

# FOOD SECURITY AND LAND GOVERNANCE FACTSHEET

## Mozambique



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### ABSTRACT

Mozambique has a land governance system that allows for strong protection of community-based land rights, community consultation with respect to partnerships with investors, and secure rights to land for investors. Due to its progressive policy and legal provisions for sustainable and equitable land governance, Mozambique's legal and policy framework has been substantially referred in research works, both at the national and international level. Moreover, the Constitution of the Republic has always given special attention to agriculture as the engine for national economic development and as basis for food security and rural poverty reduction. Security of land tenure rights for national citizens and local communities, use of land for social and economic development, and promotion of land-based economic development through partnerships between communities and investors form the pillars of land governance in the country.

However, the implementation of legislation has been slow and the capacity among state actors is weak. Tensions exist between a government that is keen to promote foreign investment and agro-industry versus a rural population that is insufficiently aware of, and is not always able to exercise, their legal rights. This is resulting in frequent conflicts between the government, investors and communities. To overcome this problem, a support program was put in place in 2006: the community land fund (ITC), to help the government to assist communities with the delimitation of their land. More recently (2015) the government launched a campaign with the purpose of massifying land titling, with a target of 5000 titles issued until 2020. About ten percent of the communities have their rights recorded. Moreover, state agencies involved in land administration and management need to have sufficient capacity to provide appropriate and accessible services to both communities and investors.

In spite of the prominent place that mineral and hydrocarbon resources have occupied in the national economic agenda in the last decade, agriculture and food security continue to receive particular attention and are being highlighted in political discourses and development programs. This is also reflected in the current institutional arrangement for the governmental period 2015-2019. The 2015 country fact sheet presents an update of the policy, legal and institutional frameworks, discusses challenges on the ground and presents the latest innovations in the land and food security sectors.

This country factsheet was prepared under auspices of LANDac – The Netherlands Academy on Land Governance. The initial version (2012) was compiled by the Royal Tropical Institute (Thea Hilhorst and Nicolas Porchet, KIT) at the request of the Ministry of Foreign Affairs – The Netherlands.

In 2016, the factsheet was updated by Ms. Alda Salomão (LANDac PhD Candidate and Centro Terra Viva) in collaboration with LANDac (Gemma Betsema, UU) with support from the Food and Business Knowledge Platform (F&BKP) as part of the LANDac/F&BKP knowledge agenda on land governance and food security.

### **About LANDac**

LANDac, the Netherlands Academy on Land Governance for Equitable and Sustainable Development, is a partnership between Dutch organizations working on land governance. The partners are the International Development Studies (IDS) group at Utrecht University (leading partner), African Studies Centre, Agriterra, the Sociology of Development and Change (SDC) group at Wageningen University, HIVOS, the Royal Tropical Institute (KIT), and the Netherlands Ministry of Foreign Affairs. The LANDac network conducts research, disseminates information, and organizes courses and training, focusing on new pressures and competing claims on land and natural resources. Guiding question is how to optimize the link between land governance, sustainable development and poverty alleviation.

[www.landgovernance.org](http://www.landgovernance.org)

### **About F&BKP**

The Food and Business Knowledge Platform (F&BKP) is one of the five Knowledge Platforms initiated by the Dutch Ministry of Foreign Affairs. It is an open and independent initiative where representatives from international networks and organizations of business, science, civil society and policy come together. The Platform shares, critically reflects on, generates, deepens and improves (interdisciplinary) knowledge and feeds practices and policies on food and nutrition security. Land governance is one of the prioritized themes in its mission to develop a more focused knowledge agenda.

[www.knowledge4food.net](http://www.knowledge4food.net)

### **About CTV**

Centro Terra Viva (CTV) is a Mozambican non-governmental organization that focuses its work on environmental and natural resource management research and advocacy. CTV is one of the leading civil society organizations working on land governance, while also providing legal assistance in land issues to rural communities.

<http://www.ctv.org.mz>

**Policy and legal framework**

**Land governance principles**

Constitutional provisions related to land have remained unchanged since 1990, and subsequent laws and regulations, especially the 1997 land law and its regulation, have consolidated constitutional principles in legal norms, summarised as follows:

1. Land belongs to the State and cannot be sold, alienated or mortgaged.
2. National citizens and rural communities have automatic constitutional recognition to their land rights, independently of any formalities or titles.
3. Land use rights can be acquired by inheritance, peaceful occupation and application to the State.
4. Foreign entities can acquire land use rights to implement land-based projects.
5. National citizens and communities can enter into partnerships with national and foreign investors for the use of land and other natural resources for economic purposes.
6. The State can extinguish land use rights on public interest or public utility grounds, after completing an expropriation process where prior and fair payment of due compensation is mandatory.
7. The State must consult all interested parties, including local communities, in the process of land rights allocations.
8. Land use rights are known by the Portuguese acronym DUAT (*direito de uso e aproveitamento da terra*) and can be held individually or jointly.

Main legal instruments for the land sector:

Legislation	Legal reference
2004 Constitution of the Republic	Resolution No.
National Land Policy	Resolution No.10/95, October 17
Land Law	Law No 19/97, October 1
Land Law Regulation	DecreeNo.68/98, December 8
Technical Annex to the Land Law Regulation	Ministerial Diploma NO.29-A/200, March 17
Regulation on Urban Soil	Decree No.60/2006, December 26
Procedures for Submission and authorization of land occupation for projects above 10.000ha	Resolution No.70/2008, December 30
National Environmental Policy	Resolution No.
Environmental Law	Law No.20/2077, October 1
Environmental Impact Assessment Regulation	
Policy for Territorial Planning	Resolution 18/97, May 30
Territorial Planning Law	Law No.19/2007, June 18
Territorial Planning Regulation	Decree No.23/2008, June 18
Mining Law	
Regulation for Resettlement Resulting from Economic Activities	Decree 31/2012, August 8
Procedures for Community Consultations	Ministerial Diploma158/2011, June 15

Content of some of the main legal instruments for the land sector:

Law	Content
Constitution 2004, articles 109 and 111	All ownership of land is vested in the state The state shall recognize and protect land rights acquired through inheritance or by occupation, unless there is a legal reservation or the land has been lawfully granted to another person or entity

Law	Content
1997 Land Law	<p>Drafted with the objective of supporting and protecting the land rights of communities, women and smallholder farmers, while also encouraging investment</p> <p>Reasserts the state's ownership of land and provides that individuals, communities and entities can obtain long-term or perpetual rights to use and benefit from land</p> <p>Protects customary rights of communities to their traditional territories and recognizes rights obtained through traditional and good-faith land occupancy as equivalent to rights obtained by government grant</p> <p>Community land use rights are legally equivalent to rights granted by the government to individuals and entities</p> <p>Women and men have equal rights to hold land. Nationals have unrestricted rights of access to land; foreign individuals and entities must have local residence and an approved investment plan</p> <p>Land use is free for family uses, local communities, the state, and smallholder associations and cooperatives</p>
1998 Rural Land Law	Provides rules for the acquisition and transfer of use-rights
2000 Technical Annex to the Land Law	process for identifying and recording the rights of local communities and good-faith occupants is governed
2009 National Policy and Strategy for Biofuels (Resolution No. 22)	<p>Provide strategic policy orientation for the sector, objectives:</p> <ul style="list-style-type: none"> <li>• Promoting sustainable production of biofuels;</li> <li>• Reducing the country's dependence on imported fossil fuels;</li> <li>• Diversifying the sources of energy;</li> <li>• Promoting sustainable rural development;</li> <li>• Contributing to foreign exchange generation through increased exports;</li> <li>• Exploring regional and international markets;</li> <li>• Promoting research on technologies for production of biofuels by national teaching and research institutions including technologies applicable to local communities; promoting food and nutritional security;</li> <li>• Reducing the cost of fuel for the final consumer;</li> <li>• Protecting the national consumers against the volatile prices of fossil fuels and energy insecurity.</li> </ul>
Decree No. 1/2003	<p>established new provisions for the National Land Registry and Real Estate Cadastre</p> <p>procedures for the registration of inherited land use rights and secure rights to customary rights-of-way</p>

### Land categories

In Mozambique, two categories of land are prevalent:

- Public lands (state and municipalities): The Constitution of the Republic determines which lands are held under state public domain, and over which no DUATs can be issued. Parties interested in occupying public land may apply to a special license.
- Community lands: most rural land is held by communities, who have perpetual DUATs based on their traditional occupancy. Delimitation and registration of this land is voluntary: communities are not required to delimit or register their land to assert their DUAT. However, pursuant to a 2008 resolution, if communities want to register their DUAT, they must prepare an exploitation plan. Local communities also grant third parties, such as investors, rights to use land within their territories.

DUAT grants – there are no minimum or maximum sizes of land available through a government grant. Grant applicants must prepare an exploitation plan. The state then reviews the application and issues a provisional grant for either two years (to foreign persons or entities) or five years (to nationals). If the exploitation plan is fulfilled, the grant becomes final; if not, the land reverts to the state. Any investment made on the land, as opposed to the land itself, is private property, and can be bought, sold or mortgaged.

### DUATs

DUAT obtained by occupancy	Obtained through: (a) occupancy of land according to customary norms and practices; or (b) good faith occupation of land for 10 years. Local communities have DUATs to their traditional territory. DUATs obtained by occupancy are perpetual and do not require plans for exploitation of the land.
DUAT obtained by grant	The state grants DUATs for renewable periods of 50 years.

(USAID, GOM Land Law 1997; Akesson et al. 2009; NAI 2007; Norfolk and Tanner 2007).

## Forest management

Mozambique is endowed with forest, woodland resources and other vegetation covering 70 per cent of its territory. The annual loss of these resources amounts to 0.58 per cent or 219,000 ha according to the inventory report of 2007. This represents more than double the deforestation reported in 1994. The sources of forest loss and degradation include smallholder and commercial agriculture, demand for biomass energy in urban areas, logging and non-implementation of management plans, mining, infrastructure development and expansion of urban areas. Underlying causes include poor governance and weak enforcement of land, forests and environmental legislation.

The 1999 Forestry and Wildlife Law covers the *miombo* woodlands, which accounts for 2/3 of woodlands in Mozambique. These woodlands surround important water resources such as the Zambezi River Basin (Nhantumbo and Izidine, 2009). The Forestry Law authorizes the government to impose penalties for violations of the law and supporting regulations like forest burning. However, enforcement of prohibitions and restoration requirements is weak (GOM Forestry Law 1999; Nhancale et al. 2009; Norfolk 2004).

## Programmatic strategies

### Land Management

For the period 2015-2019, the Government Plan includes the following main activities for the land sector:

- Produce, implement and monitor land use plans at the national, provincial, district and municipal levels;
- Improve land management and planning in cities and villages;
- Proceed with agrarian, touristic and geological zoning and mapping, including for wildlife and fisheries;
- Undertake zoning activities for agrarian development corridors in Maputo, Limpopo, Beira, Zambeze Valley, Nacala and Pemba-Lichinga;
- Undertake forest inventories and mapping at 1:250.000 and undertake basic cartography at 1:50.000 and 1:25.000;
- Develop the national land cadaster;
- Formalize good faith land occupations;
- Delimitate and certify community lands;
- Strengthen land management capacity, especially the capacity to monitor and control land use rights (DUATs).

### Food Security

Like all the former constitutional texts, the 2004 Constitution of the Republic also determines that agriculture is the engine for national development.

In 2010 the government approved the 2010-2019 Strategic Plan for the Development of the Agrarian Sector (PEDSA-Plano Estratégico de Desenvolvimento do Sector Agrário), and in 2014 the government submitted to the Parliament a proposal for a Law on Agriculture and Food Security. No specific legislation was adopted for this sector since the approval of the Agrarian Policy and Implementation Strategy through Resolution No.11/95, of October 31.

The Government Plan for 2015-2019 determines that, in order to improve productivity and the quality of agrarian products, as well as to increase production, the government will undertake the following activities:

- Promote agrarian productivity increase within the small farmers sector for better market access;
- Promote expansion of strategic, traditional and emerging crops into the market;
- Promote climate resilient technologies and stimulate their use for productivity increase and improvement of family consumption;
- Promote commercial agriculture and increase food availability to ensure food and nutritional security;
- Promote incentives, through access to funding for rehabilitation and exploitation of rural shops, combined with support to agrarian commercialization;
- Promote agriculture commercialization oriented to internal and international markets, focusing on cereals, and with priority given to actors involved in commercialization with connections to storage networks, in order to promote agro-processing and improvement of the country's payment capacity.

### Institutional framework for land governance and food security

Since Mozambique's independence from Portugal in 1975, land management and administration has always been under the Ministry of Agriculture. After the last general elections held in October 2014, a new government structure was formed in February 2015, which for the first time moved the land sector from that ministry into a new institution: the Ministry for

Land, Environment and Rural Development (MITADER – *Ministério da Terra, Ambiente e Desenvolvimento Rural*). MITADER has also completely integrated the former Ministry for Coordination of Environmental Affairs (MICOA).

In turn, the Ministry of Agriculture has been expressly mandated to deal with food security issues in its own title, being now called Ministry for Agriculture and Food Security (MASA – *Ministério da Agricultura e Segurança Alimentar*).

### **Ministry for Land, Environment and Rural Development (MITADER)**

MITADER is a new institution and results from merging the former Ministry for Coordination of Environmental Affairs (MICOA), with departments from the Ministry of Agriculture and from the Ministry of State Administration, namely the National Department for Lands and Forests, and the National department for Rural Development. According to the Presidential Decree No.13/2015, of March 16, MITADER has the mandate to:

- Ensure territorial zoning and planning for sustainable development;
- Propose policies for integrated management of land, environment, conservation areas, forests, wildlife and rural development;
- Ensure land administration and management;
- Ensure forests and wildlife administration, management and sustainable use;
- Administer and manage national conservation areas;
- Plan, promote and coordinate integrated and sustainable rural development;
- Promote knowledge development in the land, environment and rural development sectors;
- Ensure, maintain and consolidate cooperation in the land, environment, forests, wildlife and rural development sectors;
- Produce and implement strategies for environmental education and awareness.

Within MITADER, responsibilities for land management and administration fall under the National Directorate for Land (DINAT – *Direcção Nacional de Terras*) and the National Directorate for Territorial Planning and Resettlement (DINOTER).

At a national level, the DINAT is the regulatory authority, charged with holding and organizing the national land cadaster records and, in the case of large-scale land applications over 1 000 ha, responsible for processing applications for approval. The DINAT also provides technical guidance to the cadastral services of the provincial administrations and the decentralized municipalities. For rural land, the Provincial Service of Geography and Cadaster (SPGC) has primary operational responsibility (Norfolk and Tanner 2007; CTC 2003). In addition, also the (urban) municipality cadaster services, which is a devolved entity, issues DUAT documents for occupants of urban areas. DINAT shares responsibilities for land cadastre services with the Housing Registry Services (*Conservatoria do Registo Predial*), located within the Ministry of Justice.

After being placed in the now extinct Ministry for Planning and Development (MPD) from 2005 to 2010, the National Directorate for Rural Development was moved to the Ministry for Public Administration until end of 2014. DNPDR has now been moved again and is also integrated under MITADER. Until the end of 2014, environmental inspection responsibilities in the case of large-scale land applications, and a coordinating/technical support role in the context of land use planning activities carried out by decentralised authorities, fell under MICOA. Currently these tasks are also integrated in MITADER, through DINAIA (*Direcção Nacional de Avaliação do Impacto Ambiental*) and DINOTER (*Direcção Nacional de Ordenamento Territorial e Reassentamento*);

DINAT is required to collaborate with a number of other national institutions:

- CENACARTA which has the responsibility for producing base maps and remote imagery to underpin the cadastral system;
- *Conservatoria do Registo Predial* in the Ministry of Justice, where DUATs should also be registered;
- All other national institutions that collect and hold spatial data in respect to land and other natural resources as a result of the mandate to maintain a single national database on land;
- CEPAGRI, which has a formal role in advising the MASA and Council of Ministers regarding the approval of large-scale land applications.

### **Ministry of Agriculture and Food Security (MASA)**

Through Presidential Decree No.14/2015, the mandate of the Ministry for Agriculture and Food Security was determined to include:

- Promote production, agro-industrialization and competitiveness of agrarian products;
- Promote sustainable development through management, protection, conservation and rational use of resources essential for agriculture and food security;

- Promote sustainable use of agro-forest resources;
- Promote agrarian and food security research, extension and technical assistance;
- License agrarian activities.

### **Ministry for State Administration and Public Service**

This ministry does not have direct intervention in land management and administration except for definition of territorial boundaries in the context of state administrative division, through which the territorial extension and boundaries of provinces, districts, localities and administrative posts are determined. However, this is the institution responsible for supervising the actions of local governments, including the production and approval of district land use plans and district strategic development plans.

### **Municipalities**

Urban lands, including those reserved for food production, are managed by municipalities. In 2013, 10 additional municipalities were added to the already existing ones, totalling 53 municipalities in the country. The unplanned and uncontrolled expansion of urban areas into rural areas formerly used for agriculture and other rural activities, is a major concern in the country

### **Local Communities and Local Leaders**

In rural areas, which constitute the majority of the national lands, traditional leaders have the power to manage community life and community lands for different purposes, including allocating land use rights for external parties. Rural lands and other natural resources are managed according to customary norms, which must not violate constitutional principles and provisions.

### **Prevention and resolution of and disputes**

Disputes over boundaries, inheritance and other intra-family rights or land transactions can cause conflict. Informal mediation and conciliation processes are most commonly used by the population resolve disputes. Elders, traditional leaders, neighborhood heads, district officials and many NGOs provide informal dispute-resolution services. (Alfai 2007; CTC 2003; Hendricks and Meagher 2007).

Land-related disputes are dealt with also by the formal court system (district courts, provincial courts and a supreme court). The administrative court hears challenges to state administrative actions. However, procedures are lengthy and costly and the judicial system is plagued with corruption (CTC 2003; AfDB 2008). Mozambique's community courts are separate from the formal court system, and handle civil and criminal matters, including land disputes. Staffed by elected community members, community courts apply a blend of formal law, customary law and other principles. Parties to disputes are free to initiate an action at the district court without exhausting remedies available in community courts (Hendricks and Meagher 2007; Ikdaahl et al. 2005).

The Centre for Juridical and Judicial Training (CFJJ) of the Ministry of Justice began training judges and prosecutors in the land, environment, forest and wildlife laws in 2001. This programme has since evolved into a major legal empowerment and local government capacity building programme, focusing on the dissemination of information about acquired rights at community level, and how to use existing rights and the legal instruments in the various laws to promote a participatory model of rural development which is predicated on a) recognizing and registering rights acquired under the 1997 law; and b) negotiations between communities as rights holders over the land which investors and the State might want to use for their investment projects.

The CFJJ programme has also extended to DNPDR where the Centre provides training with a similar focus for public sector officers and local governments in areas where land is in high demand and there is a need to use all of the available legal instruments to ensure equitable and sustainable development. The central theme is negotiation and participation in commonly agreed plans and projects, developed through a process where local governments, communities, investors and the State construct a territorial development plan which accounts for the needs of all and which should also bring benefits to all. The bedrock of this is the recognition of land rights acquired by occupation, duly identified and registered, which then create a platform upon which a negotiated vision of local development – the District Land Use Plan and District Development Plan, to follow the directives of the Territorial Planning and Local Government Laws.

## Gender

Both the 2004 Constitution and the 2004 Family Law assert the equality of men and women, and prohibit discrimination on the basis of sex. The latter law also provides that both women and men have rights to administer marital property and have equal rights to devolve and inherit property. The 1997 Land Law awards women the right to participate in all land-related decisions and the right to register DUATs individually.

Despite these positive legislative pieces both the primary formal law governing inheritance (the 1966 Portuguese Civil Code) and customary practices can be problematic for women's right to land. Under customary law, women generally do not inherit land and the Succession Chapter of the 1966 Portuguese Civil Code continues to be used in court cases, but contains principles favoring men over women for inheritance and management of marital property. Widows married under the "community of property" regime should inherit half of the property acquired during marriage, but in practice few women exercise this right partly due to a lack of information<sup>1</sup>.

Securing equal treatment and respect for the rights of women requires also normative change at the level of customary authorities, alongside the need to pay specific attention to the inclusion of women in processes and forms, that are developed at the more formal end of the land administration system.

## Foreign direct investment, large-scale land acquisitions, resettlements and food security

Mozambique has been targeted by foreign investors for large-scale land acquisitions for implementation of different types of economic projects, some of which in partnership with national companies and/or the government. Many of these acquisitions are linked to projects in the mining and hydrocarbons sectors, while others are directed at the agriculture and forestry sectors. All these projects target rural areas, already occupied by local communities, which use their land also as their main livelihood basis. Agriculture remains the main economic activity for the majority of the rural population.

Foreign persons and entities with local residences may obtain DUATs in connection with approved investment projects (GOM Land Law 1997; UN-Habitat 2009; UN-Habitat 2008; World Bank 2006; Negrão 2004). Foreign investment is linked, among other projects, to prospective biofuels projects (Nhamumbo and Salomão, 2010), to forestry, farming and also mining and nature conservation. Large-scale investments is promoted as a strategy by government and it is reported that close to 100 deals have been signed with local and international investors (or joint ventures) involving more than 2 million hectares. Several of these projects have led to much criticism, such as a proposed sugar cane plantation in Gaza (Procana), forestry plantations but also availing 6 million ha of lands to Brazil (Prosavana).

With regard to food security, two large-scale land-based investments stand out currently, namely the Prosavana Program planned to be implemented in 3 provinces in the central/northern part of the country (Zambézia, Nampula and Niassa), covering 19 districts, the Wambao Agriculture development project, in the Gaza province, covering 2 districts, and the Portucel forest plantation project, planned for 2 provinces of Manica and Zambezia, totalling 356.000 ha. Food security concerns have been and continue to be raised with regard to these projects, as indicated in the respective Environmental Impact Assessment (EIA) reports.

Concerns are especially prevalent in relation to projects that imply physical and economic resettlement of the communities living in the areas targeted by these projects. Loss of livelihoods, especially productive lands and access to water, is a recurrent concern among most of the communities affected. Challenges are strategic natural resource planning, timely recordation of community land rights and meaningful and well-informed negotiations with investors, transparency issues and control of contract conditions, including land use restrictions. Various programs are ongoing to tests community-investor partnerships. The community land fund (ITC) also plays an important role in assisting communities to record their rights and negotiations.

## REDD+

Consultations at all levels and studies are ongoing with the aim of creating readiness conditions to implement REDD+ in Mozambique, since 2009, involving amongst others the Ministry for Coordination of Environmental Affairs (MICOA), the Ministry of Agriculture (MINAG) and Eduardo Mondlane University. The focus is on areas where forests are under pressure: conversion of native forests and woodlands for large-scale plantations in Niassa; high competition between economic

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<sup>1</sup> <http://genderindex.org/country/mozambique>

activities (such as forest harvesting, commercial agriculture including biofuels, mining, logging and forest plantations) in Nampula; mining and livestock in Tete; poor forest governance resulting in intensive and illegal logging in Zambézia; supply of biomass energy to Maputo city affecting forest areas particularly in Gaza. Studies are taking place on land use and drivers of deforestation and forest degradation as well as experiences in addressing these drivers, focusing on land information management and spatial representation of the drivers.

The policy and legal instruments contain important provisions such as devolution of resources to local communities and participatory decisions in allocation of the resources to investments (private and public) and benefit sharing mechanisms. However, rights to non tangible environmental services such as carbon are not explicitly defined. Carbon rights can potentially affect community access to land resources for their livelihoods, hence exacerbating poverty. Similarly enhancing carbon stocks through large scale plantations but which are replacing natural forests reduces biodiversity and promote large scale land acquisition causing conflicts and affecting communities. Consultations indicated that, in order to protect communities and provide incentives for changing land use practices, carbon rights should be held by the communities.

REDD+ delivery models, reference scenarios, options and interventions are to be developed between 2012 and 2014. This will include mapping land uses as well as establishing spatial, social and economic impacts on emissions will facilitate tracking changes and performance over time. Piloting will start from 2014 onwards (FCPF, 2012).

## REALITIES ON THE GROUND

Most of the assessments done to in land sector conclude that despite its good policy and legal framework the country still faces major constraints in the implementation front, which result in gaps between theory and practice. In this context, the following areas are usually highlighted as needing improvement:

- Consistency and rigour in the rule of law, transparency and public accountability;
- Institutional capacity and coordination;
- Harmonization of customary norms to constitutional principles, to avoid contradictory land governance systems;
- Equal treatment of urban and rural citizens regarding access to land and other natural resources;
- Citizens access to information and to decision-making processes;
- Citizens access to justice and more proactive role of the state attorney, and the parliament, as well as better functioning and impartiality of courts at all levels;
- Land governance that prioritizes food security to the majority of the population, with adequate gender balance;
- Coordinated rural development planning and interventions, with improved balance among the different economic and social interests;
- Improved balance between small and large-scale land-based projects, with adequate and balanced diversification of economic sectors.
- Adequate prevention and resolution of land disputes

Despite the effort of NGOs and donors in building community awareness of land rights and supporting the delimitation of community land and registration of community DUATs, most communities have not delimited their land or registered their rights (CTC 2003; Chilundo et al. 2005; Kanji et al. 2005). Support is still needed for community land registration, including for awareness raising and information as well as actual support with the process of recordation of rights. Donors are now mostly providing the resources and managing the programme that assist communities delimit land and prepare them for conducting consultations with investors. In 2013 a new structure will have to be developed and negotiated with government.

Unfortunately many investment projects are characterized by their lack of knowledge of community rights. As some communities have not registered their rights, outsiders like government and investors often fail to recognize the extent of community land and the nature of community land uses. In rural areas where concessions have been granted within or near a community's traditional territory land disputes are relatively common.

Most public resources allocated to land administration are devoted to urban area (land tenure regularization programme – LTR supported by MCC) and to land information systems (LIMS).

Limited capacity is an issue for Mozambique's land administration bodies in performing their statutory functions (Norfolk and Tanner 2007; CTC 2003; Dobrilovic 2011).

### Community Land Foundation

In 2006 the iTC program was initiated by a group of donors to provide funds for supporting an initiative directed at increasing security of land tenure in rural areas.

The program, Iniciativa para Terras Comunitárias (iTC), was initially implemented in the provinces of Manica, Gaza and Cabo Delgado. In 2009 it was expanded to Niassa, Zambézia and Tete by the Millennium Challenge Account land program. Until the end of its first phase, the iTC has delimited and certified about 500 communities. iTC is now in the process of conversion into a formal institution, named the Community Land Foundation.

### Land Tenure Security Campaign

On March 22, 2015, the President of the Republic launched a 5-year campaign directed at providing better security of land tenure to national citizens and rural communities through the issuing of 5 million land titles, including collective land certificates for 4000 rural communities. So far, the National Department for Lands (DNT) has issued individual titles for investors and land certificates for rural communities. Through the MCA and other initiatives, more land titles have been issued in urban areas, but the percentage of citizens with land titles is still very low.

### National Consultation Forum on Land (FCT-Forum de Consulta sobre a Terra)

In 2010, through Decree 42/2010, of October 20<sup>th</sup>, the Mozambican Council of Ministers created the National Consultation Forum on Land, a multi-sectoral advisory platform for discussion of issues related to land administration and management. The FCT has been holding regular sessions since 2012, with the involvement of representatives from all sectors, including government at all levels, private sector, civil society organizations and academia. Since 2014, land debates under FCT have been expanded from the capital city to the provinces. Expansion to the districts is also envisaged for the near future. Meanwhile, representatives of both local (district) governments and rural communities have been included in the list of participants to the sessions organized so far.

## RESOURCES AND OTHER INFORMATION

### Related country profiles

USAID: <http://www.usaidlandtenure.net/mozambique>

FAO: <http://www.fao.org/countryprofiles/index.asp?lang=en&ISO3=MOZ>

FAO/Gender: [http://www.fao.org/gender-landrights-database/country-profiles/countries-list/general-introduction/en/?country\\_iso3=MOZ](http://www.fao.org/gender-landrights-database/country-profiles/countries-list/general-introduction/en/?country_iso3=MOZ)

IMF: <http://www.imf.org/external/country/MOZ/index.htm>

World Bank: <http://www.worldbank.org/en/country/mozambique>

Land Portal: <https://landportal.info/book/countries/MOZ?indicator=INDFAOFSEC1&comparing-country=DZA>

### Laws, policy and regulations search engines

- FAO Lex (Land & NR search engine): <http://faolex.fao.org/faolex/index.htm>
- Water Lex (Water laws search engine): <http://faolex.fao.org/faolex/waterlex.htm>

### Maps and databases

- Land and soils databases/information systems: <http://www.fao.org/nr/land/databasesinformation-systems/en/>
- Water database/information systems: [http://www.fao.org/nr/water/infores\\_databases.html](http://www.fao.org/nr/water/infores_databases.html)
- Land and water maps and graphs: <http://www.fao.org/nr/solaw/maps-and-graphs/en/>

### Portals and other resources

- Landesa: <http://www.landesa.org/geographical/mozambique/>
- International Land Coalition: <http://www.landcoalition.org/en/countries/mozambique>
- Focus on Land in Africa (FOLA): <http://www.focusonland.com/countries/mozambique/>

### Ongoing donor support programs

The Global Donor Working Group on Land (GDWGL) quotes 32 donor programmes and projects in Mozambique (finalized and active ones): <https://landgov.donorplatform.org>.

- FAO is one of the strategic partners supporting the implementation of the Land Law.
- USAID is also involved in land initiatives. MCC is the lead agency to work on land- tenure policy reform designed to encourage investment through increased support for women's rights to land and reduction in state control over land management.
- The African Development Bank (AfDB) has a program to assist the government in the development of the judicial and administrative systems relating to land rights (AfDB 2006; AfDB 2008).
- The Netherlands is supporting land policy development and implementation since 1997.

#### **Civil society organizations, research institutes and consultancy companies working on land governance**

- Observatório do Meio Rural (OMR) – Universidade Politécnica
- Instituto de Estudos Sociais e Económicos (IESE)
- Centro de Estudos Africanos – Universidade Eduardo Mondlane
- Centro Terra Viva – Estudos e Advocacia Ambiental (CTV)
- Organização Rural de Ajuda Mútua (ORAM)
- União Nacional de Camponenes (UNAC)
- Forum Terra
- Forum Mulher
- Mulher, Género e Desenvolvimento (MUGEDE)
- Kuwuka – Juventude, desenvolvimento e Ambiente
- Lex Terra
- Verde-Azul
- Terra Firma

NGOs have played an important role in the development of the land policy and in implementation.

Centro Terra Viva is member of the International Land Coalition since 2012.

ORAM (Associação Rural de Ajuda Mutua) is a member of the International Land Coalition since 2013.

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#### LANDac

More information about LANDac and our activities is available on our website: [www.landgovernance.org](http://www.landgovernance.org).

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