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**POST-CONFLICT LAND ADMINISTRATION  
AND ITS CURRENT STATUS AS FACILITATOR  
OF THE POST-CONFLICT STATE BUILDING;  
CASE MOZAMBIQUE**

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## INTRODUCTION

The study:

The role of land administration as a facilitator of the overall process of post-conflict state building in the case of Mozambique.

This presentation:

- Some facts
- Colonial period
- Independence
- Civil war of 1976 - 1992
- Development and role of land administration
- Conclusions



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## SOME FACTS


- South-East Africa
- Population of 20 million
- Basically living in rural areas
- Former Portuguese colony
- Suffering from civil war from 1976 – 1992
- Rapid economic development

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## COLONIAL PERIOD


- Mozambique was Portuguese colony for almost five centuries
- Portuguese civil law was applied for administering Mozambique
- Movement for independence since 1962 (Frelimo)
- In 1975 Mozambique became independent
- Socialist Government with one party system, Frelimo

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## INDEPENDENCE

- Movement for independence by headed by FRELIMO since 1962
- In 1975 Mozambique became independent
- Socialist Government with one party system (FRELIMO)




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## START OF THE CIVIL WAR

- Shortly after independence situation became problematic
- Roots in pre-independence developments
  - Role of Apartheid Rhodesia
  - Apartheid in South Africa
  - Former Portuguese land owners
- National Resistance Movement, RENAMO, gained forces and started destabilizing the country
- Civil war from 1976 - 1992




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## SOME CONSEQUENCES

- 6 million persons were displaced; Mozambique has produced more refugees than any other country in Africa
- Refugees found shelter in the neighbouring countries: Tanzania, Malawi, Zambia, Zimbabwe, Swaziland and South Africa
- Many people went to the big cities (Maputo, Beira)
- 500.000 land mines in fertile areas




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## END OF THE CONFLICT IN MOZAMBIQUE

- General Peace Agreement was signed between the FRELIMO government and RENAMO in 1992
- Land issues important aspect of Peace Agreement
- Democratic elections took place in 1994 and new government was formed
- In the land sector international community was evident with support from USAID, UNDP and FAO among others




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## POST-CONFLICT CHALLENGES

- Returning of refugees and displaced persons
- 1.7 million displaced refugees returned to Mozambique in the period 1993-95
- In majority of returnees were confronted with situations such as:
  - completely destroyed properties;
  - the situation on the ground had totally changed
  - mines in their homestead and farmland
  - secondary occupation by governmental staff, soldiers and military




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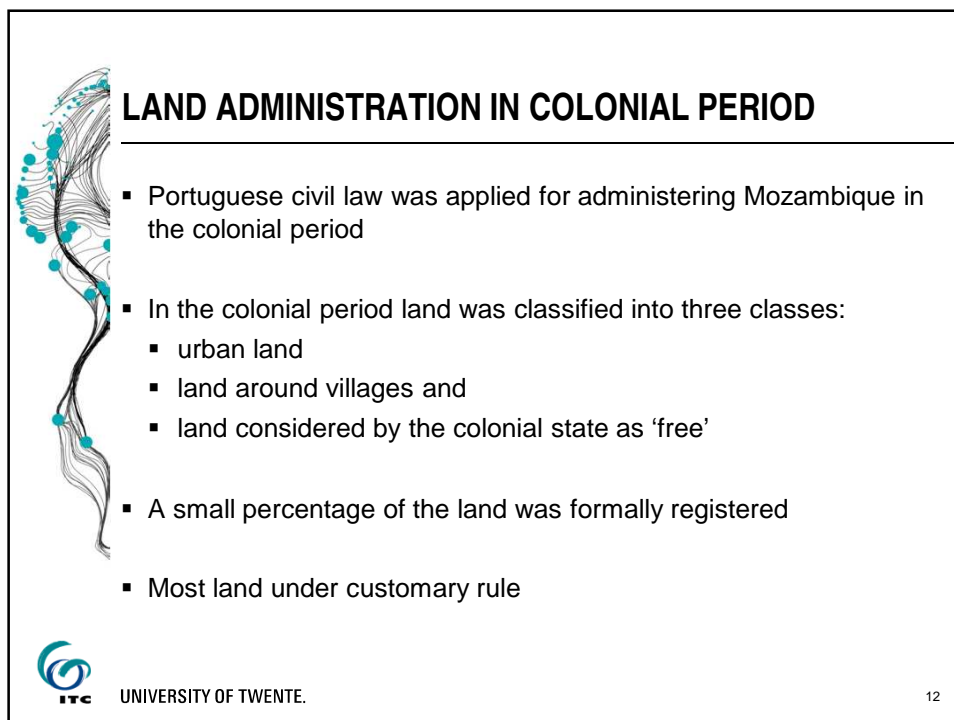
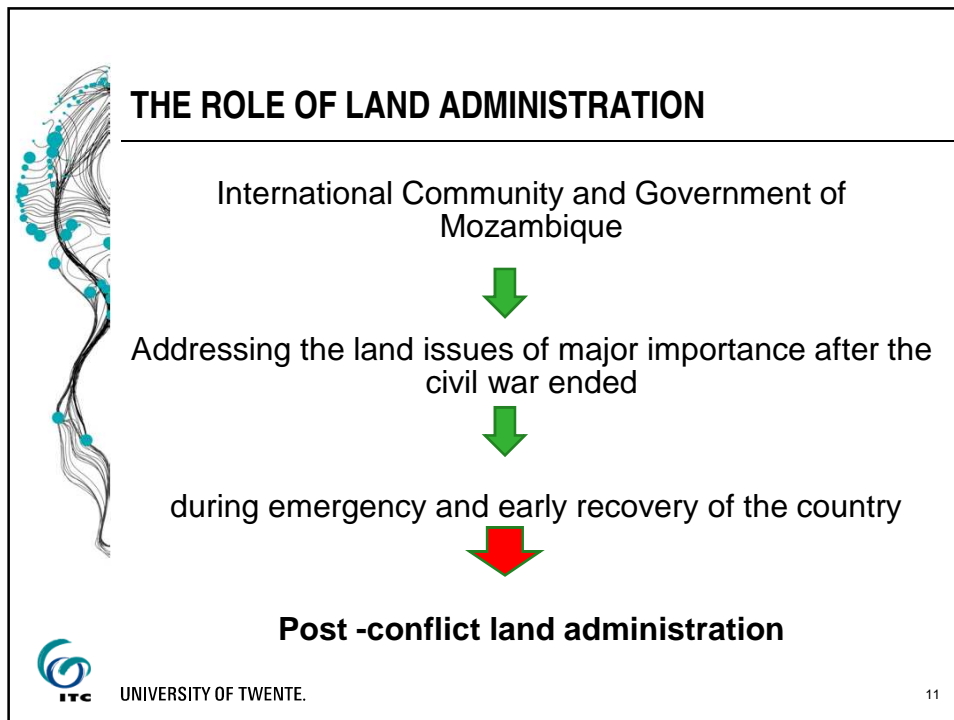
## POST-CONFLICT CHALLENGES

- Many returnees were located near infrastructure, markets and transportation centres
- A big number of them found shelter in the major cities; displaced people already in cities remained there after end of civil war
- Big leases and concessions given by different government actors to national and international companies
- Multi-layer competitive claims on land dating from the colonial time, post-independence and civil war period
- Very weak state administration



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## LAND ADMINISTRATION IN COLONIAL PERIOD

- Land administered by Portuguese colonial authorities
- National level DINAGECA (Directorate of Geography and Cadastre)
- Each province was creating and maintaining their cadastral works; different Provinces had different status of developments regarding land administration
- Land professionals were mainly Portuguese
- After independence technical staff and a large part of maps and documentation were moved to Portugal



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## LAND ADMINISTRATION AFTER INDEPENDENCE

- All land was nationalized after Independence
- Large estates become a state farms
- Land was cultivated collectively
- Communal villages were created
- 'A Terra a quem a Trabalha'




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## LAND ADMINISTRATION AFTER INDEPENDENCE

- DINAGECA (Directorate of Geography and Cadastre) weak
  - limited staff
  - incomplete and lack of maps and documents
  - disorganized
- Donor support to build up capacity in the country at government level (DINAGECA) and education (Polytechnic, University)




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## LAND ADMINISTRATION DURING THE CIVIL WAR


- However, soon after independence the civil war started
- Almost all offices of the national authority on provincial level were burned and destroyed together with remaining maps and documents
- Only few offices in the bigger cities remain functioning
- Around 1980's several offices of District Service of Geography and Cadaster stopped their work and this lasted until 1992



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## LAND ADMINISTRATION AFTER CIVIL WAR

- Land tenure issues were a fundamental aspect of peace process
- Returnees and displaced people aspect of Peace Agreement
- Big leases and concessions given by different government actors to national and international companies
- Land disputes and claims originating from different time periods: colonial, independence and civil war, and even after the war ended.
- And, very weak land administration to deal with these issues




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## LAND ADMINISTRATION AFTER CIVIL WAR

- In the period immediate after the civil war informal mediation and conciliation processes were most commonly used
- Informal dispute resolution services
  - Elders, traditional leaders
  - Neighbourhood heads
  - District officials
  - NGO's
- Major land-related disputes were dealt also by the formal court system




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## NEW LAND POLICY AND LAND LAW

- In the meantime land issues became very high on the state political agenda
- Ad Hoc Land Commission was formed in 1993
- Land Policy in 1994
- Land Law of 1997
- Nowadays it is reputed as one of the best land legal framework in Southern Africa




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## NEW LAND POLICY AND LAND LAW

- Vibrant period: many initiatives and discussions on land issues in the country
- Never happened before at this scale



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## LAND TENURE REFORM PROCESS

### The Timeline of the Land Tenure Reform Process


1992



2008

- Peace Agreement (1992)
- Elections (1994)
- Return process of war-displaced people (1993-1994 onwards)
- Ad hoc Land Commission (1993)
- Research on land issues: socio-economic, land use, anthropology (1992 – 2004)
- Land policy (1995)
- Inter-Ministerial Land Commission (1996 - 2003)
- Land Law – a participatory process (1996 - 1997)
- Land Campaign and land law dissemination by civil society (1998 -1999)
- Regulations to the Land Law - rural land (1998)
- Technical Annex for community land registration (1998 -1999)
- Community land registration (1999 onwards)
- National and Provincial support to land policy implementation (SIDA, DfID, FAO, others)
- Cadastral reform and incremental decentralisation (2000 onwards)
- Training judiciary - CFJ (2001 onwards)
- Multi-donor Community Land Use Fund (2006 onwards),
- Urban Land Regulations (2006)
- MCC/A support to land administration (2008 onwards)

Time line of Land Tenure Reform Process ([Cossa and de Wit 2009](#)).



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## CONCLUSION

### Land administration in Post Conflict Mozambique

- **Developed** as part of the peace agreement and the government's recognition of the urgent needs for good land administration after the civil war

And,

- **Supported** the re-building of the country and contributed to a sustainable and in particular social and economic development.



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## LAND ADMINISTRATION IN MOZAMBIQUE – CURRENT STATUS

- State owns all land in Mozambique
- The Land Law recognizes use rights to land - DUAT (*direito de uso e aproveitamento dos terras*)
- DUATs can be held individually or jointly
- DUATs are obtained by inheritance, occupation, state grant, purchase or lease
- In urban Mozambique, most residents access land through the land market (62%)
- Most rural land is held by communities, which have perpetual DUATs based on their traditional occupancy
- Recognised communities that could obtain DUATs can be traditional units based on clans or chieftainships, extended families, or group of neighbours



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## LAND ADMINISTRATION IN MOZAMBIQUE – CURRENT STATUS

- Responsibility for land administration and cadastre lies with the National Directorate of Land and Forests (DNTF) of the Ministry of Agriculture
- At a national level, the DNTF is the regulatory authority
- DNTF also provides technical guidance to the cadastral services of the provincial administrations and the decentralised municipalities
- For rural land, the Provincial Service of Geography and Cadastre has primary operational responsibility
- Despite being reputed as one of the best land laws in southern Africa, implementation of the Mozambican land law, gap is identified between theory and practice



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**THANK YOU FOR YOUR ATTENTION**

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