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
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

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
INDEPENDENCE

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

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
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.

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.
### 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

### 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
THE ROLE OF LAND ADMINISTRATION

International Community and Government of Mozambique

Addressing the land issues of major importance after the civil war ended

during emergency and early recovery of the country

Post-conflict land administration

LAND ADMINISTRATION IN COLONIAL PERIOD

- Portuguese civil law was applied for administering Mozambique in the colonial period

- In the colonial period land was classified into three classes:
  - urban land
  - land around villages and
  - land considered by the colonial state as ‘free’

- A small percentage of the land was formally registered

- Most land under customary rule
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

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’
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)

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
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

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
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

NEW LAND POLICY AND LAND LAW

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

The Timeline of the Land Tenure Reform Process

1992
- Peace Agreement (1992)
- Elections (1999)
- Ad hoc Land Commission (1992)
- Land policy (1995)
- Inter-Ministerial Land Commission (1996 - 2001)
- Land campaign and land law dissemination by civil society (1998–1999)
- Regulations to the Land Law - rural land (1998)
- Community land registration (1999 onwards)
- National and Provincial support to land policy implementation (2000, 2001, FAD, others)
- Cadastre reform and incremental decentralisation (2000 onwards)
- Training judiciary - CFI (2001 onwards)
- Multi-Donor Community Land Use Fund (2006 onwards)
- Urban Land Registers (2006)
- MCCA support to land administration (2009 onwards)

2008

Timeline of Land Tenure Reform Process (Cossa and de Wit 2009).

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.
### 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

### 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
THANK YOU  FOR YOUR ATTENTION

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