have in fact had some influence over land access, making a universal understanding of who distributes and markets land rights difficult to attain. While land is most commonly distributed free of charge, some symbolic payment is occasionally made to either the village headman or some other authoritarian figure, or to family members / friends who used the land before. Land rights may in some occasions be sold if the land has already been cultivated and improved. This situation has been increasing largely with the emergence of land markets, since land investment opportunities are becoming one of the major areas of economic development. In most districts land may not be bought or sold but can be inherited. Opinions as to who is eligible to inherit land in communal areas differ. The majority believe that only sons or other male family members may inherit, but some do concede that daughters / other female relatives may in some cases be eligible.⁶

⁵ The new law and its regulations specify that communities must select between 3 and 9 people to represent them in dealings with outsiders and in the process of community land identification and delimitation.

Unscrupulous tradition leaders (regulos, mwenes, etc) can also abuse their role as representatives. In a fieldwork conducted in Manica province (June 2000), communities requested to be allowed to choose their representatives between meetings and without pressures of having the “outsiders” present, especially during the delimitation⁷ of existing land rights prior to the titling process be in place.

Most of the investors complain that the consultation process is increasing their investment, since they have to build a community infrastructure and have to go back and forth to the area to negotiate, with participation of the provincial services of geography and cadastre (SPGC) and mediated by NGO's. This interpretation is based on the fact that community's request does not take into account the agro-climatic conditions of the area, land potential for selected investment and the type of investment proposed that in some cases are not directly linked to the market. Table 1 shows that less than 25% of all land request process in the country are going into a consultation process.

Another investor complaints is related to the fact the delimitation process also takes long and it is too costly, while the markets opportunities for the type of investment is not permanent. While the delimitation process occurs when there is a land conflict between two communities, we believe however, that community's consultation is the only way to involve communities in the decision of their own land rights. Investors have to understand that community consultation process cannot be avoided since it is referred in the Land Law and its regulation. Therefore, whatever plan an investor has for a certain price of land should include a community consultation as part of his investment costs. However, the government should make this process much easily for both communities and investors. One way is to provide information at district basis about the actual land use, land use suitability, community areas, private allocation, etc for an easy selection of a potential area for investment. Secondly, the titling process should start at the district and community levels, where an investor starts his negotiation process with the community. After an agreement now the titling process can go to the SPGC for cadastral purposes. NGO's and provincial land nucleus have a strong role in assuring the transparence on this process, both during community's selection of their own representatives and during the negotiation process.

5.2. Private Land Markets

⁷ Delimitation is the identification of a community limit area or by national singular persons, who are using the land for at least ten years, in good faith, including its launching in the national cadastral.

Private land markets started long time ago especially after the introduction of the structural adjustment program in 1987. In this year the government started to privatize most of its small, medium and large-size companies from all sectors of the economy. Most of the state farm companies were also privatized depending on the economic sector. In the cotton sector, the government created Joint Venture Companies (JVC) in 1991. These ventures included the government, through its Ministry of Agriculture, (49%) and the private sector (51%), to develop the zones considered to be good for cotton production. Most of other economic areas had decline at the time, such as tea, sugar and rice industries and their land privatization had a very little impact in the land markets.

Individual land markets also become a very important in the context of the new economic development. After the structural adjustment programs individuals who were looking for private investments, including governmental and administrators leaders acquired large areas for private use. Large parts of the districts were allocated to these individuals without consent of local communities and their traditional leaders. During this period the Ministry of Agriculture, the provincial directorate of Agriculture and the district authorities could allocate land, independent of its size and location. Overlapping allocation increased and land conflicts became a very detrimental factor. After the new Land Law and with an increase on international investments in Mozambique, rural land market has been steadily increasing, mainly along the corridors, prospects developing poles, near main infrastructures and in the past agricultural and tourism potential areas.

This market has been conducted in different ways, by individuals, private enterprises and families. The majority of promoters of a private land market are urban people who want a piece of land for agriculture, livestock, ranch or other type of land use. In general these people usually buy land from rural people. This practice is secret and it is made between relatives, friends and outside of legal channels. The prices vary according to the needs of the seller, size of land, its location, capacity of the buyer etc. Then this piece of land is titling to a new owner under the normal legal mechanisms.

Internal markets within communities also occur. This happens in many cases among individual members of a community. For example, some farmers, mainly male young people open new fields (0.5 to 1 ha) and sell them to whom wants to farm within their own communities. These people normally carry this action when they want some money to move to urban areas, or to South Africa in the case of Southern Mozambique. Who buys those areas are in general elder people who does not have household labor to farm. The price in these cases vary from USD\$10 to USD\$200, depending on the size of area and location of the farm.

Another emerging market results from private groups and individuals coming from South Africa and Zimbabwe, who rent part of the land from individuals during large periods for farming, mainly cash crops, game farming and other type of land use. During the field work conducted in many parts of the country (see Tique 1997 in Namialo, Nampula province, 1998 in Majune, Niassa province, 1999 in a study conducted in Mabalane, Gaza province, 2000 in study conducted in Gondola, Manica province, and 2002) most of the respondents agreed that there is an increase on land selling in theirs areas to foreign people. These people usually appear in the areas using Mozambican partners, who use they nationality for getting land rights, while in fact who pays and invest in the land is a foreign individual. The exchange in this is cases are not only in cash, but also, it is made "in kind", i.e. mechanical gin, tractor, cars, etc.

Table 1: Total number of land request by individual persons, September 2000

Province	Number of process		Notifications			Results	
	Total > 1 ha	Total < 1 ha	Done	Confirmed	No confirmed	Consultations	Desistance
Maputo	1.426	635	545	125	534	125	3
Gaza	NA	NA	449	152	297	192	15
Inhambane	595	546	595	153	442	NA	2
Sofala	257	45	258	176	108	19	32
Manica	366	1	306	178	87	NA	41
Tete	315	85	347	107	230	84	23
Zambezia	1.033	944	1.643	165	1.480	NA	4
Nampula	1.229	27	420	319	79	NA	5
Cabo Delgado	323	56	154	0	NA	NA	NA
Niassa	134	140	133	72	NA	46	70
Total	5.678	2.479	4.850	1.447	3.257	466	195

Source: DI NAGECA (2001)

5.3. Land distribution between farmers association and their own communities

The emergency of farmers association occur in early 1990's as a new move replacing the cooperative system which was linked to the previous socialist regime. The farmers association is composed by a group of people with the same objective resulting from the fact that in many rural areas local people does not have means to solve their own problems, and then they get together to solve it as a group. This occurs in general for crop production and commercialization, access to credits and other inputs, price negotiations and most recently for land titling process. Although the associations are require to consult their own communities for land allocation, in general the community leaders are members of the association and in

most cases this consultation process is not conducted in a proper manner as required by law.

5.3.1. The case of 25th of September Association in Namialo

The 25th of September is an association of Small and Medium Private Farmers (ASMPF) created in Namialo at the former communal village called 25th of September. It was a local response to protect the farmers from losing their land to private groups and to solve internal land conflicts. The first task of the association was to acquire the title for all land that their members were cultivating or would be cultivating in the near future (Tique 1996). Initially the ASMPF requested 350 hectares of land in the same place where the communal village 25th of September was located. In order to receive the title, the ASMPF had to pay for title fees (e.g., demarcation fees, criminal statutory fees and other procedural costs) on the basis of the previous land law 1989). This association was registered in September 1997, and they already have their own land titling acquired under the previous law (Title 1135/T/99).

Conflicts between the farmers association and community emerged in 1995, mainly between the pioneers (considered *de facto* leaders of the association), the local traditional authorities (cabos in this case) and smallholder farmers who still inherited their land through the traditional system, continue to date (2002). The conflict between the association and the local traditional authorities resulted from the fact that the traditional authorities--who had rights to concede land to its community members and to solve land litigation between its members--felt that the association was taking over their authority. The pioneer members of the association had preferential access to land near the Namialo river, the national highway (EN8) and close to the markets. Also, the areas acquired by the association belonged to the *Mugila regulado* (a traditional lineage group in the area) although some of the leaders of the association, including the president, do not belong to the same *regulado*, but they occupied large areas within the *regulado* (now divided into communities after the delimitation). Under these circumstances, the traditional authorities felt that their land was being grabbed by outsiders, without any transactions or compensation to the community. This community had already been delimited in 2000 and the area titled by the farmers association are also included within community's areas.

The second point of disagreement, in 1995, arose from the fact that each member of the ASMPF was required to pay for the amount of land he/she would occupy in the association. This was because the *cabos and regulos* and other traditional authorities had to pay for the land they occupied acquired through their rights in the local

traditional systems. Thus farmers, mainly women who inherited land from their parents, had to pay for it. For example Maria Mwassuarapi recounted:

The association leaders, mainly Manuel Nachico (who calls himself president of the association) asked me to pay initially 5,000.00 Mt (\$0.50 dollars) in 1994 and now he has increased it to 37,000.00 Mt. (\$3.50 dollars) for this land that always belonged to my parents. They did not ask me to incorporate my land in their association. It is not right (Personal interview with Mwassuarapi 1995).

However, according to the president of the ASMPF, they requested payment for land occupation in order to pay the government for the land title (Interviewed with Manuel Nachico by Arilindo Chilundo in 1995).

A new conflict is appearing most recently (2001-2) between a Portuguese citizen who lives in Namialo, who request approximately 1500 hectares located near the 25th September community. The ASMPF decided also to increase their area to 700 ha since their membership has already increased (from 75 to 120). Part of these areas is overlapping with the area requested by the private farmer, since the area is also located outside of the initial *cabo's* area. While during the negotiation process with local communities, the consultation process, local leaders (*regulos*) agreed to concede the area to a private individual, in exchange for employment on his farm and in inputs for cotton cultivation. According to the local leaders (*regulos*) their preference for a private individual results from the previous conflict with the farmers association, and by the fact that the ASMPF never attempt to solve the dispute with them and now they don't want to negotiate with them for the new having access to the new area. Another reason is the fact that members of the ASMPF are separating themselves from the community since they are able to negotiate their own cotton prices better than the rest of the community, within the association forum⁸. They now are bargaining for low producer prices with other members of the community, in order to get better profits after selling for the companies. Community members are very suspicious of the ASMPF leadership.

While, the *cabo* prefer to allocate the land to the ASMPF. First because he now is a member of such association, secondly because he has a usufruct right to decide for land allocation located within his domain. The private farmer complains that the

⁸ Forum is composed by elected individuals from farmers association who represent them in the negotiating process with private enterprises for crop price allocation, inputs and production. Forums are become much more market oriented and they are able to discuss at high levels (including at national level) about their production systems, mainly cash crops (cotton, maize, groundnuts and cashew nuts) and to find better markets.

ASMPF is usurping his areas, attributed by the community, even-though he has an agreement with community leadership, because an existent infrastructure in the area.

Although this example occurred at a micro-level scale, it shows a hierarchical pattern based on power and economic relations that may be happening at the regional level, in which the association, traditional, private and governmental leaders at the local and regional levels have always given themselves preferential access to the best land, leaving the less fertile and marginal land to the rest of the farmers. This conflict is between over power, since the *regulo* is feeling that not only the association, but also his *Cabo* is taking decisions without his consent. This is becoming not only a land question, but also a territorial dispute, since the *Cabo's* area is located within the *regulo's* area, but according to communities delimitation process the limits is based on the *Cabo's* area. Power and economic relations have led in general to an inequitable distribution of the land resources and are undermine land existing local land markets.

5.3.2. Land conflicts as a Result of Rural Land Markets

Land conflicts followed these same characteristics as the one's having earlier 1990's. In a study conducted in Inhambane in October 2001 (INIA 2001) farmers were asked if there was more or less land available now than before, Forty seven percent (47%) of the farmers reported that there was less land available in 2001 than in the past. Twenty percent (20%) responded that there was abundant land now (in 2001) than before and eight percent (8%) responded that there were no land problems yet but there would be in the near future. Fifty seven percent (57%) of the farmers who agreed that there was land scarcity at the present time and twenty percent of the farmers, who predicted that there would be land scarcity in the near future, attributed it to the expansion of private groups in the area. Seventeen percent (17%) of the farmers believed that because all farmers want to increase the size of their farms, land has become scarce. Ten percent (10%) of the farmers agreed that it was the increase of population, which leads to land scarcity

The influx of private groups with land titles given by the provincial authorities and the Minister of Agriculture has been largely increased and they seemed to have the best land, at the expense of local farmers. The farmers whose land was expropriated were allocated new land, further away from their houses and, in most cases, in marginal areas, although the consultation mechanism among community members was conducted.

Another type of conflict is related to claims by returned relatives of some colonial settlers who had large properties in the area. These settlers had the usufruct right to use the land during the colonial period, obtained through compulsory policies. Local farmers in general complained about the invasion of these groups,

under the approval of the district administrative authorities. This constrained local farmers who occupied these areas after they abandoned the country. These colonial settlers are requesting their areas to the Government, usually at the central level, which in some cases decided without take into account the current situation, in which communities have been occupied for more than 10 years.

Some conflicts emerged between who controls land within the general territory and the land within territories within *regulados*. Leaders of some farmers associations, the local traditional authorities (*regulos*) and smallholder farmers who still inherited their land through the traditional system, are creating conflicts between the association and the local traditional authorities (*regulos*) due to the fact that the traditional authorities--who had rights to concede land to its community members, *regulados*, and to solve land litigation between its members--felt that the Cabo's (including within farmers association) are taking over their authority, in particular in areas dominated by cash crops, i.e. cotton.

6. The need for a Land Use Planning to improve better community and private land usage

Previous objectives of land use planning carried out by the institutions involved was twofold: first to identify land use planning needs at different operational levels (national, provincial, district and community) and, secondly, to develop a set of procedures, concepts and methodologies for land use planning and natural resources management for national adoption. These objectives are achieved in terms of the following: land use planning activities; the availability of data and gaps within existing databases; institutional requirements and mechanisms and methods of operation; human resources training; and formulation and developments of strategies to undertake stated objectives. These activities are executed in a centralized manner, but often without the necessary level of coordination among the institutions that undertake them. Communities consultation and delimitation usually were not consider during the earlier land use plans.

Within the new framework of Mozambique's new "development drive" of decentralization and increased grassroots participation in natural resource management, a major emphasis of an integrated land use plan has been placed on district and community activities. The proposed strategy is, firstly, to establish together with communities, then with the district and lower level authorities a knowledge base about the present land use and negotiate an agreement for future land use, the so called district master-plan. Subsequently, local communities, which are identified in the first phase, are to be assisted with the development and management of their territories.

Methodologies for both levels to achieve the above have been established now and are documents in the respective reports of the provincial teams but they should be improved considering the need to defend communities rights while involving them in partnership with private investments in order to provide an add value for their community activities while providing access to better a potential lands to also private groups.

Results and conclusions of the land use planning component should be directly used in major policy proposals by the government of Mozambique, both in agricultural policy and the national Land Policy. In the position, the proposed national agriculture; development program, land use planning has been perceived as the process for identifying development opportunity and programming development actions. The component has also been instrumental in the elaboration of national programmed proposals by the Land Commission. Various discussion papers were prepared for this purpose.

Apart from the methodology development, the case studies have had a direct impact on provincial, district and local authorities and land users. In Xai-Xai a comprehensive district land use master-plan was established and presented to the provincial District government. In addition, future land use arrangements for 14 localities were negotiated. In Gondola 6 communities were targets; not only land use development options are proposed but a process of farmers mobilization and community self help was induced. In Mocuba a comprehensive social and physical inventory was established. Most recently a land use planning was conducted to Inhamabne province, in which a community consultation is strongly recommended whenever land allocation for private purposes is considered. It must be underlined that through a series of workshops and seminars, both at district and provincial level, tens of administrators and technicians were reached and introduced to basic land resources management and planning issues.

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