

**Land Reform from Below:
Decentralised Land Reform in
Moçambique,
Any Example!?!?**

The Period before 1992

- The census estimate at 16.5 millions inhabitants in the country.
- The country depends mostly on agriculture, with more than 80% of citizens peasants.
- Mozambique is 80.159.000 ha and approximately 45% is arable land.
- During the period of war more than 5 million people were displaced and more than 1 million death.
- Forms of land ownership: *Land belongs to whom works it or through a produced proof of ownership (title) issued by Local Government Services.*

After 1992

- The country was open to a new system of Government
- The adoption of new policies and new investments from abroad are received in the country.
- At the other end the displaced people and refugees are ressetting them selves.
- Rehabilitation of the infraestrutures is started
- The new era of Moçambique, already starts with some huge challanges: “The right to land”:
- The conflits over land and other natural resources soon became a concern.
- From there, it was clear that a revision of land and natural resources policies, was unavoidable.
- The reform of the legislation was supposed to be inclusive in the new system, with new challenges for every Mozambican.
- Due to an uncertainty over the 1st democratic election, we came across a kind of “race for land” by those who had “capacity and vision”.

Between 1992 and 1994

- The “race for land” was because “LAND IS CAPITAL”
- For Example: The Zambézia Province is:
- Total area: 10.500.800 ha
- Land area: 10.392.100 ha
- Water area: 108.700 ha
- Potential area for agriculture and other: 6.000.000 ha
- HOWEVER IT WAS APPLIED FOR:
- **Agriculture: 139,441.14 ha**
- Cattle raising: 32,770.22 ha
- Commerce: 337.00 ha
- Residential area: 882.07 ha
- Industry: 701.10 ha
- **Others: 1,358,634.33 ha**
- The ratio between AGRICULTURE and OTHERS (Forestry, game farms, companies, etc), is only 10.26 % that was secured for agriculture which is considered the base for development of the country.

- The numbers show that about 90% the population did not enter the “race for the land”.

From 1994 to 1997

- The State, civil society and partners, began to draw a new land legislation, participative process, which was aimed also to resolve stop the worst situation created by a troubled history.
- The civil society had a chair at the National Land Committee.
- The land law project was discussed in the communities.
- In October 1997 was approved a dynamic, consensual and integrative land law, that was for all; later other instruments were issued.
- The land law brings amongst other improvements: community consultation obligation, equal rights between man and woman, right for occupation, partnership and others.

COMMUNITY CONSULTATION

- Decentralized form and responsibility of the communities (men and women) on land and natural resources, according to their needs and customary occupation.

From 1997 onward

- The responsibility for land management was really awarded to the rural communities.
- The legislation dissemination allowed a deeper knowledge among the communities.
- The decision of issuing a DUAT depends integrally on the community's "acceptance".
- "PEOPLE'S POWER"

HOWEVER,...

- The quality of the communities consultation is not appropriate, in a clear misimplementation of the legislation.
- For Example, the zoning, the green deserts (eucalyptus, jatropha, and biofuels) without the communities' participation, may create a situation where these communities can become merely expectactors of their resources being exploited.
- In the actual dynamic, governance does not allow the communities to participate in the management of their resources.
- The law is “pro-poor”, however all the paperwork does not meet the spirit of the land law
- Communities are not able to translate their rights into better living conditions
- There's a need to enable Mozambicans to create a logical frame, where the expression “PEOPLE's POWER” is translated into a better life

What to do,...

- The actual legislation embraces all sectors of the society, it doesn't need to be reformed
- It's important to disseminate it among institutions and communities.
- Organize rural communities into rural movements to better reach their interests.
- The continuation of land law activities that shows the: "PEOPLE'S POWER".
- Lobby with the implementators officials of land legislation to improve their work.
- A connection between community based organizations and the rest of the world.

CONCLUSIONS

- Social: A Legislation based on a daily experiences of the communities have a better support for its implementation.
- Economically: The participation of the rural communities in decision making for an investment turns it less vulnerable
- Culturally: The people never separate from land where they are born
- Legislation reform should start from the desire of the communities