



Land and natural resources in Mozambique

The 1995 National Land Policy for Mozambique, still in force today, starts from the basic premise that land belongs to the state. However, it also responds to an emerging market economy and is designed to “assure the rights of the Mozambican people over land and natural resources [and] promote new investment” through a mix of post-independence socialist ideology, market principles and concerns for social equity and sustainable use. Long term leaseholds, known as *Direitos de Uso e Aproveitamento da Terra* (DUATs), are either acquired by land occupants by law, or awarded as discretionary concessions by the state. The key element to the Land Policy, later incorporated into the 1997 Land Law, is the recognition given to the legitimacy of customary land management systems and to informal and customary occupation. The legal framework provided by the Constitution and the Land Law contains several innovative approaches to securing property rights. The ‘land delimitation’ process is a flexible and participatory mechanism through which local communities can, in effect, define themselves and the areas of land over which they claim a right to use and occupy it. This self-definition approach is well suited to a country like Mozambique, where numerous cultural and geographical contexts determine land occupation and use.

Mapping of land and natural resources

The upcoming Securing Artisanal Fishers’ Resource Rights Project (PRODIRPA), to be implemented by the Institute for Development of Small-scale Fisheries (IDPPE), envisages the mapping of existing and planned marine and land natural resource use in about 12 growth poles in Nampula, Zambezia and Sofala provinces, including fishing areas, protected areas, water access, forests and mangroves, cultivation and grazing used by a range of different groups and users. There has been some mapping of different resource uses of artisanal fishing communities and documentation of local natural resource use rules and practices, but use of the tool of mapping and using maps to provide a basis for planning and negotiating is not well-developed. The existing local management rules of fishing communities are usually not documented either, and these are therefore often not considered in coastal management plans, although there have been some successes in the establishment of local reserve/‘no fishing’ areas, with the fairly immediate and visible recovery of local fish stocks. The strategic approach of PRODIRPA will therefore include: (i) A focus on the documenting of local natural resource management rules and practices, including for conflict resolution, and the mapping of the spatial extent of users rights; (ii) The production of community-based coastal natural resource management plans, for local use in terms of monitoring, and for advocacy and planning purposes at district and provincial level; and, (iii) Facilitating initial steps in community land delimitations and other measures for legally securing resource use rights.

Group rights

From the perspective of group rights, PRODIRPA will be implemented in a context where various groups will operate in different spheres: there are (statutory) consultative institutions, which are



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designed to institute co-management approaches in the public sphere, whilst there are also associations, which have more of a private character in representing the interests of their members. A key challenge will be to strengthen the voice of the more informal groups of resource users on the co-management institutions, in order to prevent these institutions from becoming instruments of elite capture. The on-going Community Investor Partnerships Project (ProParcerias), implemented by the National Directorate for the Promotion of Rural Development (DNPDR), is approaching the issue of group rights from a different perspective. Here the concern is with the constitution and securing of private use rights to land in the context of being able to use these rights, as a group, to enter into a commercial arrangement with outside investors.

Women's access to land

Women's land rights are a particular focus in both ProParcerias and PRODIRPA. The challenges involved in supporting the use rights of women in respect to land are significant in Mozambique, given the prevailing cultural attitudes within the traditional rural setting of the country. In the rural areas, there are a number of cogent reasons that argue against an immediate focus on formalising individual women's land titles and towards a broader focus on improving social attitudes towards women's land rights, in particular for vulnerable groups such as widows and orphans, as well as working to improve women's status on a wider front. The formalising of women's rights as part of the delimitation of community rights in Mozambique fits within this approach; in a number of instances in which communally-held land is secured in the name of community groups, women are included within the new institutional structures set up to administer the land areas.

Inclusive business model

While there have been some experiences in setting up community-investor partnerships from other sectors, notably tourism, these examples are based upon project-specific arrangements that recognise or mediate the legal personality of the group, and there are no examples from the agriculture sector. ProParcerias is therefore an attempt to identify and pilot some approaches and legal instruments that will permit the establishment of sustainable community/investor partnerships in rural areas, in which the communities contribute unused land as a legally constituted group that holds the use rights to this land.

Conclusions and next steps

To prepare for PRODIRPA implementation, the staff of IDPPE should begin to identify the data sets that could be easily geo-referenced for display and analysis in either a GIS system or through the use of Google Earth. IFAD could facilitate closer contacts between ProParcerias and on-going initiatives such as the WB/IFAD/UNCTAD/FAO-led Principles for Responsible Agricultural Investment and the FAO-led Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests. ProSavana, a triangular project between the Republic of Mozambique, the Federal Republic of Brazil and Japan for the development of large-scale agriculture, is expected to have a significant impact on people living in the implementation area of the IFAD-supported Rural Markets Promotion Programme (PROMER). Concerns have been raised by civil society organisations regarding the land requirements of ProSavana. Linkages should be facilitated with institutions like iTC to support the securing of community land rights. Finally, UN-Habitat should facilitate closer ties between the Mozambican authorities and the Land Policy Initiative



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Land and Natural Resources Learning Initiative for East and Southern Africa

IFAD and UN-Habitat, through the Global Land Tool Network (GLTN), have entered into a partnership to implement the 'Land and Natural Resources Learning Initiative for Eastern and Southern Africa (TSLI-ESA)'. The initiative aims to improve knowledge management strategies and approaches towards pro-poor and gender-sensitive land and natural resource tenure rights in selected East and Southern African countries.

TSLI-ESA focuses primarily, but not exclusively, on the following five themes:

- i. Using technically advanced geographic information technologies, such as aerial photography, remote sensing technology and Geographic Information Systems (GIS) for mapping land and natural resource rights, use and management.
- ii. Recognising and documenting small-scale farmers' land and water rights in irrigation schemes.
- iii. Recognising and documenting group rights, focusing on range and grazing lands, forests and artisanal fishing areas.
- iv. Strengthening women's access to land.
- v. Documenting best practices in securing land and natural resource rights through business partnerships between small-scale farmers and investors.