SECURITY AND CONFLICT IN MOZAMBIQUE:

CASE STUDIES OF LAND ACCESS IN THE POST-WAR PERIOD

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All views, interpretations, recommendations, and conclusions expressed in this publication are those of the authors and not necessarily those of the supporting or cooperating organizations.

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EXECUTIVE SUMMARY

In 1992 a peace accord was signed in Mozambique. Since then, many positive changes have taken place. Hostilities have largely stopped, and the long process of national reconstruction has begun. Many of the more than five million people displaced by war have resumed agricultural production. Political institutions are being examined and various reforms are being discussed. Democratic national elections are scheduled to take place in 1994.

At the same time, aspects of this dramatic transformation are negative, possibly economically and politically destabilizing, and may undermine the advances made in the last year. Despite existing laws and the general good intentions of the government of Mozambique, the government is allowing, and occasionally facilitating, a massive land grab.

In many areas of the country, prime land is being distributed by the state to new and returning private national and foreign interests. This is making good land scarce for small- and medium-sized land holders. In Mozambique, land is not an abundant resource, free from competition or conflict. In all areas of the country, for all types of producers, land tenure security is weak. The formal (statutory) land tenure system does not confer strong rights on land holders. This leads to unproductive land speculation and underinvestment, as well as to poor resource use and ecological degradation. The formal system of land access in Mozambique is not transparent and competitive, nor is it seen as legitimate by a large percent of the rural population. The land tenure system is creating a new class of post-war displaced persons, and is causing tension between government and civil society as well as among the different classes of Mozambican society. This can only lead to conflict.

In the last few years the state has been granting land concessions to private national and foreign commercial enterprises. Some land is also being granted to former colonial interests, while very little is being granted to smallholders. Concessions are also being granted to joint venture enterprises and members of the government, and the government is proposing to grant land to demobilized soldiers.

Concessions are being granted at the central, provincial and district levels of government, and by different ministries, including Agriculture, Mineral Resources, and Tourism. Concessions are being granted for agricultural land, mineral exploration, hunting reserves, grazing, forestry and timber exploration, and tourism development at a rate that has increased substantially over the last two years. This trend shows no sign of leveling off.

We estimate, based upon confirmed data and unconfirmed reports, that as of 1993 approximately 12.7 million hectares of land have been granted in concessions or "sold" to private commercial enterprises. This figure represents 15 percent of the country's total land area, including mountains, swamps, rivers, and other non-productive areas. It represents 35 percent of the country's total arable land. We believe that this is a conservative estimate since we have only partial data from a few districts in five provinces, and because we have excluded the more

extreme unconfirmed reports of concessions covering millions of hectares. We also know that RENAMO is granting hunting, and possibly agricultural, concessions in areas under its political control; however, we have thus far been unable to gather any concrete data about these grants.

Three principal problems exist in Mozambique's land tenure system. First, the formal land tenure system is weak, permitting both legal and extralegal land grabbing, without securing land rights for the new land holders. Second, the formal judicial, administrative and political structures are weak and ineffective. The state is unwilling or unable to effectively administer the land laws which do exist. And third, the formal land tenure system, with its accompanying laws, does not reflect the economic, social and political realities in rural Mozambique.

Despite growing public concern over the magnitude of these concessions and increasing numbers of land conflicts, both of which have been reported frequently in the Mozambican media, government has largely avoided the subjects of land tenure and land administration. Officials often state that there are no land or land tenure problems in Mozambique and that the current land tenure system is adequate. They argue that there is plenty of land for everyone. At the same time, they insist that there are few cases of over crowding, and where land shortages do exist they will be resolved when all the displaced people move back to their "areas of origin." The government insists that it has the capacity to administer land, including the distribution of land and land rights, and the capacity to resolve conflicts.

Government officials often justify concessions to larger commercial interests, rather than smallholders, by arguing that these larger farms are more efficient than small ones. They state that smallholders lack "sufficient capacity" to exploit the better, more strategically located lands. This argument has frequently been used to justify displacing smallholders in favor of non-native commercial interests. Indeed, there is a continuing bias in government against smallholders, smallholder production, and even small commercial interests. The bias is also directed against customary rules and processes, local tradition and customary authority. This undermines the government's efforts to achieve legitimacy, while weakening local systems of governance, ultimately inhibiting democratization.

The government does not have the resources to adequately administer land in Mozambique. It cannot administer the formal land tenure system as it is now constituted. There are conflicts over land distribution among central, provincial and district levels of government, as well as among different ministries. For example, different levels of government are granting concessions for the same land to different individuals or enterprises, while the different ministries are granting concessions for the same land to different people for different purposes (agriculture, mining, hunting, etc.). There are several layers of overlapping claims to the same land in many areas of the country. This is complicating an already confusing legal landscape established under the colonial government. After independence the government further complicated the problem

by "intervening"[1] some properties and nationalizing others. In addition, all land was theoretically nationalized and all previous rights were extinguished. The various land laws and the constitution contradict one another and are vague on fundamental questions. For example, the Constitution and Land Law of 1979 nationalized all land, abolished private land rights, and reduced freehold rights to leasehold rights. However, the law also states that any property not intervened, nationalized or abandoned would remain the property of the original legally recognized owner. Now, 20 years after independence, people are returning to Mozambique to reactivate titles, claiming that they were never abandoned. Reports from several locations in the country confirm that many individuals have been successful in reactivating rights to their old holdings.

In addition to problems with land administration, the government has problems with land distribution. Government presumes it knows which lands are "free for distribution." This is not always the case. Central, provincial and district governments often do not know where free land is located, largely because there is no system for recording this information. Because of long-standing antagonisms, there is little cooperation between government officials and local customary authorities who might help government to administer selected lands in the country. The question of whether government should distribute land, particularly without the participation and consent of local communities, has not been addressed at all.

An ominous problem has recently emerged involving the government and RENAMO over who has the right to distribute land. It has been reported that RENAMO has made, or promised, land concessions in areas under its political control. At the same time, RENAMO has accused the government of giving away the country's national wealth through land concessions.

Land access for smallholders, including returning refugees, displaced families and local natives, is proving to be much more complicated than envisioned by government officials before the peace accord was signed. Smallholders and some larger commercial interests are gaining access to land in a variety of ways; this process is not well understood by policy makers and other government officials in Mozambique. Farmers gain access to land by reclaiming old "family land." For smallholders, "family land" may be land that they had rights to in precolonial times, land that was acquired or that they were forced onto during the colonial era, or land that was given to them after independence. Family land may be land that formerly belonged to a private colonial farm, land from a colonial government-created village, state farm land, or land from a government-created village. Research reveals that in many areas there are multiple possible claimants for the same land. Many categories of people, with varying degrees of justification, claim rights to land. They are not merely competing for land, but many feel that

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[1] Farms that were "intervened" were taken over by the government after independence. The legal status of intervention is not clear, but in Mozambique it is considered one step less than nationalization. In an attempt to clarify there legal status before alienation, government has recently attempted to nationalize many farms that were intervened after independence.

their claims have a legal bases. These feelings that their claims are legitimate is what makes many land disputes especially complex and acrimonious.

Smallholders are gaining access to land in other ways as well. They are clearing bush land that they consider to be unoccupied (but usually part of their community's land). Smallholders are also squatting on former colonial private farms and state farms, acquiring land as tenants of new commercial farmers, and occasionally purchasing rights to land. In a very few cases, smallholders are receiving land through government-granted "concessions"; however, in all reported cases, these concessions were temporary.

Smallholders are not moving away from the congested areas en masse. Smallholders are motivated by the same factors that affect larger commercial interests. They want access to the same strategically located lands, infrastructure, markets and transportation. Smallholders are also motivated by security concerns. Many of them do not believe the war is over and are therefore afraid to return to, or move to, rural areas. They often prefer to remain in the more congested areas, borrowing or leasing land, or working as tenant laborers. Some smallholders are not sure where they should go, since they have been displaced so many times. In some areas, smallholders have been displaced from their land and have no place to go. The landless population is growing in some areas as the government continues to grant concessions. The reintegration of the refugee and displaced populations will not be accomplished quickly or smoothly. This process will be disruptive and will probably take several years.

Government already initiated a discussion of decentralizing administration; this process needs to move forward. There is a strong need for comprehensive discussions of land policy reform, natural resource management, and decentralized (open, transparent and legitimate) access to and control over natural resources and other forms of property. These discussions should address fundamental questions, including what type of property rights will be permitted in post-war Mozambique. Mozambique needs investment, which is essential for post-war reconstruction. Investment must be encouraged if Mozambique is to move away from being donor-dependent and achieve greater food security, but this investment must be legitimate and productive, and its processes and mechanisms must be seen as transparent by all Mozambicans.

RECOMMENDATIONS

A. RECOMMENDATIONS FOR GOVERNMENT

1. Central government should suspend the granting of land concessions until the land law is revised or clarified.

2. At the earliest opportunity after elections, government should open a public discussion concerning land law and property rights in Mozambique. The land law should be assessed, than revised or replaced.

3. A revised land law should legalize land transactions, including those that are already taking place. Privatization of land markets may well give women and other land users with secondary rights greater opportunities to gain control of property and hold resources. But this should be studied carefully, since this type of regime, particularly if combined with individualization and/or registration, may lead to the concentration of all rights in the (male) heads of household or lineage heads, stripping women and others of their secondary user rights.

4. A revised land law should create secure, negotiable, private rights. As part of this revision, government may consider registering property rights in selected areas of the country, particularly those that are of the most economically strategic importance.

5. Provincial governments should strive to devolve land management to the district and locality level.

6. District and locality governments should incorporate local communities and their leaders in the process of land management. Open forums should be created in which representatives of the government and local community members can exchange ideas regarding their needs and objectives.

7. All levels of government should strive to recognize local community political structures and their leaders and involve them in the management of land and natural resources, and the resolution of conflicts.

8. The land tax code should be re-assessed, revised as necessary and enforced. Commercial land holders should pay land taxes that reflect the market value of their lands. This would help to discourage some types of land speculation.

9. Government should avoid entering into joint ventures, which continue to place demands on state resources without substantial returns to the treasury, and should seriously consider privatization of its existing joint venture enterprises.

10. Government should invest more resources and vest greater authority in the Ad Hoc Land Commission to study land issues and make recommendations. Its terms of reference should be expanded and it should report directly to the Council of Ministers or the National Assembly.

11. Government should continue its review of the judiciary, and ways should be found that allow interaction between statutory and customary legal regimes. As part of this process, government should review the inheritance laws and determine if there are ways to modify them to create more secure rights for women and others with secondary land rights.

12. Government should begin to keep records of land concessions and other government land transactions.

B. RECOMMENDATIONS FOR RENAMO

13. RENAMO should stop making land concessions in areas under its control.

14. RENAMO should allow the free movement of people and goods throughout the areas under its control.

C. RECOMMENDATIONS FOR CIVIL SOCIETY

15. Civil society should insist that government and RENAMO stop making land concessions.

16. Civil society should open its own dialogue regarding land and property rights in Mozambique. Government should be encouraged to participate in this dialogue.

17. Local communities, with the assistance of locality and district government should discuss the creation of local land management boards or other institutions that will empower them to defend their land rights and negotiate the exchange of rights with non-local interests.

18. The Universidade Eduardo Mondlane should initiate research into questions relating to property and land rights, customary authorities and political institutions, and the role of civil society in the democratization process.

D. RECOMMENDATIONS FOR DONORS AND NGOS

19. Donors should encourage the government to stop making land concessions. International assistance should be tied to this action.

20. Donors should help create an environment in which government and civil society can communicate and negotiate over land law and tenure reform.

21. Donors should continue to fund programs that build national technical capacity and skills, particularly with regard to dispute resolution and resource administration, and programs that generate information leading to a more informed public debate about land and property relations in Mozambique.

I. INTRODUCTION

The war is not over, FRELIMO and RENAMO are only taking a holiday.

Peasants in Tete Province, September, 1993

I have this picture in mind of a great land-rush, with people waiting at the border ready to rush forward to claim their land. South Africans and Zimbabweans are lined up at the borders and waiting.

Representative of International Assistance Organization, August, 1993

Just over a year ago, in October 1992, the Peace accord was signed in Mozambique. Since than, many positive changes have taken place. With a few exceptions, hostilities have ceased between government (FRELIMO) and RENAMO forces. United Nations Forces have arrived and are supervising with the process of demobilization. Although a date for elections has been postponed several times, an election law has been passed by the National Assembly and multi-party national elections are now scheduled for October 1994. Political parties have formed, registered and are discussing socio-economic and political issues. Some roads used for commercial transport have been cleared of land mines, and plans to clear and rehabilitate other strategic routes have moved forward. Markets in rural areas have begun to (re)emerge, and transport enterprises have started to move goods between cities, and between urban areas and rural districts. These developments have coincided with two consecutive years of good rainfall in many areas of the country. Significantly, many individuals displaced by war, drought or government policy have resumed agricultural production. Hundreds of thousands of Mozambicans have left refugee camps, accommodation centers for the displaced, communal villages, and other locations to which they had been displaced. Indeed, the countryside in post-war Mozambique is in a state of intense transformation.

Despite numerous land-related problems reported in the daily press,[2] by local communities, private investors and NGOs operating in rural areas, the government has been largely silent on the issue of land tenure reform. A recent report prepared jointly by the government and the United Nations on the transition from emergency assistance to reconstruction

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[2] See for example, Noticias, 10 April 1993, 3 May 1993, 9 December 1993; and Mediafax 3 May 1993, 30 September 1993, and 27 October 1993.

fails to even mention land issues.[3] At the same time, the political parties have also neglected the issue.

On the other hand, some recommendations regarding land policy reform have been proposed that are too simplistic, uninformed and do not reflect the present political reality in Mozambique. For example, it has been recommend that "chiefs" resume political responsibility for their communities and control over natural resources within their jurisdictions. While this is a positive step forward, it will not, by itself, resolve the current problems of land access and tenure security in Mozambique.

As the evidence in this report will show, there is indeed a need to initiate a comprehensive discussion on land policy reform, natural resource management, and decentralized (open, transparent and legitimate) access and control over resources. This discussion must address fundamental questions, including what types of land rights will exist, or more specifically what types of property rights will be permitted; who will have the power to distribute land rights; and how and by whom land disputes will be settled. For example, will property rights be freehold, private leasehold or state leasehold? Will individuals be permitted to buy and sell land or land rights? Will the law recognize community, lineage, family and individual land rights? Will the state, customary authorities, or some "democratically" selected body distribute land and land rights? Will state or customary law be used to resolve disputes? Will local chiefs, state officials, locally selected leaders, or a combination of these parties hear disputes?

At the heart of these questions are even more profound issues relating to the role and nature of the state and other political institutions, their relationships with the citizens, and the form and nature of governance in Mozambique. In this report we will raise several issues with regard to land that we hope will help policy makers in Mozambique to define the parameters of this discussion.

This paper reports the results of a year-long study focusing on land access in Mozambique in the post-war period. As researchers we wanted to understand how smallholders and larger commercialized interests gained and maintained access to land, and how formerly displaced people gained or reacquired land. We were interested in the way smallholders (reintegrating refugees, displaced families and native families), larger commercial interests, and joint venture enterprises used the formal or customary legal system to acquire and hold their land. We also sought to understand the relationships between larger commercial interests and smallholders, and between these two groups and the state with regard to land. We were particularly interested in the way authority (both formal and customary) exercises control over land and natural resources, and how this authority is perceived by all land holders.

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[3] See Government of Mozambique and the United Nations, 1993. "Mozambique: A strategy for the Transition from Emergency to Reconstruction, Priority needs for 1994-1995."

This study began in November 1992, shortly after the signing of the peace accord on October 4, 1992, and it is part of a larger collaborative project between the Land Tenure Center (LTC) and the Ministry of Agriculture (MOA). This project, which began in 1991, focuses in part on land policy reform. It is funded through USAID/Mozambique's Private Sector Support Technical Assistance Project.

As part of this investigation, case studies were conducted in several areas of the country (Map 1).[4] Although many sites have been visited in the last year, this paper reports on four cases in the Provinces of Gaza (Chokwe and Chibuto Districts), Sofala (Nhamatanda District), Manica (Vanduzi District), and Tete (Angonia District). This study also includes data drawn from other sites visited in Maputo (Maputo City and Periurban Zones), Gaza (Chokwe), Nampula (Ribaue), Inhambane (Homoine), and Sofala (Caia, Sena and Marromeu) Provinces, as well as data collected in an earlier study in 1992 on state farm divestiture in Mozambique (Map 3).[5] Additional, material for this report was drawn from a variety of sources in the private sector, donor community, and from sources at the central, provincial and district levels of government.

This report is organized into six sections. Section two presents a brief discussion of research methodology employed. In the third section we summarize the land tenure systems--formal and customary--and the processes of land access and acquisition at a general level in Mozambique. The formal land tenure system, land administration, and land laws are reviewed, and their limitations are discussed. We discuss land availability and scarcity, and state-granted land concessions. Data is presented that illuminates the location and origin of these concessions. Customary land law and methods of access are discussed, and the limitations of this tenure system are noted. We summarize what we have learned about reintegrating populations, and how they are gaining access to land. Finally, we discuss land conflicts in Mozambique. The overall objective of this section is to present a global picture of how people are manipulating the land tenure systems to gain access to land, and how these systems are either guaranteeing or denying security of rights. This section will create a framework within which to understand the cases studied.

In the fourth section we discuss the findings of the four case studies and their implications for economic development and political stability, as well as for the transformation of the state and the evolution of government, or more possibly the devolution of government to the local level in Mozambique. In both the third and fourth sections we present maps, diagrams, tables and graphs to illustrate and support our discussion. A synthesis of the findings and our conclusions are presented in section five, and in section six we present policy recommendations.

The authors wish to state that officials of the government of Mozambique were generally responsive to our questions and supportive of the goals of this research. Even when evidence

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[4] Maps 1-5 appear at the end of section III.

[5] See Myers and West (1993) and Myers (1994 forthcoming).

indicated mistakes made by the government, many officials were willing to contribute to our understanding of the issues.

The field research for this study was carried out after the signing of the cease-fire; however a climate of war still prevails in many areas of the country. This study was carried out within the context of war and a population traumatized by its devastating consequences. Many people interviewed were convinced that the war would resume, and were insecure about their present and future situations; consequently, some were understandably reluctant to discuss openly issues as politically sensitive as those related to land access. Nevertheless, we found many respondents forthcoming and sincere.

The authors wish to state that the observations, analysis and conclusions presented here are tentative, and that there is a great need for further investigation on land tenure, land access and land dispute resolution in Mozambique. It is our hope that this paper will stimulate a further dialogue on land rights in Mozambique, an issue which is emerging as central to the redefinition of the state and the system of governance in the post-war period. We accept responsibility for any errors or omissions in this paper.

II. RESEARCH METHODOLOGY

A case study methodology was employed in this investigation. Information and data for this study were gathered in two phases. First, we reviewed the formal land laws, regulations and administrative structures for land acquisition and conflict resolution. We gathered data on land concessions, population movements and capital investment in land resources at the central, provincial and district levels of government. We interviewed policy makers and administrators at all three levels, as well as academics and other individuals (from private and government sectors, as well as those in the donor community) who have a professional interest in, or responsibility for, land administration and land policy reform in Mozambique. A comprehensive literature review was conducted in Maputo before the field investigations were carried out.

The material gathered in the first phase of this research helped us to identify potential field research sites to be studied in the second phase. The sites were selected to display a variety of socio-cultural and economic characteristics. These factors included the following:

1. Geographic location. Sites were selected in all three regions of the country (i.e. northern, central and southern regions), and in areas in the interior and on the frontier.

2. Physical security. Although security constraints taken into consideration for the well being of the research team, we also endeavored to investigate areas that had been relatively secure and relatively less secure during the war.

3. Climate. Sites were selected in rainfed and irrigated areas.

4. Economic investment. Sites were chosen from areas that have historically experienced economic investment (e.g. irrigated areas or lands near commercialized centers, infrastructure or transport routes), and from areas that are relatively poor by comparison.

5. Culture and ethnic diversity. Field sites were chosen to reflect differences in local cultural and political institutional arrangements (e.g. patrilineal or matrilineal kinship structures).

The report focuses on four case studies of land access in the post-war period. Sites were selected in (1) Chokwe and Chibuto Districts, Gaza Province; (2) Nhamatanda District, Sofala Province; (3) Vanduzi District, Manica Province; and (4) Angonia District, Tete Province (see Map 1). All together, we interviewed more than 400 people at the four sites. This study also includes data drawn from other sites visited in Maputo, Gaza, and Nampula Provinces, as well as data collected in an earlier study in 1992 on state farm divestiture in Mozambique (see Myers, West and Eliseu 1992; Myers 1994 forthcoming).

A case study methodology was employed in the field investigations. We were interested in gathering broad, historical pictures of land tenure, land access, and local control or authority over land and natural resources in a variety of different settings. We were particularly interested in the transformation that these systems or institutions had undergone during the war, as well as transformation experienced as a result of the economic and political changes of the last year. A secondary objective was to develop a baseline description of land tenure relationships that are emerging in the post-war period.

The research protocol was modified from site to site, depending on the issues encountered. The field team constantly evaluated incoming data and, when necessary, modified or added new queries to accommodate information not anticipated. A consistent research strategy was followed at each site. The team first interviewed provincial and district officials, including locality-level extension agents. Data was obtained on population movements; agricultural investment, by both smallholders and larger commercialized interests; land acquisitions and concessions; and local, native or customary power structures. In addition, the team often attempted to interview representatives of the NGOs operating in the area of the field sites. We attempted to obtain the "official" position with regard to land access in the identified area. Maps were developed on site from available DINAGECA maps or from visual identification, and officials were asked to identify specific locales within the research sites that were experiencing higher levels of reintegration, investment or land conflict.

The team then interviewed selected local people, focusing on smallholders (including indigenous populations, reintegrating refugees and displaced families) and larger commercial interests. The local people interviewed were also asked to identify on the maps their lands and areas that they believed to be experiencing notable levels of reintegration, investment or land conflict. A concerted effort was made to interview women farmers in each field site, and often a woman member of the research team would identify and interview female community members without the presence of their male counterparts or other male community members. This was done because it was discovered that women farmers and land holders were usually more forthcoming when men were not present.

Where possible the research team presented officials and private sector individuals with the views of the local population and asked them for their reactions, as well as cross-checking "official" information with the local population. In several instances discrepancies between these views led to another round of field research. At least one week was spent at each site, and in all four cases field sites were visited more than once. Where possible information gathered was also compared to information gathered two years earlier during the investigation of state farm divestiture.

One limitation of the methodology of the study relates to the timing of the investigation. The field research was conducted over the course of one year; all sites were not visited at the same time. Consequently, the fluctuations in process of land access, or the level of investment or conflict may not have been discovered. Observed differences may be a result of inherent economic, political or cultural differences among the locations or they may be part of a larger

pattern of development of the area over time in the post-war period, made apparent in particular sites only because of the timing of researchers' visits. Comparisons among the sites should be made only on a general level. It is for this reason that we have included four different cases in this study, to present a broad picture of land access and evolving tenure relations in the immediate post-war period.

A second limitation of this study is that we have little or no baseline information regarding land access, land tenure, and customary authorities in Mozambique from the pre-war era. It is therefore difficult to judge what transformations have taken place in local customary arrangements as a result of war, drought, government policy, etc. In many instances we have relied on the oral histories of the respondents to indicate what changes they believe have occurred in their culture, rules and authorities and what these changes mean for them. Oral histories are an important methodological tool, but the questions asked and responses given are open to interpretation by both the respondents and the investigators.

III. AN OVERVIEW OF LAND ACCESS IN POST-WAR MOZAMBIQUE

People gain access to land in Mozambique through the "formal" or statutory system, or through "informal' or customary systems. In this section we will summarize what we have learned about formal and customary land tenure and the limitations of these systems.[6] We will note the types of rights people are acquiring. We will also address the question of land availability or scarcity, and discuss the impact of state granted land concessions on land access and disputes in Mozambique. Finally, we will illustrate how contradiction between formal and customary systems of land tenure is leading to land conflicts throughout the country.

A. ACCESS UNDER STATUTORY LAND LAW

1. Land Law

The Constitution and subsequent legislation enacted in Mozambique after independence in 1975 were greatly influenced by the experiences and laws of neighboring countries. The leaders of newly independent Mozambique were particularly influenced by developments in Tanzania, as well as by developments in other lusophone African countries. Many of Mozambique's policies with regard to production systems and property rights were modeled after those articulated in Tanzania; it is therefore not surprising that Mozambique nationalized land shortly after independence.[7]

The Constitution and two subsequent pieces of legislation articulated and defined land law, and the formal land tenure system. Article 8 of the Constitution of the People's Republic of Mozambique (1975) states, "The land and the natural resources located in the soil and subsoil, in territorial waters and on Mozambique's continental shelf, are owned by the state. The state shall decide the conditions for their exploitation and use." (See also Article 35 of the 1990 Constitution). The 1975 Constitution further declares that all land in the country belongs to the people through the state. It is clear that a central intention of this law was to liberate (i.e. nationalize) land from foreign interests that had in many instances stolen land and resources from the people of Mozambique, and in this respect its goals may be considered laudable. However, a second intention of the law was to strip "large" landowners of their resources and to give land

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[6] This paper does not discuss the historical evolution of formal (statutory) and informal (customary) tenure and legal systems. While these subjects are important, and indeed have an impact on our discussion, they are beyond the scope of this paper. See Lundin 1992a, 1992b, and 1993; Carrilho 1991 and 1993; Amaral 1990; Coissoro 1966 and 1984; Dias and Dias (nd); Isaacman 1983; Isaacman and Isaacman 1977; Curtin et al. 1981; and Alpers 1969.

[7] For a discussion of the early political evolution of FRELIMO see Isaacman 1983; Machel 1974 and 1975; Mondlane 1969; and First 1971.

back to the Mozambican people. It is at this point that the intention of the law begins to become problematic. Many middle class nationals, both black and white, lost legally acquired and held resources. As a result, foreign as well as domestic capital fled the country, leading to economic and political crisis. This crisis is discussed elsewhere.[8]

As we shall see below, even if the goal was to give or redistribute land to the people of Mozambique, this happened very infrequently. In fact, the people of Mozambique, including smallholders, were often stripped of land and resources, or their tenure rights were greatly reduced by the state. This contributed to the economic crisis following independence and fueled the subsequent civil war. Essentially, this law and subsequent land and property legislation gave the state, rather than the people, control over land and natural resources. The principles articulated in the 1975 Constitution with regard to land were repeated in the 1990 Constitution. The new Constitution made no major changes to the legal status of land; however, it did recognize and protect "rights acquired by inheritance or occupation."[9] However, as we shall see below, this admirable principle has not been systematically applied.[10] The new Constitution also theoretically permits leasehold relationships between private persons, but this too is unclear.[11]

The second major piece of legislation to affect land tenure was the 1979 Land Law (6/79). In this law the state formally nationalized all land in the country. All previous forms of title are extinguished and reduced to state leasehold. Article 1 states, "In the People's Republic of Mozambique land is state property and the state establishes the conditions for its use and exploitation. In the People's Republic of Mozambique, land cannot be sold or in any way alienated, rented, mortgaged, or pawned." However, existing infrastructure and other unexhausted improvements on the land can be alienated.

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[8] See Hanlon 1990; Isaacman 1983; Ergo 1992; Hall 1990; Vines 1991; Urdang 1986; and Sheldon 1991.

[9] Rights acquired by inheritance or occupation were, in principle, granted under earlier legislation (Land Law of 1979 and the Land Regulations of 1987). It has been suggested that these rights were not clearly defined or stated in the earlier legislation, consequently the authors of the new Constitution felt it necessary to reiterate these rights.

[10] Although security of tenure is theoretically guaranteed for the family sector (smallholder) farmers by occupation, the Land Law is not clear with regard to what constitutes occupation. This lack of clarity leads to "legal" land evictions and land grabbing. This is discussed below.

[11] The legality of leasehold arrangements is unclear. The 1975 Constitution specifically states that leasehold arrangements between private persons are not permissible, and in the 1990 Constitution the same passage exists without the word "not." Some in government have argued that this was a typographical error and that the government did not intent to legalize these arrangements.

This law, while not conferring strong rights on land holders, clearly states their obligations (Article 6). Each land holder is to use the land "rationally," carry out activities without affecting the interest of the state or others, preserve and increase the fertility of the soil and avoid erosion, and prevent land contamination. Land not used according to these obligations, even if "secured" by a lease, may be confiscated by the state. The law recognizes the existence of customary land use, without conferring any special rights on it. If land is confiscated, the law states that the former rightsholder is entitled to unspecified compensation (Articles 34-36). However, the law also states in Article 35 that land holders who have their rights revoked will not be compensated for the loss of any investments, including infrastructure, construction or other improvements. These two provisions of the law create a significant disincentive to investment.

The Land Law itself is vague in many provisions, and it appears that its framers intended this to be so until more specific regulations could be developed. Between 1979 and 1992, a number of Presidential and Ministerial decrees, and several laws, were enacted that have made minor modifications to the Land Law (see Myers, West and Eliseu 1993).

The third significant piece of legislation to affect land tenure, the Land Law Regulations (Decree 16/87) was not enacted until September 1987, eight years after the Land Law was established. This decree was much more specific than the Land Law, and at the same time it reflected economic and political changes that had occurred in Mozambique in the intervening eight years. For example, the preamble to the Decree asserts that one objective is to decentralize authority over conceded land. This reflects recommendations of the Fourth Party Congress in 1983 that control of some state functions be transferred the provincial level. Indeed, the Regulations specify responsibilities or competencies to be exercised by the Council of Ministers, Ministers, Provincial Governors, and Locality Executive Councils with regard to land and other natural resources; however, other provisions of the Decree, and later laws and decrees, had the opposite impact, which was to centralize control over land and natural resources (see Myers West, and Eliseu 1993). Consequently, contradictions within this law, between this law and other laws, and between the laws and government's stated objectives have led to confusion.

The Regulations stipulate that security of land tenure for private sector farmers is guaranteed by registration of title, and that security for family sector farmers is guaranteed by occupation. Two types of documents are available: Certificate of Family Occupation and Title of Use and Exploitation. Land titles are in the form of leases, granted for a maximum of 50 years under the Land Regulations. Private sector farmers are required to apply for a title, while family sector farmers are not required to acquire the Certificate. Regardless of the security implied in the Regulations, it also (in conjunction with the Land Law) authorizes the state to seize or confiscate land for a variety of reasons.[12]

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[12] The Regulations state that anyone who has had land taken by the state, including for purposes of redistribution to other family sector farmers, private sector farmers, or state officials, is entitled to compensation (Articles 49-52). In practice this rarely occurs.

Another important part of the Regulations relates to land previously held during the colonial period. The law states that any land held (by lease, freehold, or other means) prior to 25 June 1975 (independence), which was not nationalized, confiscated, declared vacant or "intervened" by the state may be "validated" (Article 79). In other words, rights to those holdings may be reactivated. This applied to land held by either nationals or non-nationals. The law stipulates that individuals had three years from 9 September 1987 in which to reactivate their titles. This was an extraordinary principle, as it not only opened the door for returning colonial interests to reclaim assets--whether acquired and exploited legally or extralegally, but also generated enormous confusion over ownership rights for much of the most valuable land in the country (see Bruce 1989 and 1990). This has complicated land access for native Mozambicans, including reintegrating displaced populations. It also inhibits tenure security, and thus investment, for all producers. It has been suggested by officials in Mozambique that although this "window of opportunity" has expired, former colonial land and property holders are still returning to reclaim assets under this provision.

As noted above, other laws, decrees and ministerial diplomas have been enacted or issued since the Land Regulations of 1987. These laws have had minimal effects on the tenure system and land administration. Laws passed in 1991 and 1992 largely address the alienation (or privatization) and distribution of property held by the state sector.[13] These laws are discussed more fully elsewhere (see Myers, West and Eliseu 1992; Myers and Garvey 1994, forthcoming). These laws refer to non-landed property, but they have been used (unofficially) by some Ministries and provincial governments as the basis for privatizing and alienating land within their jurisdiction or sphere of influence (Myers, West and Eliseu 1992). These laws could be used as the foundation or precedent for the creation of a new, more privatized, land tenure system in the future.

[13] See laws 3/91, 5/91, 13/91, 14/91, 15/91, 17/91, 27/91, 28/91, 30/91, 31/91, and 6/92.

2. Formal Land Administration

The process for acquisition of rural land, for either commercial or smallholder farmers, suffers because the law is unclear about what constitutes occupation. The process also suffers from confusion over the categories of "family sector" and "private sector" (see Myers, West and Eliseu 1992; and Carrilho, et al. 1990), and from the ad hoc application of the law. In general, commercial (private sector) interests exploit the formal legal system, while smallholder (family sector) farmers rely on the customary systems of land tenure to gain access to land and secure their rights. Each category exploits the weaknesses of the other.

According to district and provincial officials interviewed, smallholders who are in need of land are supposed to communicate with the local customary officials and other landowning families in the area (this is discussed more fully below). If smallholder farmers are unable to acquire land in this way, they are encouraged to approach the local Executive Council. The Executive Council, made up of government appointees, is supposed to work with the district level extension officers, who in turn consult local individuals of "high standing" in the community. Generally, government officials do not grant land to smallholders; however, if state-appointed officials do assist smallholder farmers, they generally assign land to them which previously belonged to private colonial farmers or which has been identified by the authorities as unoccupied.

Officials state that once land is acquired by smallholders the process stops, without the issuance of a title or registration, because further action is unnecessary to secure tenure rights. According to them, occupation is sufficient to secure use rights. This is reported by officials to be part of the formal system for acquiring and securing land by smallholder farmers. The process described by officials suffers from three critical inconsistencies. First, it implies that local (customary) authorities have an officially recognized role to play in the acquisition and distribution of land, and that they are consistently consulted with regard to land access for smallholders; second, it suggests that the rights of smallholders are secure based simply upon occupation; and third, it presumes that no tension exists between local communities and customary authorities, among competing customary authorities or between local communities and government officials. All of these assumptions are problematic, and will be discussed further in the subsection on customary law.

The official process by which commercial and private-sector farmers acquire and secure land use rights differs from that for smallholders. According to the Land Law and Land Regulations, any party acquiring land for commercial agricultural purposes must register the land through the formal tenure system and pay a land tax. Different levels of government are supposed to participate in the process, depending on the amount of land requested. Again, in principle, an individual who needs land approaches the local population (or local land chief, Regulo, or other recognized representative) and asks for land. The interested individual then contacts the district or provincial office of DINAGECA (Direccao Nacional de Geografia e Cadastro) to begin the process of registration. Once an application is submitted, the provincial office of DINAGECA investigates the application to determine if the land is suitable and

available for use. Provisional right to occupy the land is granted if a favorable report is received from the district office. The land is then surveyed by DINAGECA and a usage permit is issued. In theory, the entire procedure from application to receipt of title and registration should take about four months--officials claim that the time is often half this. In actuality, many applications require a year or more to be processed. The registration process and its many problems are discussed in greater detail elsewhere.[14] In practice however, it is apparent that private sector applicants rarely consult with local customary officials, and that land is granted to them without confirmation that the land is vacant. In addition, many applicants apparently bypass district authorities and secure rights to land without their approval or participation in the process.

The official process of land acquisition and registration are illustrated in Diagrams 1 and 2. The process is cumbersome, time consuming, opaque, and open to abuse. Research has revealed that there are many opportunities in the system to avoid accountability and bypass rules and officials involved. There is a significant difference between the way the system is supposed to work and the way it actually works. For example, in theory an individual who wants land must contact the locality (post)[15] level officials and verify that land is available and unoccupied. In fact, however, individuals and companies often go directly to the locality administrator or to the provincial authorities, bypassing local agricultural (and DINAGECA) officials and the verification process. At the same time, research revealed that many applications for land and land concessions do not complete the formal concession and registration process, but rather stop at either of two points in the process. These points, noted on Diagram 1 as "interruption points," are where the process breaks down.

The process stops at an interruption point for a number of reasons. In some cases the breakdown occurs because the applicant does not have the financial resources to complete the transaction. Another possibility relates to inability of government to carry out its duties. If the office does not have adequate resources or manpower the application may become mired in the system. A third possibility relates to the objectives of the applicant. Some applicants do not want to complete the process. Many individuals interviewed who had acquired concessions reported that they were not registering, or did not intend to complete the registration process, until they were more sure about a number of issues, including their rights to the land, security and the peace accord, and a reform of the property laws.

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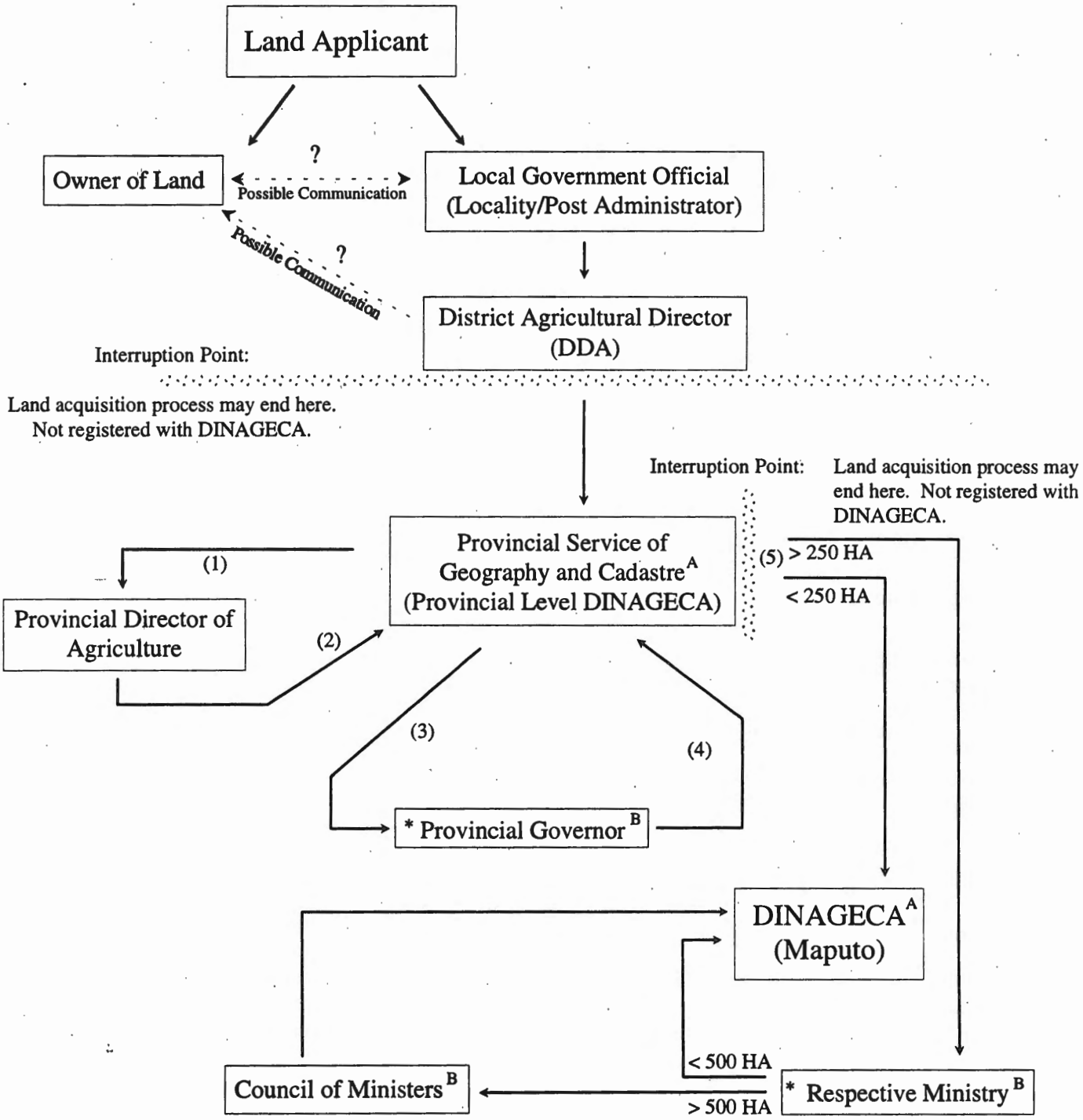
[14] See Bruce 1990; Roth, Boucher and Francisco 1992; Myers 1993; and Myers, West and Eliseu 1992.

[15] Government is divided into several levels, four of which will be discussed in this report: central, provincial, district and locality or post.

DIAGRAM 1
Schematic Diagram of Formal Land Acquisition and Registration Process



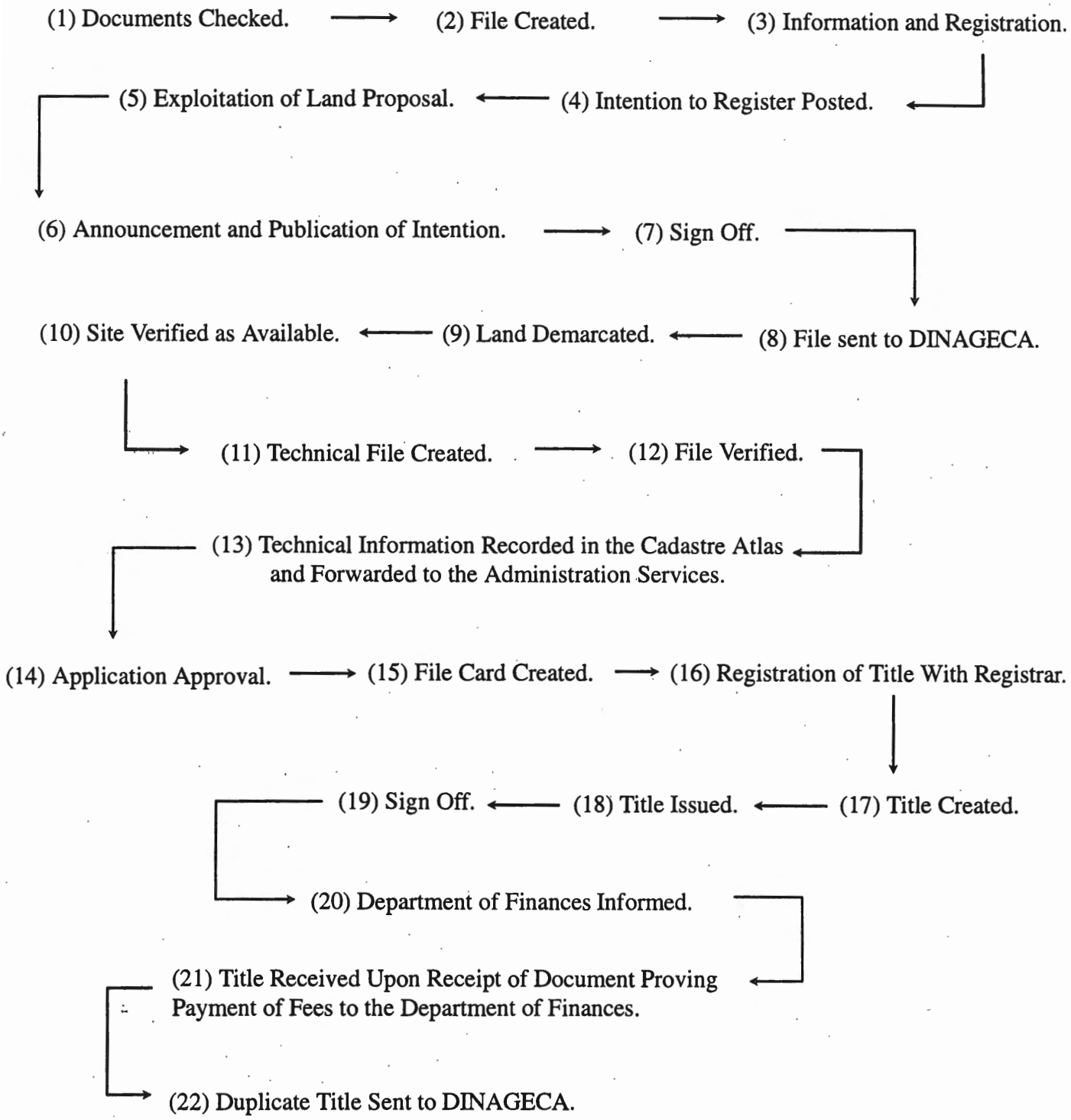
* Reportedly, Governors and Ministries grant concessions in excess of their statutory limits

Note: This chart depicts the formal land acquisition process. It is not intended to reflect whether land is acquired legally or extralegally

A Registration Point

B Official Approval Point

DIAGRAM 2
Schematic Diagram of Formal DINAGECA Registration Process (22 Steps)



Note: The final step in the process, whether the concession is granted at the Central or Provincial level, is registered by DINAGECA.

The government does not have the capacity to administer the formal land tenure system as it is now constituted. In many locations throughout the country, provincial and district officials reported that they did not have the resources to fulfill even the most minimal requirements of the distribution process. They complained that they did not have the vehicles or manpower to determine whether land was already occupied before granting concessions, and that they often relied on the word of the applicant that the land was free for distribution. Other officials complained that their decisions were often overridden by higher level authorities who did not have adequate information about their localities or districts. For example, in both Sofala and Gaza Provinces district officials complained that provincial authorities had distributed land to non-local interests, without their participation or consent, leading to confusion and competition over the land between the new interests and the native local land holders. In both instances district officials were pressed by local populations to secure new lands for their use. Provincial level officials have also commented that they lack resources to administer the Land Law and Land Regulations. Officials at the provincial offices of DINAGECA stated that they have very little capacity to maintain a registry, and that they lack the resources to monitor concessions granted by other ministries or by provincial offices of DINAGECA.

One of the problems with the current system is the presumption that the government knows which lands are free for distribution to either reintegrating populations, displaced people, demobilized troops, returning colonial interests, or new private interests. Research indicates that government does not have a clear idea of where these "free lands" are located, nor does it have a system for discovering, marking and recording this information. Locality or district level officials sometimes approach customary authorities for this information. This is a constructive process that should be encouraged, but as noted further below, it is one that occurs infrequently, and even when it does local land rights are often not respected. When officials do not approach customary authorities for this information or approval, dispossession and disputes frequently result.

In addition, a new, perhaps more ominous problem is the potential conflict between RENAMO and the government over who has the right to distribute land, and who has the right to distribute land in which part of the country. Some informants report that RENAMO has been granting concessions for agricultural and hunting lands in areas under its control (see Map 4). It has also been reported that RENAMO gives preference to any returning colonial interests. If these allegations prove to be true, they raise grave and unsettling political and legal questions. At the same time, RENAMO has been highly critical of what it believes is a land give-away program sponsored by the government.

3. Land Availability and Scarcity

Officials at the central, provincial, and district levels of government have stated that there is plenty of land available, and they encourage private foreign and domestic interests to invest in their districts or provinces. The argument that there is plenty of land for everyone in is often based upon the misuse of data about population and land area. It is also based upon a

misunderstanding of the land tenure systems (both formal and customary), and the way in which they affect land availability.

The appearance of abundance is complicated by the existence of vast, seemingly unoccupied areas in some parts of the country. This appearance belies the actual availability of land. In many of these areas the "open" land is, in fact, held under the customary system of tenure.[16] Other potentially productive land is vacant because smallholders fear or expect the return of former colonial era land holders.

Mozambique has a little less than 80 million hectares of land, and a total population of approximately 16.5 million people (UNAHOC, 1993). According to these figures, every man, woman and child should have access to 4.84 hectares of land. However, it is estimated that only 36 million of these hectares are arable. This figure includes approximately 16 million hectares of forested land; the remaining 18 million hectares are suitable for agriculture (Ad Hoc Land Commission, MOA/INDER, 1992). Even using this figure, some argue that every Mozambican should still be entitled to at least one hectare of land. However, this is still a gross over simplification of land availability in Mozambique, and it suggests an incomplete understanding of customary land tenure regimes.

Part of the competition for land occurs because there is a limited amount of land that is readily accessible and in proximity to other economic opportunities. Commercial and smallholder farmers are attracted to the same areas--those that have physical infrastructure (roads, wells, etc.), markets, transportation and relatively good security. Few individuals interviewed stated that they wanted to move to isolated rural areas far from infrastructure, markets, transportation, security and other amenities.

We do not intend to suggest land shortages exist in all areas of the country. In some regions of Mozambique land is plentiful, or shortages are less acute than in areas of high population concentration and investment. In still other locations, land is relatively abundant but inaccessible, or located in areas that are economically unviable or useless.

While commercial investment in the agricultural sector is important and should be encouraged, the fact is that in many areas of the country there are land shortages. These shortages are, to some extent, being created and exacerbated by the formal land tenure system. The policy with regard to land concessions is a major factor in creating shortages and land conflicts.

Although we lack definitive demographic data, rural population appears to be concentrated in several areas, many of which are within five kilometers of the coast (Map 2). Most of these

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[16] It may not all farmed at the same time, as some is held in fallow, and other parts are held for future family expansion. At the same time, fallow land may be used for grazing or other agricultural purposes.

sites are also the area of the greatest capital investment in the country. They include the most productive agricultural land in the country, including land situated along the Beira Corridor, land in the Zambezi valley, land along the Limpopo River, agricultural land in Maputo Province, land in the Green Zones, land near or around the former state farms (Maps 1 and 3), and other agricultural land located near urban areas. In addition land near the borders with Malawi, Zimbabwe, South Africa and Swaziland, as well as coastal lands, are of great commercial value. These areas represent millions of hectares. They were the site of significant investment during the colonial period, and many continued to be the site of state investment after independence. The same areas are now being sought by new commercial interests, both foreign and domestic, for agriculture, grazing, mineral exploration, hunting and tourism (see below).

Our case studies reveal that, for most Mozambicans, land is not an abundant resource, free from competition and conflict. Much of the population, which is concentrated in several key areas, does not have access to a sufficient amount of land, and their rights to the land they do hold are not secure. Land scarcity leads to competition, which in turn leads to conflict.

Land availability, particularly in the best economic locales, is becoming even more constrained as the government and RENAMO pursue aggressive, unregulated, and possibly extralegal programs of land concession to domestic private sector and foreign commercial interests.

4. State Land Concessions

In the last few years, and particularly since the end of 1992, the state has been granting large land concessions to private foreign and domestic commercial interests. Some of these concessions are being granted to former colonial interests, and a very few concessions are being made to smallholders (this latter category will be discussed more fully in the following subsection). The state has also been granting large land concessions to joint venture enterprises (e.g. LOMACO, SODAM, and SAMO),[17] and to members of the government. In addition, the government is proposing to grant land concessions to demobilized troops. Concessions are being granted at the central, provincial and district levels of government, and by different ministries, including Agriculture, Mineral Resources, and Tourism. Concessions are being granted for agricultural land, mineral resource exploration, hunting reserves (see Map 4), grazing, forestry and timber, and tourism zones at a rate that has increased substantially over the last two years. This trend shows no sign of leveling off or diminishing. Tables 1-3, Graphs 1-3, and Diagrams 3-8 indicate and illustrate the nature of concessions being granted at the central and provincial levels of government.

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[17] LOMACO is a joint venture enterprise owned by Lonrho (UK) and the government of Mozambique, SODAM is a government joint venture with JFS (Joao Ferreira dos Santos), and SAMO is a joint enterprise owned by the government and Entreposto.

We also know that RENAMO is granting hunting, and possibly agricultural, concessions in its areas of political control. We have little concrete information about RENAMO's position on land policy or its other land-related activities. In September 1993 official representatives of RENAMO in Maputo informed our investigators that they would give first priority for land concessions to returning Portuguese colonial interests. Private interests interviewed in Maputo acknowledged that RENAMO was selling off hunting concessions, and local smallholders were being told to vacate their lands. This issue clearly requires further investigation.

There is no agency or department within government that is tracking or recording all the concessions that are being made by each of the ministries or the provinces. In fact, there is no department within the Ministry of Agriculture that is tracking all of the different concessions being granted by that ministry (e.g. agricultural, grazing, hunting, and forestry). It is also clear that the central government is largely unaware of the concessions that are being granted at the provincial level. The data we have gathered over the last year is a compilation from several sources.

Annual and cumulative numbers for concessions granted by the Ministry of Agriculture from 1986 to 1993, as reported in the Boletim da Republica, are illustrated in Graph 1, "Agricultural Land Concessions: Reported by Central Level Government." Since 1986 agricultural land grants of more than 68,000 hectares have been recorded in the Boletim, more than 70% since 1990. These are figures for land concessions that have completed the formal registration process with DINAGECA and the Ministry of Agriculture, and have been reported by the Boletim da Republica. The fact that these land transactions have been officially recorded does not indicate whether the land was acquired legally or extralegally. As noted above, there are many more concessions in the process of formal registration which have yet to appear in the Boletim da Republica because the DINAGECA registration process is exceedingly slow.[18] We estimate that concessions made by the Ministry of Agriculture to date far exceed the 68,000 hectares reported in the Boletim da Republica. Indications are that the Ministry of Agriculture has granted concessions in excess of 1.38 million hectares for direct agricultural production, hunting concessions, and joint venture enterprises. The figure jumps to 3.38 million when the lands granted to the joint ventures for indirect production is added to the estimate.[19] This data is reported in Table One.

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[18] Farmers and officials have reported that the registration process can take anywhere from two months to two years.

[19] In this report, land granted to joint ventures is classified as land for "direct" and "indirect" production. Land classified as "direct" production is controlled and planted directly by the joint venture enterprise, while land classified as indirect production is planted by the smallholder sector. The joint venture enterprise is usually able to control the use of this land, as they are granted monopolistic control of the markets for commodities that are produced on these lands. These areas of indirect production, also know as "areas of influence," are often very large in comparison to land held under direct production. For example, in Cabo Delgado Province the joint venture LOMACO has approximately 39,000 hectares of direct production land and monopolistic control (i.e. indirect production) of approximately 1.449 million hectares. In this report we consider indirect production land as a category of land concession.

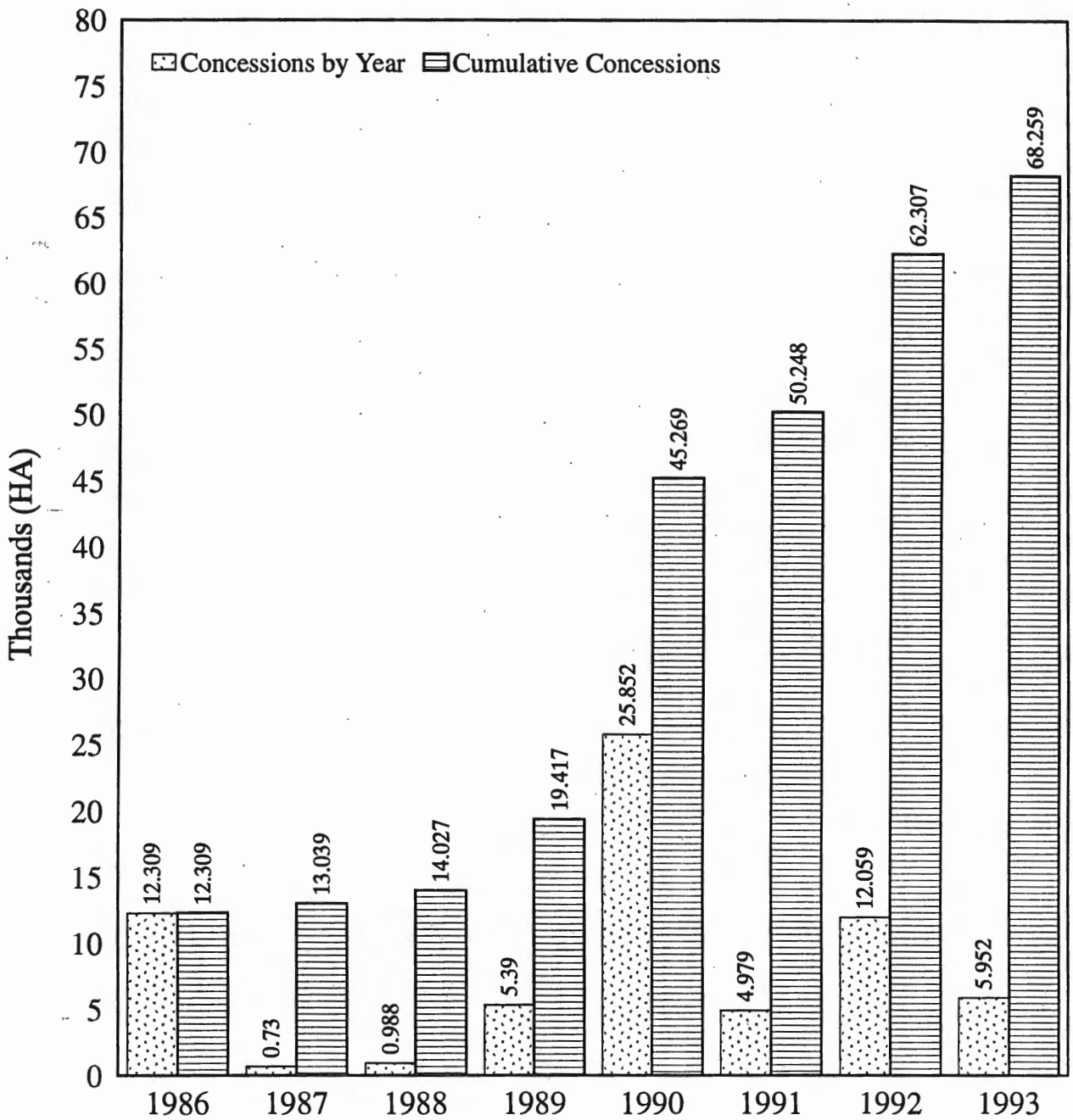
TABLE 1
Land Concessions Granted and Reported by
The Ministry of Agriculture
1986-1993

Concession Type	**Concession Area (Ha)**
Agricultural*	792,000
Hunting	500,000
Forestry	N/D
Joint Venture Enterprise	92,000
Subtotal Area	1,384,000
Ag. Indirect Production	2,000,000
Total Area	3,384,000

* Minimum Estimate. Reported in Boletim da Republica, 68,000; Reported by DINAGECA in Maputo, 724,000.

N/D = No Data

GRAPH 1
Agricultural Land Concessions: Reported by Central Level Government, 1986 - 1993*



* Reported in the Boletim da Republica.

Land Tenure Center, December 1993

The figure, 1,384,000 (Table 1) includes those agricultural concessions reported in the Boletim (68,259 ha.), agricultural concessions reported by the Department of Cadastre, DINAGECA (723,741), hunting concessions (500,000 ha.), and concessions made to the joint venture enterprises for direct production (92,000 ha.). It does not include land granted to the joint venture enterprises for "indirect production," or the other numerous types of concessions being granted. These are discussed below. Again, more than 90% of the recorded concessions have been granted since 1991.

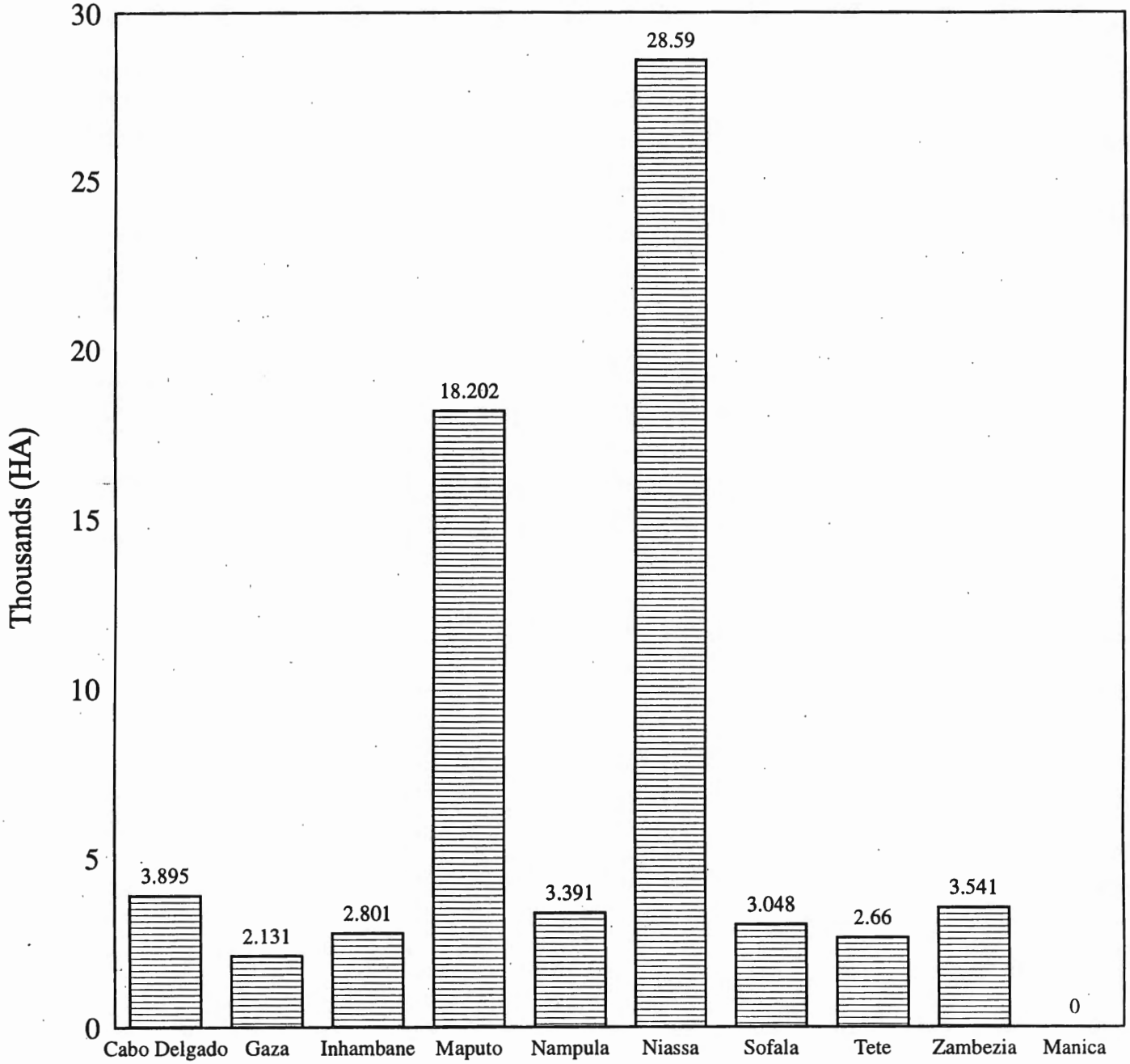
Concessions by province for the period 1986 to May 1993, as recorded in the Boletim are illustrated in Graph 2, "Agricultural Land Concessions by Province: Reported by Central Level Government." This graph is useful in that it reflects the relationship among the provinces with regard to formal registration of land concessions. It may also reflect a relationship between the provinces and the central government with regard to concessions.

We were told by some officials in different provinces that the provincial departments of DINAGECA had to pay a fee for each concession in order to complete the official registration process in Maputo and have it recorded in the Boletim. However, DINAGECA officials in Maputo claimed that provincial governments were not charged a processing fee.

It is also possible that the governments in some provinces, such as Manica and Nampula, are choosing not to participate in the formal registration system. It has been suggested that they are doing this because they do not want the central-level government to administer land (including land concessions) in their provinces. It is clear that some of the provinces are attempting to assert their autonomy from the central government.

The research project has attempted to compile data on agricultural land concessions made at the provincial and district levels. This has been a difficult task as the data is often unavailable or inconsistent. We were able to gather preliminary data from selected districts in Nampula, Gaza, Manica, Maputo, and Inhambane Provinces. This data is an important indicator of who is making land concessions and the magnitude of the concessions being made. Although the largest concessions, covering the greatest area, are being made at the central level (see Table 3), a substantial number of concessions, covering a large area, are being made at the provincial level. Diagram 3 and Graph 3 illustrate this phenomena.

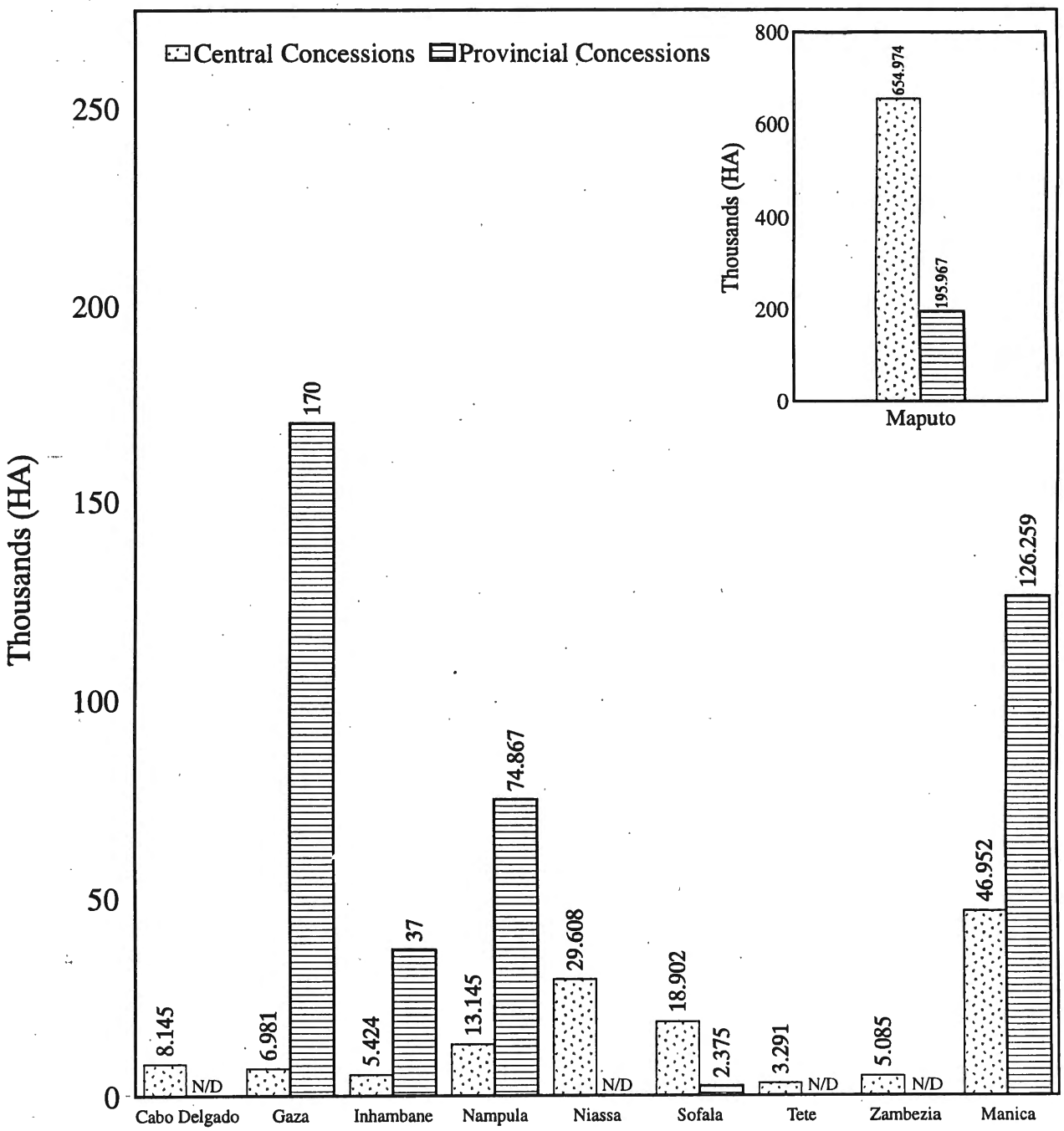
GRAPH 2
Agricultural Land Concessions by Province: Reported By Central Level Government, 1986 - 1993*



* Reported in the Boletim da Republica.

Land Tenure Center, December 1993

GRAPH 3
Agricultural Land Concessions: Reported by Provincial* and Central** Government, 1986 - 1993

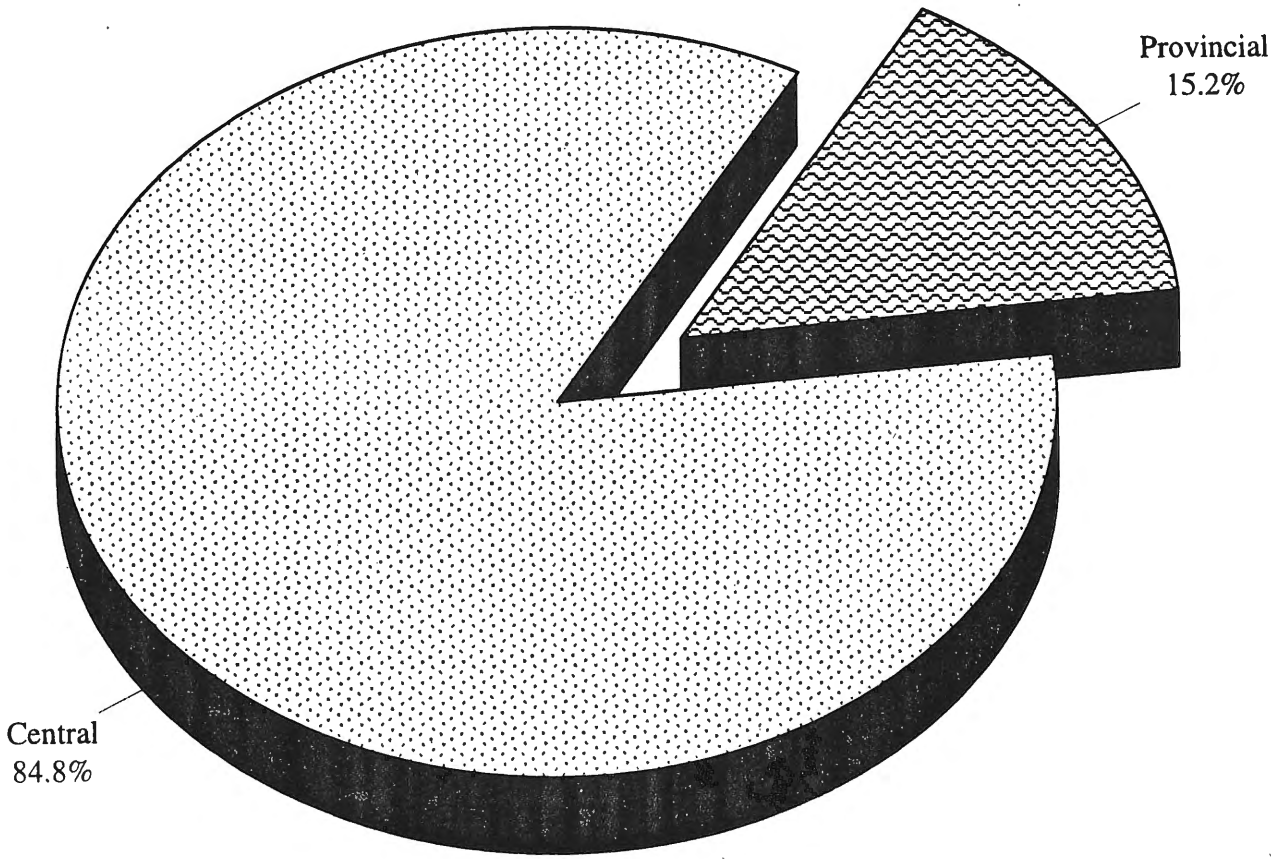


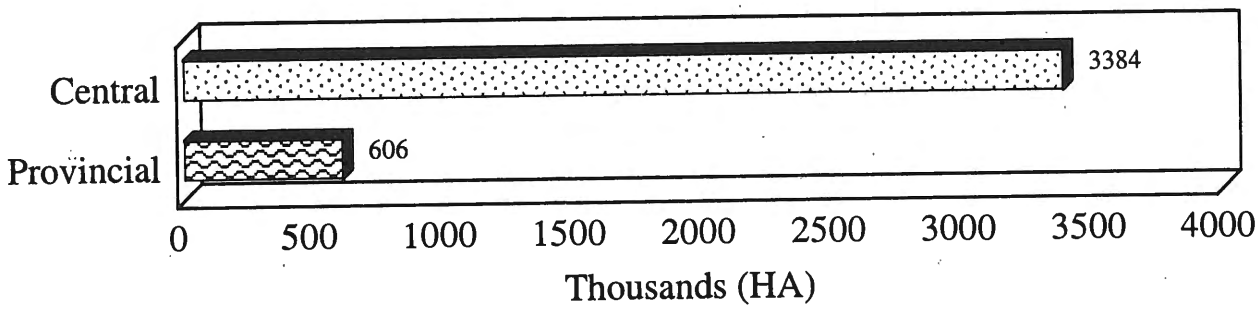
N/D = No Data Available

Land Tenure Center,
December 1993

* Reported by Provincial Offices of DINAGECA from selected districts.
** Reported in the Boletim da Republica and by DINAGECA, Maputo.

DIAGRAM 3
Agricultural Land Concessions: Cumulative Comparison, 1986 - 1993





Land Tenure Center, December 1993

According to the Boletim and DINAGECA,[20] only 6,981 hectares of agricultural land have been granted in Gaza Province. But for approximately the same period of time the province reports that it has granted more than 170,000 hectares of land. The Boletim and DINAGECA in 1986 reported agricultural land concessions totaling approximately 13,145 hectares made in the Province of Nampula,[21] while the province reports for the period 1990 to 1993 that it granted nearly 75,000 hectares for just 7 of its 18 districts.[22] The Boletim reports no concessions for Manica Province; however, DINAGECA reports agricultural concessions totaling 46,957 hectares. The province reports that it granted 126,259 hectares of agricultural land in concession in the period 1988 to 1993. In Maputo, the Provincial Office of Agriculture reported land concessions totaling nearly 200,000 hectares, while the central government in the Boletim and DINAGECA report concessions of approximately 655,000 hectares. As is the case for concessions granted at the central level, the fact that these land transactions have been recorded at the provincial level does not indicate whether the land was acquired legally or extralegally.

Based on the data available, the Ministry of Agriculture has officially granted approximately 1,384,000 hectares for agriculture, grazing, and hunting (excluding areas granted to joint ventures for indirect production) in the period from 1986 to 1993 (see Table 1). Data from selected districts in five provinces suggests that 606,000 hectares have officially been granted at the provincial level for agriculture, grazing, and forestry in the same period (see Diagram 3 and Table 3).[23] Finally, we emphasize that the data available for agricultural concessions only reflects those "official" and legal concessions that have entered or completed the registration or concession process. In each province investigated, officials stated that the concessions reported only represented a fraction of the actual concessions. For example, in Manica Province officials stated that the concessions granted at that level, 126,259 hectares, represented less than one half of the total concessions made. In fact, a number of private farmers in many locations reported that they had received land concessions at the provincial level, but had not yet begun or completed any type of land registration. Consequently, the amount of land conceded in the provinces probably far exceeds reported figures.

Although we do not yet have data for the remaining 5 provinces, or for all districts in the five provinces where we have collected data, the differences in publicly reported concessions

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[20] See "Balanco - Analise Da Reparticao de Cadastro: 1987-1993," DAC, Reparticao De Cadastro, DINAGECA, Maputo, November, 1993.

[21] 1986 is the last year in which land concessions for Nampula are reported in the Boletim da Republica.

[22] These districts include Ribaue, Malema, Mecuburi, Lalaua, Angoche, Monapo, and Nampula.

[23] Again, we emphasize that we have data for only some of the districts in 5 of the 10 provinces. Further, the data for the provinces indicates that the majority of the concessions made at this level were in the period from 1991 to 1993.

between the provinces, (606,000 ha) and those reported in the Boletim (68,000) are indicative of a very large and consequential problem. A much larger area of the country is being granted to private foreign and domestic interests at the central level, but a substantial number of concessions are also being granted at the provincial level. Central government is largely "unaware" of these concessions.

Our research suggests that many of the agricultural concessions are being acquired for purposes of speculation. Private commercial farmers who acquired land as a concession reported that they were not exploiting the land, or that they were exploiting only a portion of the land. In some cases, these farmers stated that they lacked the resources to exploit the land, and that they would do so when they had access to greater financial capital. Others stated that they were waiting to invest until they were sure that the war would not resume, or until they were sure that they would have secure title. Still others stated that they had no intention of investing and would sell the land (as parcels) when it became more valuable. Some of these "farmers" also stated that they would push off local smallholders who were on their new lands, while others stated that they might allow smallholders to remain if they would agree to work as farm labor. It is impossible to estimate the potential adverse impact that this process will have on agricultural production.

Many of the recipients of agricultural concessions are unsure of their land tenure status. Because of political connections or wealth, some are more secure than others. Regardless of their status, however, recipients of concessions enjoy a much greater level of security than smallholders anywhere in the country.

Somewhere between these two categories--concession recipient and smallholder--lies a hidden minority of Mozambicans, both black and white, who lost land and other property after independence. Many of these Mozambicans fled the country, but others chose to remain. Many of those who chose to remain are attempting to reacquire lost property, with varying degrees of success. In some instances, these individuals are in competition with new domestic or foreign interests for their own confiscated land and property. In the current political, economic and legal environment, there are no mechanisms to represent their interests. This may prove to be an unfortunate development, as this class of local entrepreneurs seems more likely to invest than those who are currently acquiring and holding land on a speculative basis.[24]

In addition to land concessions for agriculture, the government is also granting land for mineral resource exploration. The information collected by the research project reflects only those mineral concessions granted at the central level of government. Data from the Ministry of Mineral Resources since 1991 indicates the Directorate of Mines has granted approximately 3.22 million hectares of land for mining concessions (see Table 2); however, sources within the Ministry claim that this figure represents a fraction of the concessions officially granted at the central level.

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[24] This conflict, between the state and the middle-class in Mozambique, is the subject of a forthcoming paper (see Myers 1994a).

It is clear from our research that the provincial governments are also granting land for mineral exploration. We have limited information indicating the size or number of these concessions, but anecdotal cases have been reported in several provinces, including Niassa, Nampula, and Zambezia. These cases suggest country-wide that an additional one million hectares have been granted in concessions in the last two years.

Some of the mineral rights concessions grant exclusive rights over the land, others grant non-exclusive rights, and still others grant simple exploratory rights. We do not know what percent of this land is agricultural land, but one case study in Nampula Province (not reported in this paper) revealed that the mining concessions frequently overlap with smallholder agricultural land. Although mineral concessions do not always grant exclusive use, it is possible that the recipients may demand that smallholders vacate the area of their concessions. This possibility is supported by field observations and by unconfirmed reports in Maputo.

In addition to land concessions for agriculture, grazing, hunting reserves, and mineral exploration, the central and provincial governments are also granting concessions for tourism, and forestry and timber exploration. These concessions have not yet been investigated. Again, unconfirmed cases have been reported. For example, one Zimbabwean reported "buying" five miles of coastline to establish a tourist industry in Inhambane Province. In another case it has been reported that the religious organization Heaven on Earth received rights to thousands of hectares in Cabo Delgado.[25] There are numerous reports of similar acquisitions along the coast line and on the Mozambican islands. With regard to forestry, several anecdotal cases were reported, including one concession in Cabo Delgado Province for more than one million hectares, and another concession in Manica Province in excess of 50,000 hectares. It is likely that some of these lands overlap with smallholder agricultural land.

Two additional types of land transfers are relevant to this discussion. Research on the state farm sector conducted between 1991 and 1992 revealed that, by 1992, much of the land in the state farm sector had been "acquired" (legally or extralegally) by commercial interests and government officials or granted to them in concessions (see Myers, West and Eliseu 1993). In a very few cases was state farm land granted to smallholders (see Tanner, Myers and Oad 1993). The area of the state farm sector in 1991 was estimated to be approximately 600,000 hectares.[26]

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[25] See Mediafax 24 January 1994 and New York Times 10 February 1994.

[26] Before the state farm sector collapsed, it was reported in the late 1980s that this sector covered millions of hectares. One scheme alone in Cabo Delgado Province covered more than 400,000 hectares. The difference between this earlier figure of several million hectares and the 587,000 hectares reported in 1991 is explained as the difference between the land claimed by the sector and the land actually farmed. The difference is important because it suggests a significantly larger area that may be identified as desirable by private or returning commercial interests. This land was likely surveyed and registered during the colonial period.

It is unknown how much of the privatization of state farm land has been recorded at either the provincial or central levels of government. That is, it is unclear whether any of these concessions are part of the totals reported in the Boletim. However, given the uncertain legal status of these farms, we hypothesize that very few of these transactions have been recorded. They will probably remain unrecorded until the legal questions surrounding the state farms are resolved. Consequently, state farms represent another large category of land transfers to the private sector that remain unrecorded.

The last type of land acquisition is the reactivation of former colonial era titles. Most likely these old titles represent many hundreds of thousands of hectares (see footnote 25). The office of DINAGECA in Maputo reports that there are more than 60,000 potentially valid land titles from the colonial era that may be reactivated in Mozambique. We know very little about these claims. At the same time, there are numerous private agricultural enterprises in Mozambique, such as Entreposto, which have been operating since the colonial period. There is little available data on the activities of, or land controlled by, these enterprises. It is believed that these private enterprises jointly hold several hundred thousand hectares.

A summary of confirmed data for land concessions suggests that rights to at least 6.6 million hectares of land have been conceded between 1991 and 1993 (Table 3).[27] Most of this land has been acquired by larger commercial interests, rather than by local smallholders. In some cases it has been acquired by returning interests from the colonial period. There are indications that rights to a number of these concessions overlap. For example, agricultural concessions may overlap with each other, or agricultural concessions may overlap with mining concessions. And it is likely that in many, if not most, areas these state concessions have been granted for land already claimed by local indigenous smallholders under customary tenure regimes. Research reveals that smallholders have been pushed off their lands, pushed into marginal areas, or have had their land rights reduced, in some cases becoming tenant laborers, when their rights conflicted with those of non-natives who had received state concessions.

It is particularly alarming that we lack solid information or data for a number of types of land concessions or acquisitions in many parts of the country. We hypothesize that the actual area conceded to, or acquired by, private commercial owners may be not 6.6 million hectares, but perhaps as much as 12.7 million hectares. Again, this figure does not include data for a number of districts and provinces, and for several sectors, nor does it include the concessions that are "in process" and unreported. Even without this data, the figure of 12.7 million hectares represents approximately 15% of total land area of the country and 35% of total arable land. The (confirmed) area granted for agricultural concessions at both the central and provincial levels, hunting concessions, the land formerly belonging to the state farm sector (estimated area divested), and estimated existing commercial holdings equals more than 4.89 million hectares, 27% of all agricultural land in the country (see Diagrams 4-8). And these concessions are being made for the best land in the country. If this hypothesis is true, then, in addition to a weak land

[27] Combined figures of reported data from central and provincial authorities.

tenure system and a weak system for land administration, there is indeed a serious problem regarding land availability and scarcity in much of Mozambique.

Our research reveals that the rights acquired through concessions are frequently not clear, nor is the way in which they are acquired transparent. The process for acquiring concessions has at times contradicted statutory law. For example, the Land Law and Land Regulations prohibit the granting of land that is occupied by smallholders to commercial (private sector) interests. However, central, provincial and district administrators have often distributed land that is occupied or claimed by smallholders. In several instances, as noted earlier, government officials justified this process by arguing that smallholders do not have the capacity to exploit these lands.

The confusion surrounding land concessions, particularly the lack of transparency in the way these concessions are acquired and held, and the inability of the state to enforce its own rules or follow its own procedures with regard to concessions in areas currently held by smallholders, are leading to numerous land conflicts. These conflicts are the subject of the last part of this section.

TABLE 2
DISTRIBUTION OF MINING CONCESSIONS: BY PROVINCE, 1993

PROVINCE	AREA GRANTED
Maputo	16,974
Gaza	430,000
Inhambane	1,175
Sofala	233,000
Manica	52,407
Sofala and Manica	466,000
Zambezia	124,051
Tete	1,368,215
Niassa	92,065
Cabo Delgado	409,905
Total Area (Ha)	3,220,742

Reported by Ministry of Natural Resources, Maputo, 1993

TABLE 3
Distribution of Land Concessions and Other Rights by Sector *

I. Land Concessions, 1986 - 1993

	Available Data		Reported Cases
	Central Concessions	Provincial Concessions	Concessions
Agriculture [1]	792,000	606,000 [4]	1,500,000 [5]
Joint Venture [2]			
Direct	92,000	N/A	
Indirect	2,000,000	N/A	
Hunting [2]	500,000	N/D	250,000 [6]
Mining [3]	3,220,000	N/D	1,000,000 [7]
Tourism	N/D	N/D	350,000 [8]
Forestry	N/D	N/D	1,500,000 [9]
Subtotal	6,604,000	606,000	4,600,000

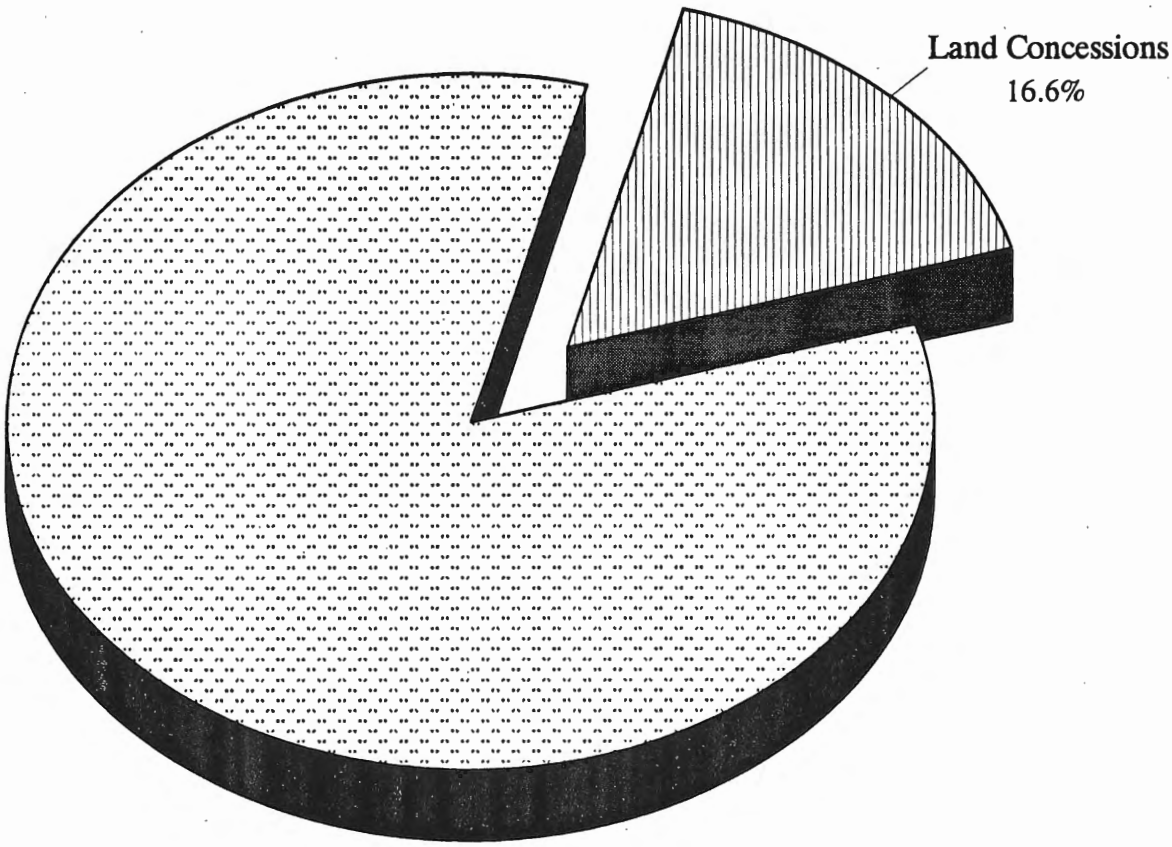
Total Land Concessions	11,811,000
II. State Farm Sector (Estimated Area Divested: 400,000 of 600,000 hectares)	400,000
III. Existing Private Agricultural Enterprises (Estimated from DINAGECA)	500,000
Total Distribution of Land Rights (Ha)	**12,711,000**

* Government controlled area does not include Renamo administered lands. All date has been rounded to nearest 1,000.

N/A =Not Applicable N/D = No Data Available

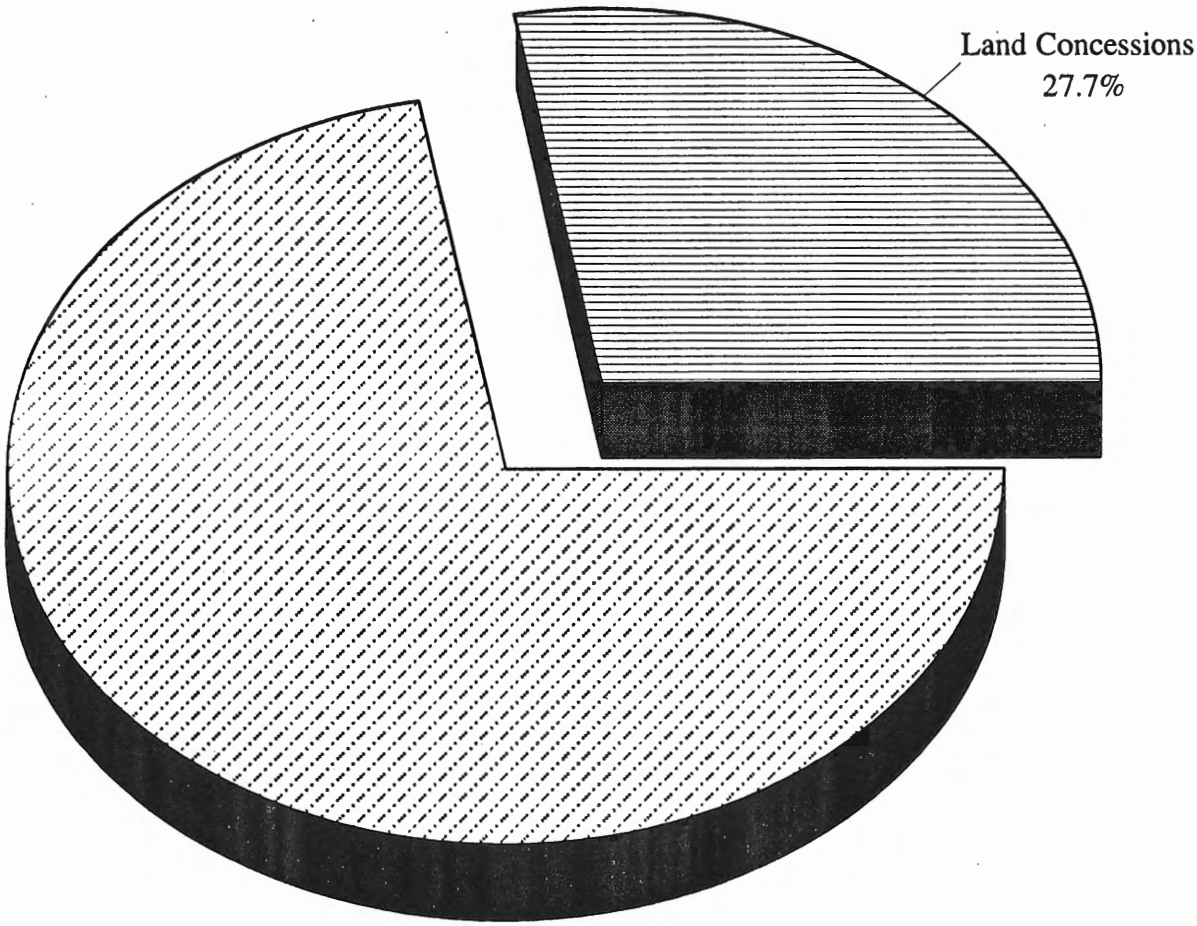
1. Reported in the Boletim (68,000) and by DINAGECA, Maputo (724,000)
2. Ministry of Agriculture. 3. Ministry of Mineral Resources
4. Partial data from selected districts in five provinces
5. Unconfirmed reported cases, includes estimates for concessions granted at provincial level in Cabo Delgado, Tete, Zambezia, Sofala and Niassa
6. Unconfirmed reported cases
7. Includes one pending application for 800,000 hectares
8. Includes reported concessions of approximately 50,000 hectares to the religious organization, Heaven on Earth; however estimates for concessions to this one organization range up to 7.5 million ha.
9. Includes one reported case of one million hectares in Cabo Delgado

DIAGRAM 4
Agricultural Land Concessions, Excluding Indirect Production, As a Percentage of Total Agricultural Land



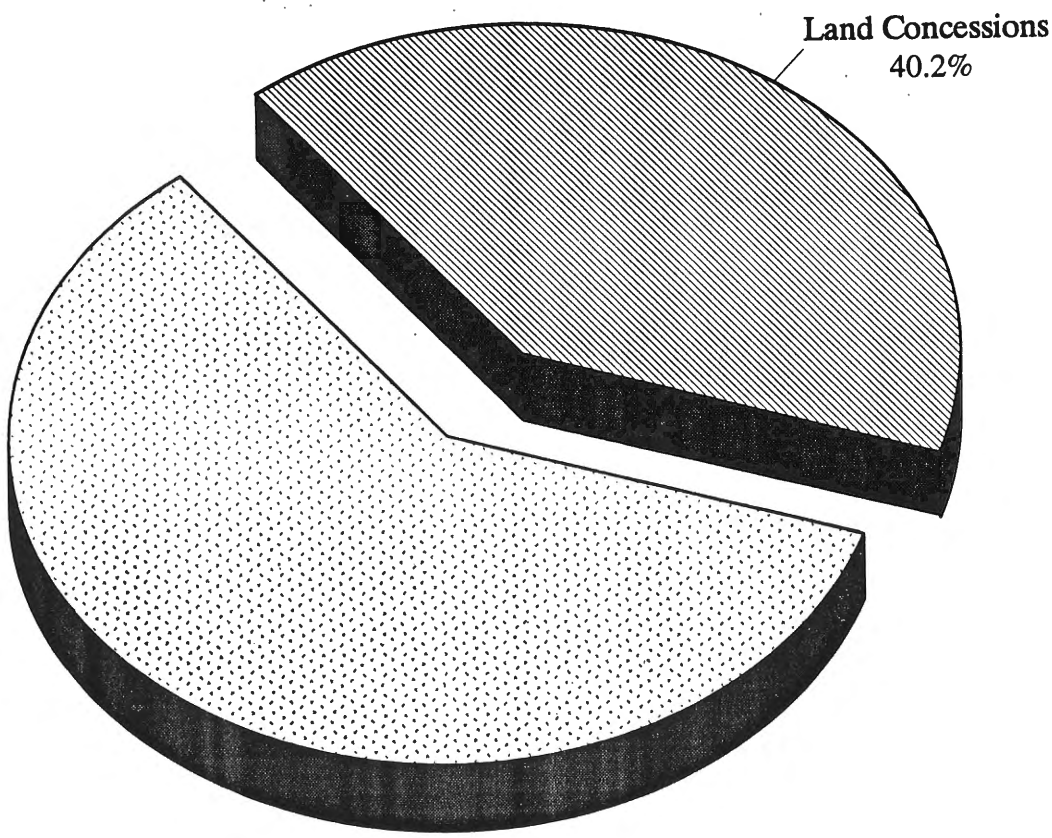
Agricultural Land
(18 Million Hectares)

DIAGRAM 5
Agricultural Land Concessions, Including Indirect Production, As a Percentage of Total Agricultural Land



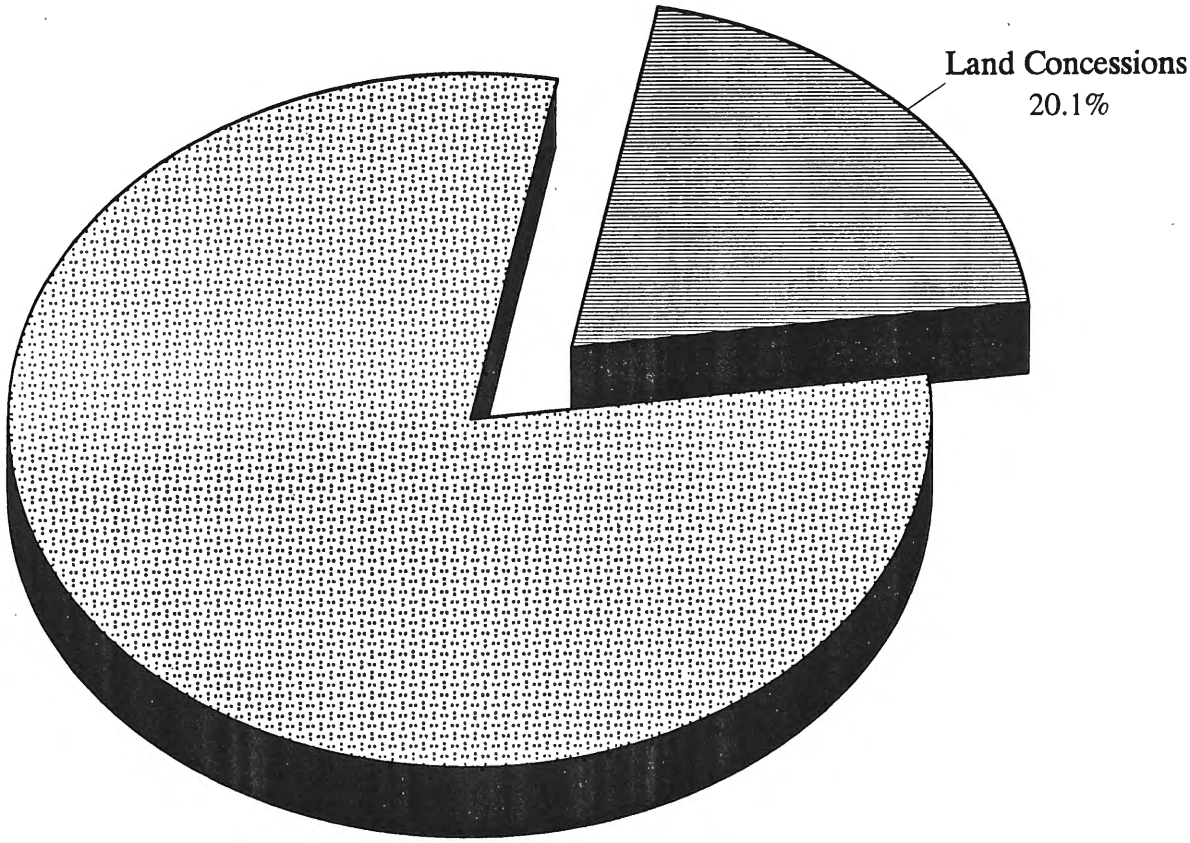
Agricultural Land
(18 Million Hectares)

DIAGRAM 6
Agricultural, Forestry, and Hunting Land Concessions, Including Indirect Production, As a Percentage of Total Agricultural Land



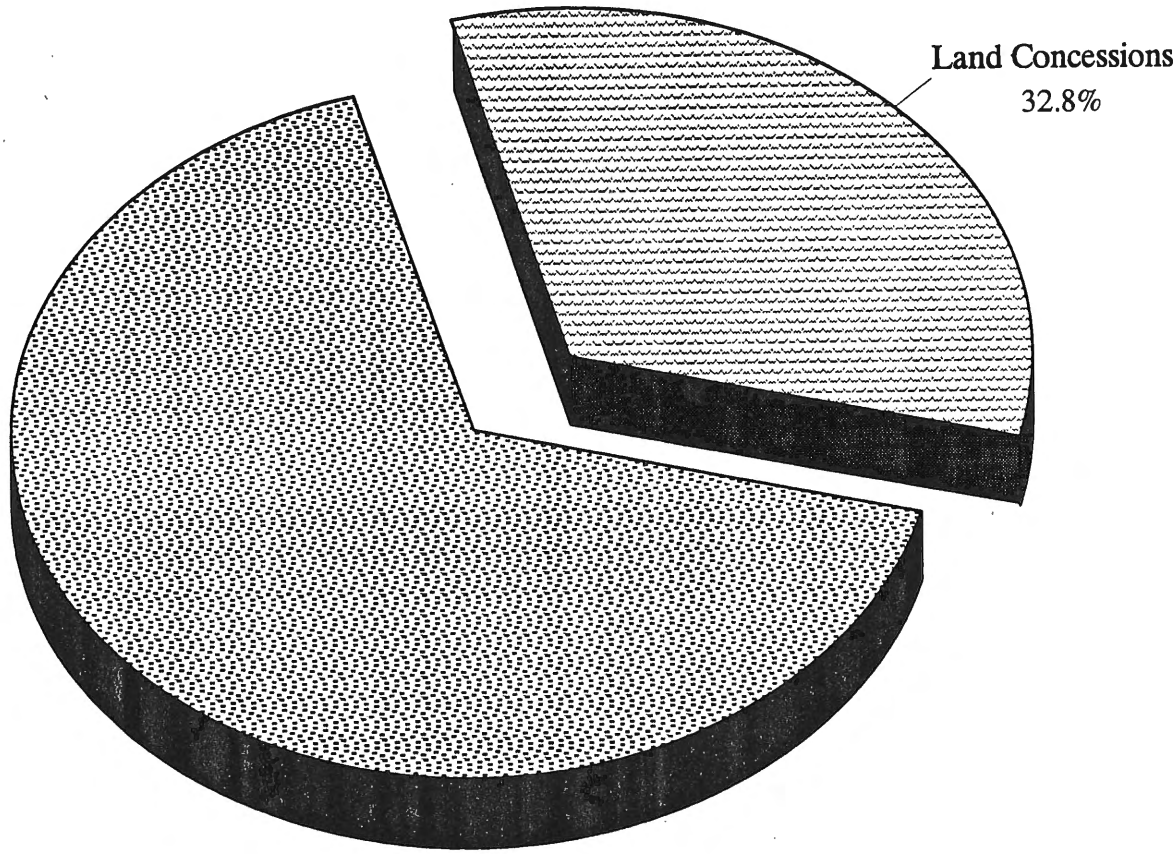
Agricultural Land
(18 Million Hectares)

DIAGRAM 7
Agricultural, Forestry, and Hunting Land Concessions, Including Indirect Production, As a Percentage of Total Arable Land



Arable Land
(36 Million Hectares)

DIAGRAM 8
All Land Concessions (9,440,000 HA), As a Percentage of Total Arable Land



Arable Land
(36 Million Hectares)

B. ACCESS UNDER CUSTOMARY LAND LAW

1. Customary Rules and Land Access

Parallel to the "formal" or statutory land tenure system are customary regimes of land tenure. These regimes are largely based upon local customary rules and procedures. As elsewhere in Africa, Mozambique has numerous customary land tenure regimes, which taken together constitute its customary land tenure sector. These regimes differ remarkably from location to location, depending on a variety of factors, including population density, kinship organization, inheritance patterns (i.e. matrilineal or patrilineal), land quality, markets, and historical experience. Customary regimes also differ from ethnic group to ethnic group, depending on the social evolution of that group and the political and economic constraints encountered. It is beyond the scope of this paper to review the specific characteristics of these regimes in Mozambique.[28] This section will focus on general characteristics.

In Mozambique, customary tenure regimes differ greatly as a result of many factors, including their specific and peculiar interaction with the colonial authorities and colonial economy before independence, the civil war after independence (with its concurrent displacement of more than 6 million people), droughts, government policy, and recent economic changes. In some FRELIMO areas customary authorities were strongly repressed or attacked; in others areas they were allowed (or succeeded in achieving) a certain degree of independence from the state and freedom of operation (see Geffray 1990; Sidaway 1992; and Hanlon 1990). In RENAMO areas, authorities were allowed to exist, but were exploited for RENAMO's own political and military objectives. There is strong evidence that both FRELIMO and RENAMO are currently exploiting customary authorities to support their post-war objectives (see Alexander 1994; Cahen 1987; Geffray 1990).

For all their diversity, customary tenure regimes in Mozambique share common traits. Many include a prohibition or safeguard against the alienation of land to individuals outside the group, although communities often permit such transactions with the approval of the group or its leadership. Land held under customary tenure is often held by the "group" "community," lineage or clan. Sometimes it is held by the family, and sometimes by the individual. Land that is held by the community (or lineage, clan or family) is not necessarily held under communal tenure. This is a misinterpretation often made in Mozambique. Government officials have frequently justified communal villages (aldeias communais) as a result of this fundamental

[28] See Santos 1984; Hermele 1988; Coissoro 1964 and 1984; Carrilho 1990 and 1993; Lundin 1992a, 1992b and 1993; Davison 1988; Dias and Dias (nd); Curtain, et al. 1981.

misunderstanding of local social organizations and relationships.[29] In reality, even though land is held by the community, families and individuals usually have greater control and are responsible for the day-to-day management of the resource.

While the lineage or other community hierarchy may have the right to approve or disapprove of land alienation, the family or individual has the right to negotiate many types of land transactions on his/her land. These rights include leasing, borrowing and loaning. Land holders may also sell certain tenure rights, while not selling the land itself. Salable rights may include the right to trees on the land, grazing rights, hunting rights, or rights to gather bush, grasses, leaves and wood. In response to political and economic changes, land markets are emerging and evolving in rural Mozambique.[30]

Within the family different individuals have different rights over the control and exploitation of land. Husbands have different rights than wives, while junior family members (sons, daughters and other dependents) may have weaker rights. At the same time, there are often many overlapping layers of political, economic, social, cultural and religious rules that control the use of land within a community.

In some areas customary authorities have maintained strong control over land and resources since independence, while in other areas their authority has withered as a result of government and RENAMO interference, war, or because of social and economic pressures. In still other areas new relationships of cooperation have developed between local customary authorities and locality-level government officials. In some instances customary officials have infiltrated the lower levels of state government (e.g. in Gaza and Maputo Provinces) and influenced land distribution, and in other areas locality-level officials have deferred to customary authorities (e.g. in parts of Manica, Sofala and Zambezia Provinces). We are just beginning to learn how these authorities have interacted with RENAMO and how this interaction is changing in the post-war period (Alexander 1994; Wilson 1991d, 1992).

Customary authorities in Mozambique do not have an officially sanctioned role in the process of land distribution. Indeed, with regard to land distribution to commercial interests customary authorities are rarely encouraged by formal administrators to become involved in the process; more frequently they are isolated or ignored.

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[29] The Minister of Agriculture recently defended the creation of these villages and their continuation based upon FRELIMO's misunderstanding of customary social institutions, stating that they were an extension of the traditional African way of life. See Domingo, 17 October 1993.

[30] See Roth, Boucher and Francisco 1993 for a discussion of informal land markets in Maputo Province. Also, rural land markets were noted in Sofala and Manica Provinces by the research team (unpublished field notes, Myers, West and Eliseu 1992).

Research revealed several cases in which locality, district or provincial authorities distributed land to smallholder and larger commercial farmers, ignoring local authorities and customary rules of acquisition and occupation. Government officials have identified "vacant" or "unoccupied" land and distributed it to "needy" farmers or outside private interests. This often sets off a cycle of displacement and reacquisition of land, where the formal authorities displace one group in favor of another, only to be forced into finding new lands (often on a temporary basis) for those they have inadvertently displaced. In the process, a second or third group maybe displaced, leading to a new round of movement, displacement and acquisition.[31] In many of the observed cases the customary authorities, with the aid of locality officials (e.g. rural extension agents), were attempting to sort out the conflicts.

Not all communities have positive working relationships with their local customary political and religious authorities, nor are these authorities always viewed as positive or legitimate by the local people. But whatever its perceived legitimacy, smallholders usually use the customary tenure system to acquire land, secure land rights or resolve land disputes.

It appears that fragile political relations are developing within many communities, between communities and customary authorities, and between these communities and the state (FRELIMO and RENAMO). In some communities we are seeing the reemergence of power relations and conflicts that existed within the community prior to the war (see Alexander 1994). Power struggles are taking place in many communities, particularly as people return home or enter new geographical areas. These developments are affecting tenure rules and land access; they require further research.

Smallholders, both men and women, have reported gaining access to land through a variety of means, including clearing virgin land, inheritance, borrowing, marriage, lease and purchase. Where population concentration is highest, lively markets for land or land rights exist, and smallholders are active participants in these markets.

Smallholders interviewed in the last year stated that they rely largely on customary rules when they require new land or larger holdings. In most areas where research was conducted, smallholders who needed land negotiated directly with a "land abundant" family or with the local customary authority. In many cases, for example at research sites in Sofala Province, Nhamatanda District, this individual is, or is related to, the former Regulo or local customary chief. But, it other areas, such as those visited in Gaza Province, Chokwe and Chibuto Districts, it was not clear who the customary authority was, or how long he/she had been part of the local political structure.

Most stated that they do not rely on the local government-appointed officials for access to land, although some local government officials were discovered to be distributing land to

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[31] This process of post-war displacement and the creation of a new group of refugees was recently noted in Noticias (17, December 1993).

reintegrating smallholders in Sofala, Zambezia, and Manica. Frequently, these distributions were done with the "unofficial" participation or acknowledgement of customary authorities or lineage chiefs. In several cases, smallholders receiving land through state authorities stated that they had spoken with local customary authorities or elders to verify that their use of the land was acceptable to the local community. In the cases where the state had distributed land to smallholders, some recipients (both natives and reintegrating individuals) stated that they felt less secure in their rights to the land. They were not sure that they would not lose the land to another returning family, to the local community or to the state. They stated that they would not plant trees on the land given to them by governmental authorities. In contrast, smallholders in Inhambane openly reported that they relied on both customary and local government officials, depending on the reputation of the customary authority.[32]

The same process was evident for reintegrating populations. If a family returned to an area where they had previously farmed they usually reclaim their family lands. If those lands were occupied, they applied to the elders to relocate the "squatting" family, or they requested new lands. Frequently local authorities have resolved disputes. However, in some areas, such as Gaza, Inhambane and Tete Provinces, disputes among smallholders have been reported that were not easily resolved by either customary authorities or government officials, and resulted in conflicts and further displacement.

The customary tenure system appears generally effective in securing tenure rights and resolving local disputes among smallholders; however, it is unsuccessful in securing these rights and resolving disputes when commercial interests or the state is involved. Thus it is not accurate to assume that occupation is sufficient to secure smallholder tenure rights. Contrary to the Land Law and the Land Regulations, people are often displaced from their land, without compensation, by state authorities or by private interests operating outside the law but with tacit state approval. This suggests a serious problem or discontinuity between social reality on one hand, and law and public policy on the other hand. Most rural Mozambicans rely on a legal system that is not recognized by the state and statutory law; at the same time they know little about state law and often view the operations of the state (including FRELIMO and RENAMO administrations) as illegitimate.

Women's access to land in rural areas continues to be determined by local custom. However, in some cases it appears that women are having greater difficulty maintaining land rights with the return of displaced populations and with the increase in commercialized land holders. In the southern province of Gaza, where patrilineal descent is more common, women have reported losing control over land to returning husbands and non-local private interests. It is not clear whether they have been pushed off the land or simply have had their powers over day-to-day decisions reduced. At the same time, many women reported that they could not move

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[32] In some areas of the country, such as those investigated in Inhambane, some native Mozambicans exhibited a negative attitude toward native (customary) authorities because of their role as "collaborators" with the Portuguese during the colonial period.

to new locations (i.e. from centers of accommodation or the areas to where they were displaced during the war) without their husbands' approval. It is not clear if this is an indication of the weakness of women's rights with regard to land access and tenure security, or if it signifies some other social dynamic within the household. Other interesting examples are noted in the case studies that follow. In general, women smallholders seem to be more vulnerable than men smallholders. Further research is needed on the composition of, and relations within, the household unit with regard to land access and tenure security in the post-war period.

There are two additional methods outside the customary system by which a sizeable number of smallholders have gained access to land. The first of these methods is through exploitation of the formal political structure, and by extension, of the formal tenure system. Many smallholders, particularly in the periurban areas and in the Green Zones, have gained access to land through agricultural cooperatives. These cooperatives secure their members' rights to land in a variety of ways, including as individual or communal rightsholders. A large percentage of the members are women, and women have taken the lead in directing the political development of these organizations. Cooperatives, particularly in Maputo and Beira, have experienced increasing land tenure insecurity as the state and courts have been unwilling to defend or recognize their rights in the face of commercial encroachment.

The second way in which smallholders gain access to land apart from the customary tenure system is through squatting. Smallholders squat on both state and private land in a number of localities. Squatting is often a tactic employed where land is scarce, but increasingly smallholders also squat on land that is better endowed, even when bush or fallow land is available. In some cases smallholders are squatting on family or community land that has been acquired by someone else. Squatting has also led to land conflicts among smallholders, between smallholders and the state, and between smallholders and private interests.

2. Customary Rules and Refugee Reintegration

Population movement and integration of the more than 6 million displaced Mozambicans is affecting, and will continue to affect, land access for all Mozambicans. In some areas reintegration is putting a strain on the customary tenure regimes. Nevertheless, these customary systems are accommodating new arrivals and returnees (see Myers 1993d).

Many peasants have moved and resumed farming in the past year; some have already harvested two crops. Many individuals have left the refugee camps and accommodation centers

in Malawi, Zimbabwe, and inside of Mozambique itself.[33] But many more people have not returned to their "areas of origin" or taken up permanent residence. Because they are farming, it is assumed that the formerly displaced are settled, and that their land needs have been satisfied. Both of these assumptions are incorrect.

Several areas of the country have witnessed large population movements, and some of these people are returning to family lands. But many others are moving to new lands to take advantage of better economic opportunities. Many are "leap-frogging" from place to place, depending on land availability and relative physical security. They have chosen to farm on land that is not their own for at least one season, and will move again in the next season if the harvest is good and the peace accord continues in effect. Some of the displaced are moving in stages, with some family members remaining in the refugee areas and others moving back to family lands or to other areas to clear land and begin planting. This phenomenon was witnessed in all districts investigated; however the responses of the district or local governments to this trend differed greatly from area to area. For example, in Chilembene, Chokwe District, smallholders report that all the members of some families were forced to return to their own lands in Chibuto when they attempted to divide between two locations.[34] Other displaced persons who are moving in stages or who have divided their families reported that if they had a successful season they might consider gathering all of the family in the new location. But in the interim the family will remain divided, to optimize opportunities and minimize risks.

Many smallholders will not return to their "areas of origin." Many have stated that they are not sure where these lands are located. Displaced people often state that they come from many different locations, as they have been displaced repeatedly over the last 16 years by war,

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[33] UNHCR reported that by October 1993 nearly 400,000 refugees and approximately two million internally displaced individuals had already "returned" (cited from Drumtra 1993:21). We believe that the estimate for returning displaced families may be highly exaggerated; however we have no country-wide data at this time. We base our hypothesis on field interviews conducted in four provinces. During these interviews a large number of respondents had not "returned to their areas of origin." Many of these individuals had no desire to return to these areas. Clearly, more research is needed before we can make substantive conclusions about where people have settled. At best, we can say with certainty, a large percentage of internally displaced have resumed agricultural production.

[34] Local families were attempting to maximize opportunities open to them, and reduce the inherent disadvantages in returning too early to an area that was repeatedly attacked during the war. Smallholders claimed that government authorities destroyed, or threatened to destroy, their houses if they tried to divide their time between the two locations in Chibuto and Chilembene. District authorities stated that smallholders in the area had not understood the directions or objectives of the local government council, and that the smallholders were not being forced to leave.

drought and government policy.[35] Many of these individuals have established new economic and social relations, inhibiting their desire to relocate and start again to build these relationships. Some are not sure where they should go, since the government forcibly relocated them into new villages before the war. They are not sure if they should stay where they are, return to the government villages, move elsewhere or return to the land of their parents (Myers 1993). Other smallholders appear reluctant to return to their "family lands" because of other factors, including uncertainty of the political environment that has re-emerged. Where reintegrating people go and when they go there depends on many factors, including where they came from, the amount of time they were displaced, the land rights or work they acquired in their new homes, and the economic opportunities that exist in their present location. They are also influenced by their perceptions of land availability, land conflict, and physical security.

Smallholders, like commercial farmers, are making, and will continue to make decisions based upon their best economic opportunities and physical safety. For example, land that is located near markets, transport, waterways and social services is attractive to all categories of producers and investors. Land considered to be in secure areas is also desirable. Many smallholders stated that they believe the war will resume and that physical security is an important consideration. Even with the cease-fire, many rural Mozambicans have chosen to remain where they are, or to move to more secure areas or to areas with better economic opportunities, rather than returning to their "areas of origin." Research suggests that if displaced smallholders perceive the quality of life to be better, or if there are better economic opportunities or greater physical security in their present location, they are less willing to move back to the "areas of origin." On the other hand, smallholders who are in weak economic positions and have less land or weaker land rights than before they were displaced are more likely to relocate, and may return to their "areas of origin."

Another set of complex factors influencing reintegration and resettlement relates to local political relations. We believe, for a number of reasons, some individuals will not return to their areas of origin because of their gender or as a result of their pre-war political status or position in the household. For some people, the war created opportunities to resist or flee from undesirable political and social relationships. Individuals who had weaker rights within the family or the wider community may choose not to return to their areas of origin. The same observation applies to families or lineages. Some families who were subordinate to other families or lineages before the war, may also choose to move elsewhere or remain in their current location rather than to return home in the post-war period. Research conducted in a number of districts

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[35] This attitude was noted in each district investigated. Margret Segal, from the International Rescue Committee in Malawi, interviewed refugees before repatriation. In 1993 she reported similar attitudes, and stated, "We ask people where they are from and the name of their village might be five places ...." (cited in Drumtra 1993:22).

supports this hypothesis.[36] Some individuals or families may choose not to return to their homelands because the war created opportunities for them to resist or attack dominant individuals and institutions during the war. For example, in Angonia and Tsangano Districts of Tete Province the success of RENAMO operations in the mid-1980s is partially credited to the "mobilization" of poorer peasants against wealthier peasants, customary elite, commercial traders, and the government.[37] It is likely that some of these people will choose to move elsewhere, rather than return to Angonia.

3. Customary Rules and Their Constraints

One of the major constraints of the customary tenure system is its inability to resolve conflicts beyond the borders of the community, i.e. disputes between communities, between smallholders and commercial interests, or between smallholders and the state. Customary officials have no authority to decide such cases, and therefore lack any real power to defend the rights of the people living within their jurisdiction. At the same time, smallholder access and security is adversely affected because of the limitations of the official judiciary system. The official court system does not hear land disputes involving the family sector. Judges and lawyers at the district level in several areas of the country stated that they would not hear or represent land cases involving smallholders. The reasons they cited were few, but consistent, and included: (1) it was not their responsibility to hear or represent these cases; (2) smallholders did not understand the law; (3) they did not understand smallholder disputes (i.e. custom and law); and (4) smallholders could not afford their services. There are no social structures or legal mechanisms for resolving land disputes involving conflicts between customary and statutory jurisdictions.

Tribunals were established by FRELIMO after independence to hear land disputes, but they were largely unsuccessful because they lacked resources and qualified manpower, and because they were often unable to win the support and confidence of the local populations. In some areas of the country, such as in the periurban areas and the Green Zones, these tribunals functioned on a limited basis, but they do not appear to be presently active.

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[36] Ken Wilson, personal communication, February 1994; Olaf Juergensen, personal communication, December, 1993. For evidence from Tete Province see Ken Wilson 1991b and 1991d; for Zambezia Province see Wilson 1991a; and for Manica Province see Alexander 1994.

[37] Ibid. Wilson sites one woman in Angonia who stated that "most of the damage done during the war was just people stealing privately. People stole from each other and from the official buildings." This same respondent reported that FRELIMO officers stole government property. Another wealthy respondent said that he knew who stole his property in Ulongue. He stated that he would report them to the police when the war was over (Wilson, unpublished field notes, 1991, and personal communication February 1994).

The overriding impression one has is that smallholders are largely excluded from the official judiciary system. Disputes between smallholders and commercial interests or the state (and to a large extent disputes among commercial producers) are resolved by executive fiat. There is no independent judiciary. The same officials who make decisions with regard to land distribution and access also make judicial decisions with regard to land conflicts. Thus, decisions about land access and land conflict tend to be politically oriented, and not necessarily based upon the rule of law.

Significantly, the same may be suggested with regard to customary tenure in Mozambique--decisions regarding land access may be politically or economically based rather than based upon local custom or rules. Just as with the statutory system, there is no independent customary judicial system. Smallholders must often rely on the same authorities for dispute resolution and land distribution. However, it appears that smallholders generally view the customary system as more legitimate and transparent (despite any internal struggles) than the formal statutory system (see West and Myers 1992; Alexander 1994). The discrepancies and absence of linkages between the two systems--statutory and customary--undermine the positive aspects of each system, and impoverish those with weaker rights in the customary system. For example those with weaker land rights (women, second wives, junior family members, nonlineage members, and nonnatives) will not have an opportunity to exploit the statutory legal system to defend their rights. The disconnection between the two systems means that civil society is less able to influence the development of local rules and institutions, and at the same time, that government authorities and policy makers are unaware of the social reality and aspirations of civil society.

C. LAND DISPUTES AND CONFLICTS

As suggested earlier, the inconsistencies in both the formal and customary land tenure systems are leading to land disputes and conflicts. Our research has revealed a growing number of land disputes involving smallholders, commercial interests, and joint venture enterprises, particularly in the areas that have large concentrations of displaced populations and in areas where demand for land is high, such as in urban areas, the Green Zones, irrigated farming areas, near former state farms and on private estates.[38] These are the most strategically located lands, and they have received the greatest capital investment from the colonial period to the present. Land near the coast and the frontiers is also heavily contested. Indeed, research reveals an important relationship between land conflicts and such factors as population density, capital

[38] At a conference of NGOs in Maputo on 12 November 1993, which focused on land tenure issues in Mozambique, participants reported on numerous conflicts throughout the country. Participants demanded that the government officials in attendance make known their intentions to resolve these disputes and their intentions to inhibit the spread of the land conflicts.

8. Conflicts between joint venture enterprises and private commercial interests, and between joint venture enterprises and smallholders.

9. Conflicts between commercial interests and smallholders.

10. Conflicts among smallholders, particularly between displaced or reintegrating and local (native) populations.

11. Conflicts between the government and RENAMO (or other political parties) over the distribution of land concessions outside the scope of the law in their respective zones of influence.

This last and newest category may also be one of the most problematic. It is also the one that we know the least about.

Land disputes occurring among smallholders, or between smallholders and commercial interests are supposed to be resolved through the formal structure, beginning with locality officials or officials at the community level, i.e. enquadradores, secretarios de aldea, lideres de communidade, or others who are appointed by, or brought into cooperation with, the official government at the local level. These often include lineage heads or other customary authorities. If these individuals are unable to resolve disputes the conflict is passed up to the district level. Resolution of land disputes involving commercial farmers normally begins at the district level. In reality, the procedures actually followed by smallholders and larger commercial interests to resolve disputes often do not conform to the "official" rules or guidelines.

Most smallholders interviewed stated that if they had a conflict with another smallholder they would discuss the issue with the "old ones"--the senior elders or lineage heads in their village. In only a few cases did smallholders state that they would present their cases to locality-level government officials. (Upon closer examination it became apparent that in some of these instances locality-level government officials had strong connections with the local customary officials.) Smallholders frequently stated that the government officials in their area did not know the area or were not qualified to hear disputes, and some stated that they did not have confidence in these individuals. At the same time, in some locations smallholders interviewed could not identify their locality government officials, or where they lived, but they could readily state the name of their local customary leaders and where they lived. In a few cases involving non-local commercial interests or joint venture enterprises, smallholders reported that they presented complaints to locality officials.

In many locations investigated, land disputes have occurred between native and returning smallholders. Farmers frequently reported that disputes were quickly resolved by customary leaders. For example, if a smallholder returned to his land and found another smallholder using it, the customary authorities would determine who had rights to the land. If the person in residence was determined not to be the true rightsholder, then he/she was allowed to stay until harvesting his/her crops, after which he/she might be given other land within the community. But this smooth process is not occurring in all locations and for all smallholders, particularly for

those who are attempting to return to areas that have high economic potential or population concentration. Nor does the process follow this pattern in disputes involving smallholders and larger commercial interests. In fact, in most reported cases such conflicts are resolved in favor of commercial interests. And in areas where disputes are occurring between commercial and smallholder producers, we have also witnessed an increase in disputes among smallholders as they compete for resources.

The fact that smallholders apparently lose disputes with commercial interests and the state on a regular basis means that smallholders will be less inclined to resolve disputes via the formal executive and judicial structures. This may foreshadow continued hostility between smallholders and the state; as we have seen, this hostility can have destructive consequences in Mozambique.

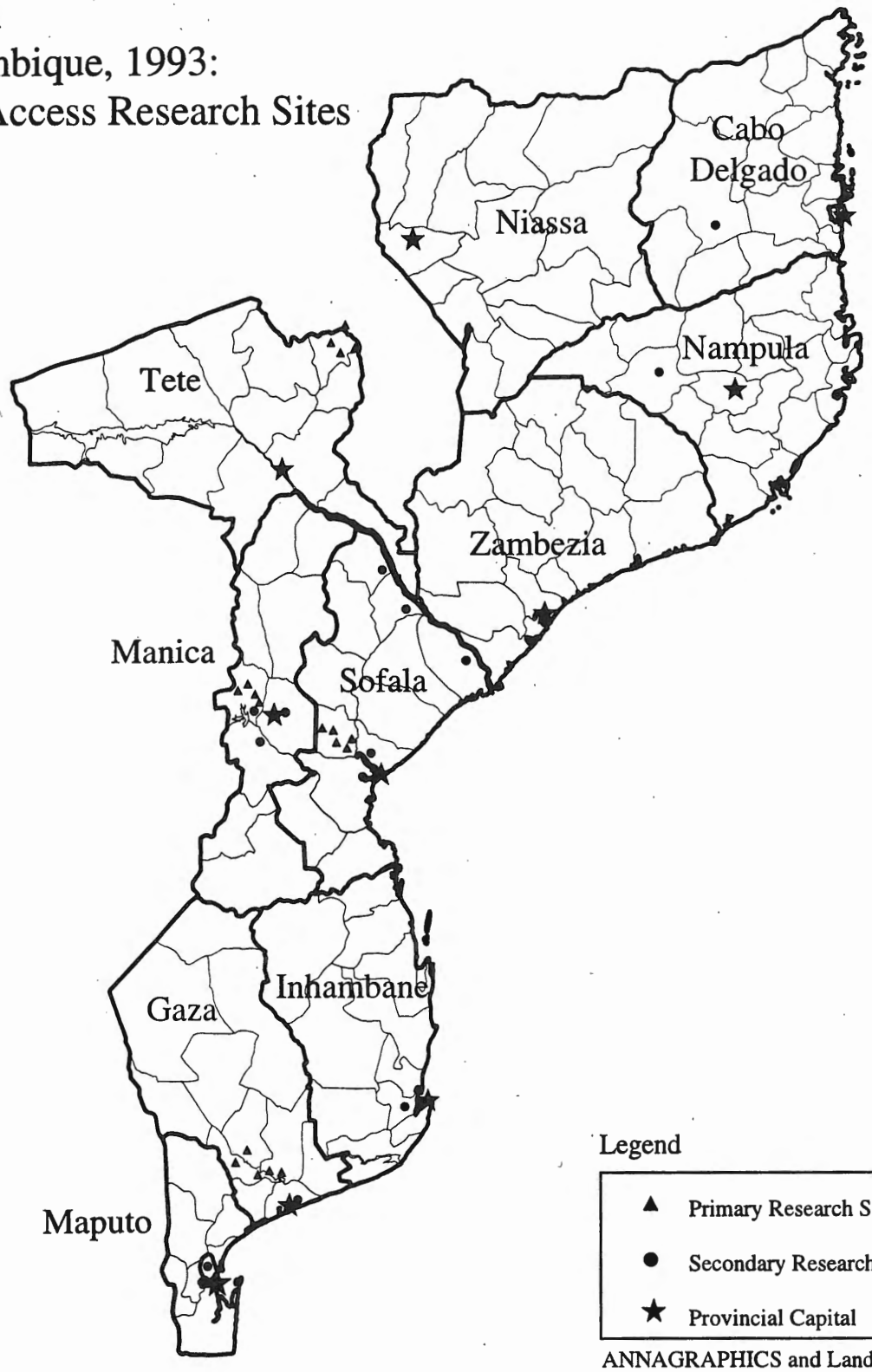
It is apparent, but not yet empirically proven by this research, that the suppression of customary authorities by FRELIMO in many parts of the country has affected dispute resolution mechanisms and processes. In several locations, it appears that decisions regarding disputes that were normally heard by chiefs (or regulos), are now heard by senior lineage heads or family heads. It appears that dispute resolution has been compressed down to the lineage and family levels in customary society. For example, in Chibuto District smallholders stated that the "old chiefs" and regulos no longer had power in this area. They initially stated that if there was a dispute they would travel to the locality (post) administrative area or the to the seat of the district to lodge the complaint. They stated that those with power in the area were the lideres de comunidade. However, none of the farmers interviewed stated that they deferred to this latter group regarding disputes. After further discussion one of the farmers referred a local "land problem." He was attempting to gain access to a neighbor's land to lay an irrigation canal to his farm. The senior members of the two families were resolving the problem. Historically this would have been resolved by the regulo or local chief. In this particular case, it will be interesting to observe what types of "customary authority" evolve or emerge as political and administrative power is decentralized in the post-election period.

Disputes among commercial interests, between commercial interests and the state, and between smallholders and the state are almost always resolved by bureaucrats within the government, not by the judiciary. For smallholders and commercial interests alike this creates a great deal of tenure insecurity. We have interviewed commercial farmers who acquired property according to the law (although in the process they may have displaced local smallholders), who were nevertheless unwilling to invest in that land. They feared that the very state authority that issued their rights would recover those rights, and that they would then lose their investment. This administrative, non-judicial system permits unscrupulous officials to make decisions based upon factors other than justice, equity, or the rule of law. This leads to uncertainty and insecurity, which in turn leads to underinvestment, speculation, and poor resource management.

In summary, we believe that the number of land disputes and conflicts will continue to grow in Mozambique as long as there are discrepancies between the formal land tenure system (i.e. statutory law), actual land tenure practice and rules (i.e. customary systems), and

administrative and judicial capacity. These conflicts will, in the long run, undermine the peace process and democratic reform, and lead to both political and economic instability.

MAP 1
Mozambique, 1993:
Land Access Research Sites

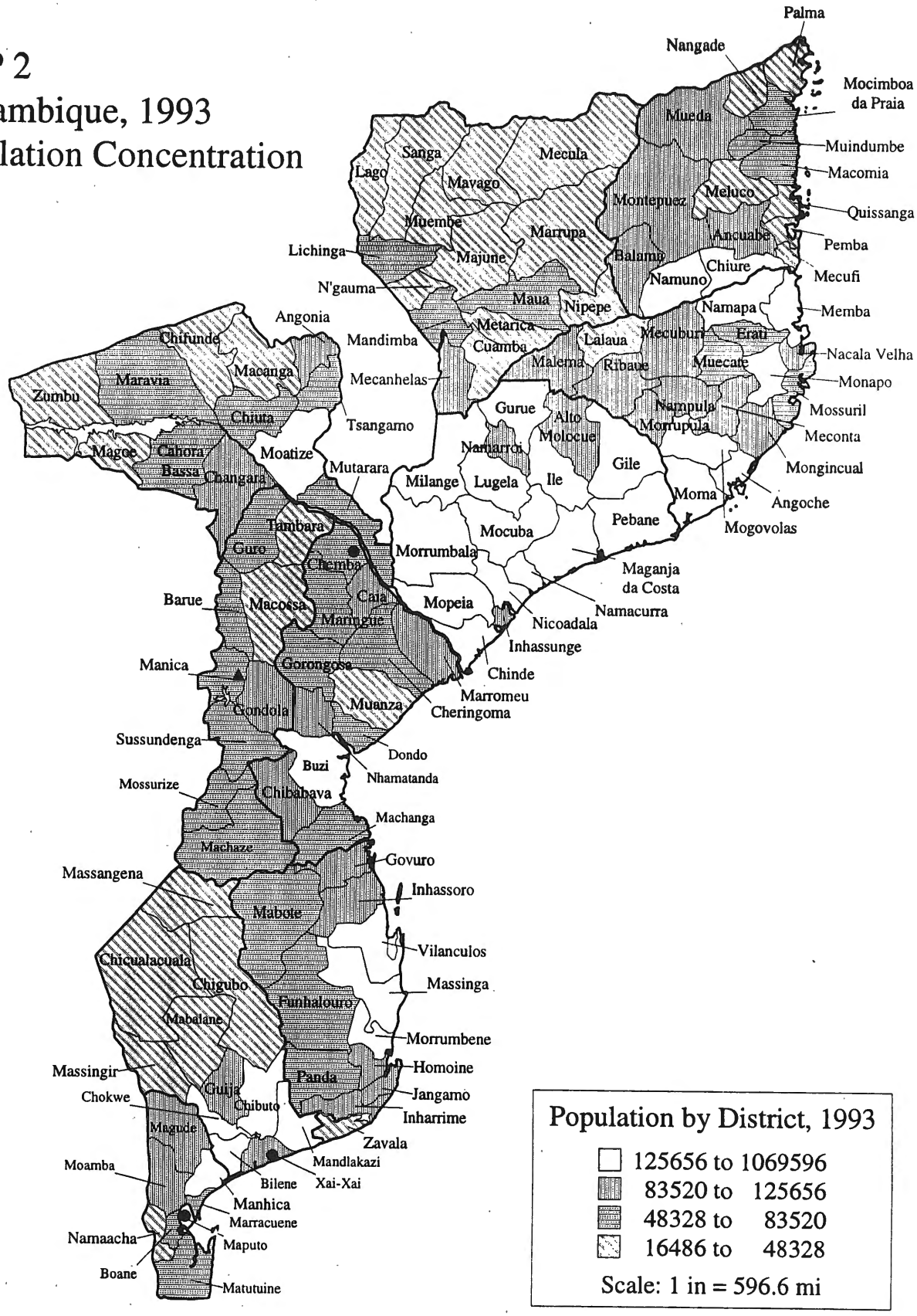


Legend

- ▲ Primary Research Site
- ● Secondary Research Site
- ★ Provincial Capital

ANNAGRAPHICS and Land Tenure Center, Madison, WI, 1993

MAP 2
Mozambique, 1993
Population Concentration



Population by District, 1993

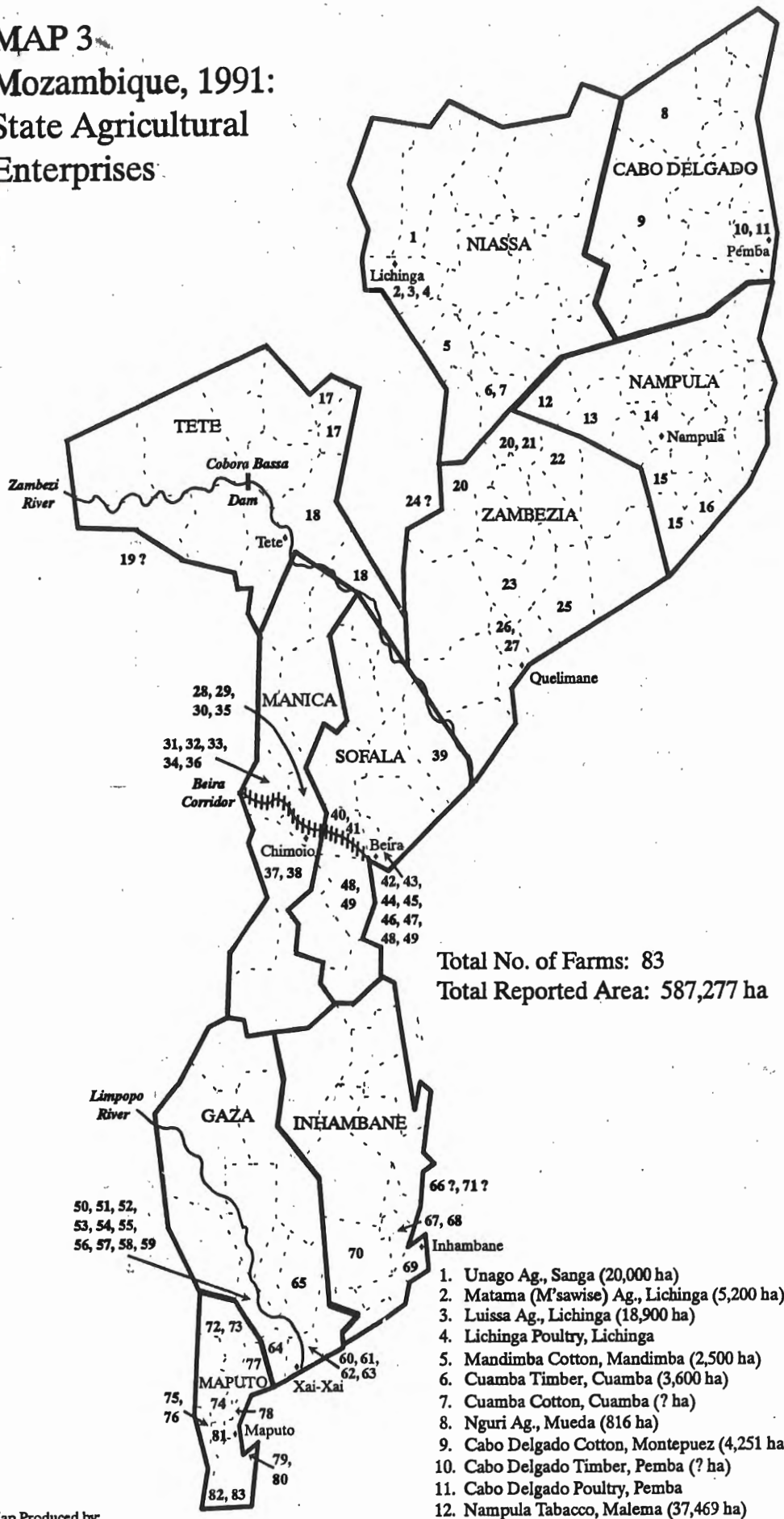
- 125656 to 1069596
- 83520 to 125656
- 48328 to 83520
- 16486 to 48328

Scale: 1 in = 596.6 mi

Source: National Planning Commission

ANNAGRAPHICS and Land Tenure Center, Madison, WI, 1993

MAP 3
Mozambique, 1991: State Agricultural Enterprises

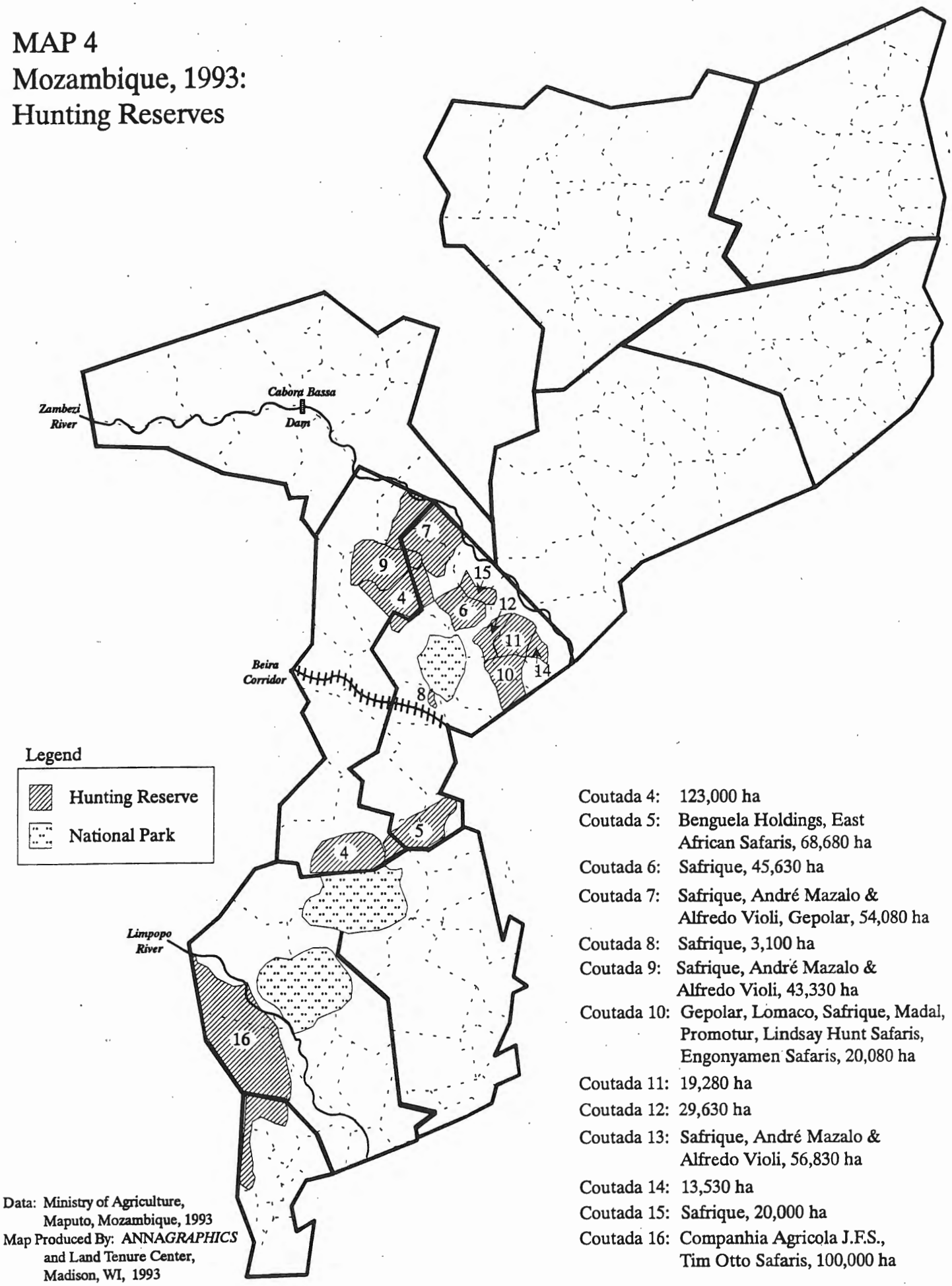


Total No. of Farms: 83
Total Reported Area: 587,277 ha

1. Unago Ag., Sanga (20,000 ha)
2. Matama (M'sawise) Ag., Lichinga (5,200 ha)
3. Luissa Ag., Lichinga (18,900 ha)
4. Lichinga Poultry, Lichinga
5. Mandimba Cotton, Mandimba (2,500 ha)
6. Cuamba Timber, Cuamba (3,600 ha)
7. Cuamba Cotton, Cuamba (? ha)
8. Nguri Ag., Mueda (816 ha)
9. Cabo Delgado Cotton, Montepuez (4,251 ha)
10. Cabo Delgado Timber, Pemba (? ha)
11. Cabo Delgado Poultry, Pemba
12. Nampula Tabacco, Malema (37,469 ha)
13. Nampula Cotton, Ribaue (28,000 ha)
14. Nampula Poultry, Nampula
15. Nampula Livestock, Moma & Mogovolas (41,221 ha)
16. Angoche Ag., Angoche (? ha)
17. Agricultural Complex of Angonia, Angonia (22,012 ha)
18. Tete Cotton, Moatize & Mutara (? ha)
19. Tete Poultry, ? (14,007 ha)
20. EMOCHA (tea), Gurue & Milange (? ha)
21. CAPEL-UDAR (maize), Gurue (7,000 ha)
22. Nauela Ag., Alto Molocue (20,000 ha)
23. Mocuba Cotton, Mocuba (33,400 ha)
24. BOROR (copra), Various (25,600 ha)
25. Nante Ag., Maganja Da Costa (1,700 ha)
26. Quelimane Livestock, Nicoadala (15,890 ha)
27. Licuari Ag., Nicoadala (891 ha)
28. Manica Citrus, Gondola (6,950 ha)
29. Gondola Ag., Gondola (18,386 ha)
30. Manica Livestock, Gondola
31. Manica Vineyard, Manica (61 ha)
32. Mutambarico Ag., Manica (1,500 ha)
33. IFLOMA (timber), Manica (36,078 ha)
34. Vanduzi Ag., Manica (4,000 ha)
35. Manica Timber, Gondola
36. Manica Poultry, Manica (250 ha)
37. Sussundenga Ag., Sussundenga (6,000 ha)
38. Manica Tobacco, Sussundenga (3,900 ha)
39. Sena Sugar, Marromeu (15,000 ha)
40. Lamego Ag., Nhamatanda (3,726 ha)
41. Muda Ag. & Livestock, Nhamatanda (? ha)
42. Mozambique Sugar, Dondo (10,950 ha)
43. INEMPREMA, Beira City
44. FACOP, Beira City
45. SERBEIRA, Beira City
46. Beira Rice Mill, Beira City
47. Swine & Sausages of Beira, Beira City
48. Buzi Sugar, Buzi (5,500 ha)
49. Sofala Livestock, Buzi & Beira (? ha)
50. SIREMO (irrigation), Chokwe
51. Massavasse Ag., Chokwe (1,382 ha)
52. Conhane Ag., Chokwe (870 ha)
53. Nwachicoluane Ag., Chokwe (809 ha)
54. Chilembene Ag., Chokwe (1,570 ha)
55. Hokwe Ag., Chokwe (700 ha)
56. Mapapa Ag., Chokwe (400 ha)
57. Chokwe Dairy, Chokwe (1,192 ha)
58. GAPECOM, Chokwe
59. Chokwe Mills & Silos, Chokwe
60. Chirrame Ag., Xai-Xai (30 ha)
61. Xai-Xai Livestock, Xai-Xai (700 ha)
62. SRBL (irrigation), Xai-Xai
63. Magula Ag., Xai-Xai (2,168 ha)
64. Macia Ag., Bilene (5,623 ha)
65. Chibuto Ag., Chibuto (? ha)
66. Inhambane Livestock, ? (? ha)
67. Inhambane Cotton, Homoine (? ha)
68. Inhambane Timber, Homoine
69. Inhambane Poultry, Inhambane City
70. Inhassune Rama Cotton, Panda (1,820 ha)
71. Inhambane Palms & Fruits, ? (5,255 ha)
72. Magude Ag., Magude (2,000 ha)
73. Magude Livestock, Magude (71,399 ha)
74. Moamba Ag., Moamba (2,000 ha)
75. Namacha Poultry, Namacha (1,008 ha)
76. Namacha Vineyards, Namacha (40 ha)
77. Maragra Ag., Manhica (7,279 ha)
78. Marracuene Ag., Marracuene (300 ha)
79. Maputo Citrus, Maputo (1,140 ha)
80. Matola Dairy, Maputo (554 ha)
81. Boane Ag., Boane (280 ha)
82. Catuane Ag., Matutuine (60,000 ha)
83. Salamanga Ag., Matutuine (4,000 ha)

Map Produced by:
Outline: CIS/MSF, Mozambique, 1993
Map: ANNA*GRAPHICS* and Land Tenure Center, Madison, WI, 1993

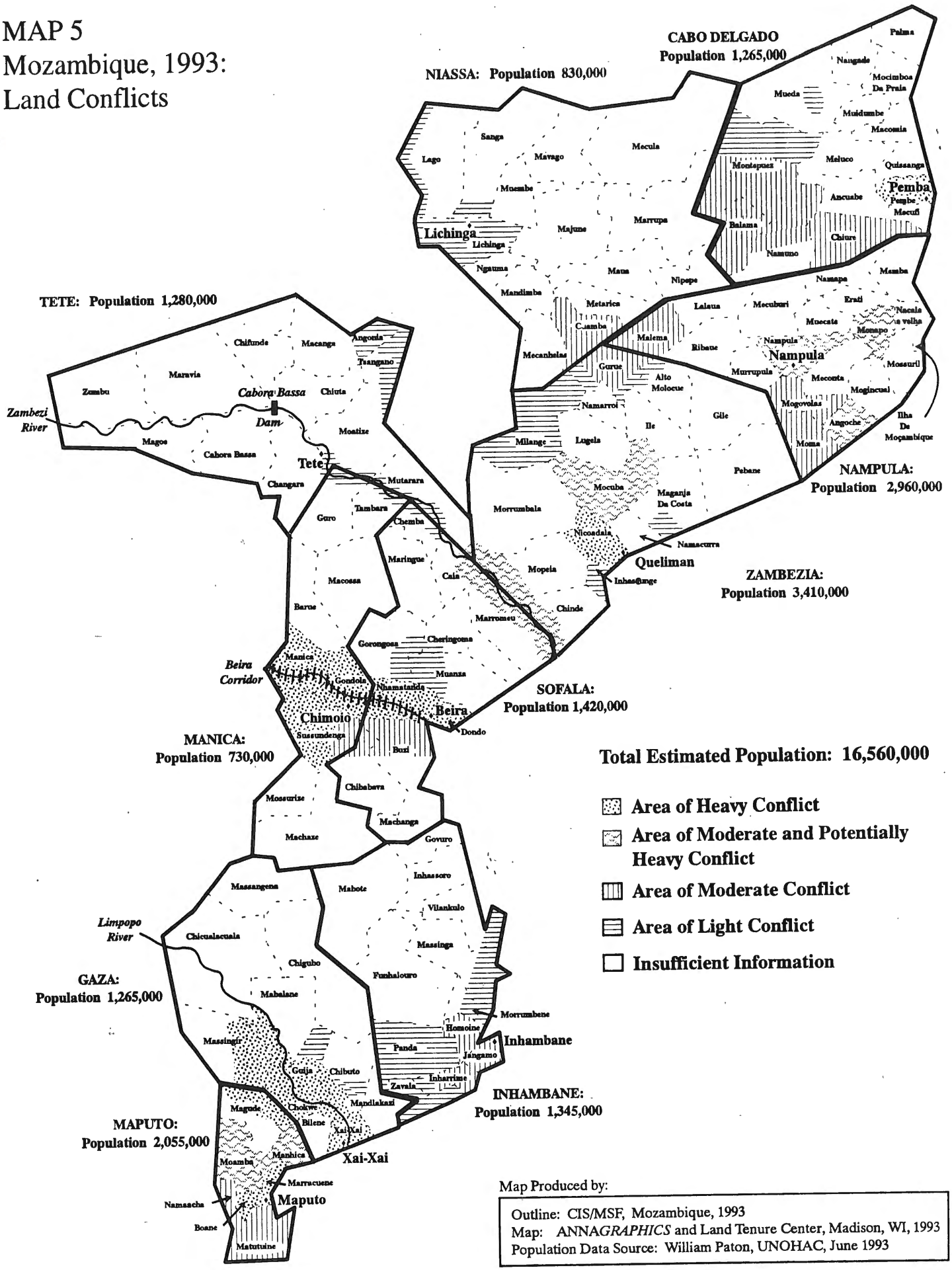
MAP 4
Mozambique, 1993: Hunting Reserves



Coutada 4: 123,000 ha
Coutada 5: Benguela Holdings, East African Safaris, 68,680 ha
Coutada 6: Safrique, 45,630 ha
Coutada 7: Safrique, André Mazalo & Alfredo Violi, Gepolar, 54,080 ha
Coutada 8: Safrique, 3,100 ha
Coutada 9: Safrique, André Mazalo & Alfredo Violi, 43,330 ha
Coutada 10: Gepolar, Lomaco, Safrique, Madal, Promotur, Lindsay Hunt Safaris, Engonyamen Safaris, 20,080 ha
Coutada 11: 19,280 ha
Coutada 12: 29,630 ha
Coutada 13: Safrique, André Mazalo & Alfredo Violi, 56,830 ha
Coutada 14: 13,530 ha
Coutada 15: Safrique, 20,000 ha
Coutada 16: Companhia Agricola J.F.S., Tim Otto Safaris, 100,000 ha

Data: Ministry of Agriculture, Maputo, Mozambique, 1993
Map Produced By: ANNA*GRAPHICS* and Land Tenure Center, Madison, WI, 1993

MAP 5
Mozambique, 1993: Land Conflicts



IV. FOUR CASE STUDIES OF LAND ACCESS

A. CHOKWE AND CHIBUTO DISTRICTS, GAZA PROVINCE

1. Research Sites and Objectives

The districts of Chokwe and Chibuto in Gaza Province were visited several times over the last two and one half years. The most recent visit was in January 1994. Excluding government officials, more than 100 smallholders and displaced farmers were interviewed in 1993 and 1994. In comparison to other parts of the country, a substantial body of information with regard to land tenure, use and conflict has been developed in Chokwe. Earlier research by the Land Tenure Center focused largely on land tenure and ecological concerns within the Chokwe irrigation scheme. This research was initiated as part of a larger project investigating the processes and impacts of state farm divestiture (see Tanner, Myers and Oad 1992; Myers and Tanner 1992). This work built upon earlier research conducted in the area before war consumed the southern portion of Gaza Province (see Bowen 1988; Hermele 1986, 1988; Roesch 1988; Van den Berg 1987; and Wardman 1985).

In this case study, we seek to further enrich what we know about land tenure, production and power relations in southern Gaza Province. This case study is unique in relation to the other studies as the geographical area itself is unique. Situated in the Limpopo valley, the districts have access to the fertile lands and the river. Many private farms and an immense irrigation complex were established during the colonial era (Colonato da Vale do Rio Limpopo). After independence, these farms were transformed into state agricultural enterprises. The region has access to road and rail transport, linking it east to Xai-Xai and the coast, southeast to Maputo, and northwest to Zimbabwe.

Two geographical locations were identified for investigation in the province. The first location was in the area around Chaimite and Chilembene, while the second was situated in the region of Chokwe city. In the first location, sites were visited in Chilembene and across the river in Chaimite, as well as along the road between Chaimite and Guija. In the second location several sites were visited along the Maputo-Macarretane road northwest of Chokwe city; these included the communal villages of Matuba, Muzumuya and Machel. The area between the road and the river northwest of the city where LOMACO and JFS have land was investigated. Sites were also selected south of Chokwe city (Third, Fourth and Fifth Bairros) and around Guija north of the river (see Maps 7 and 8).

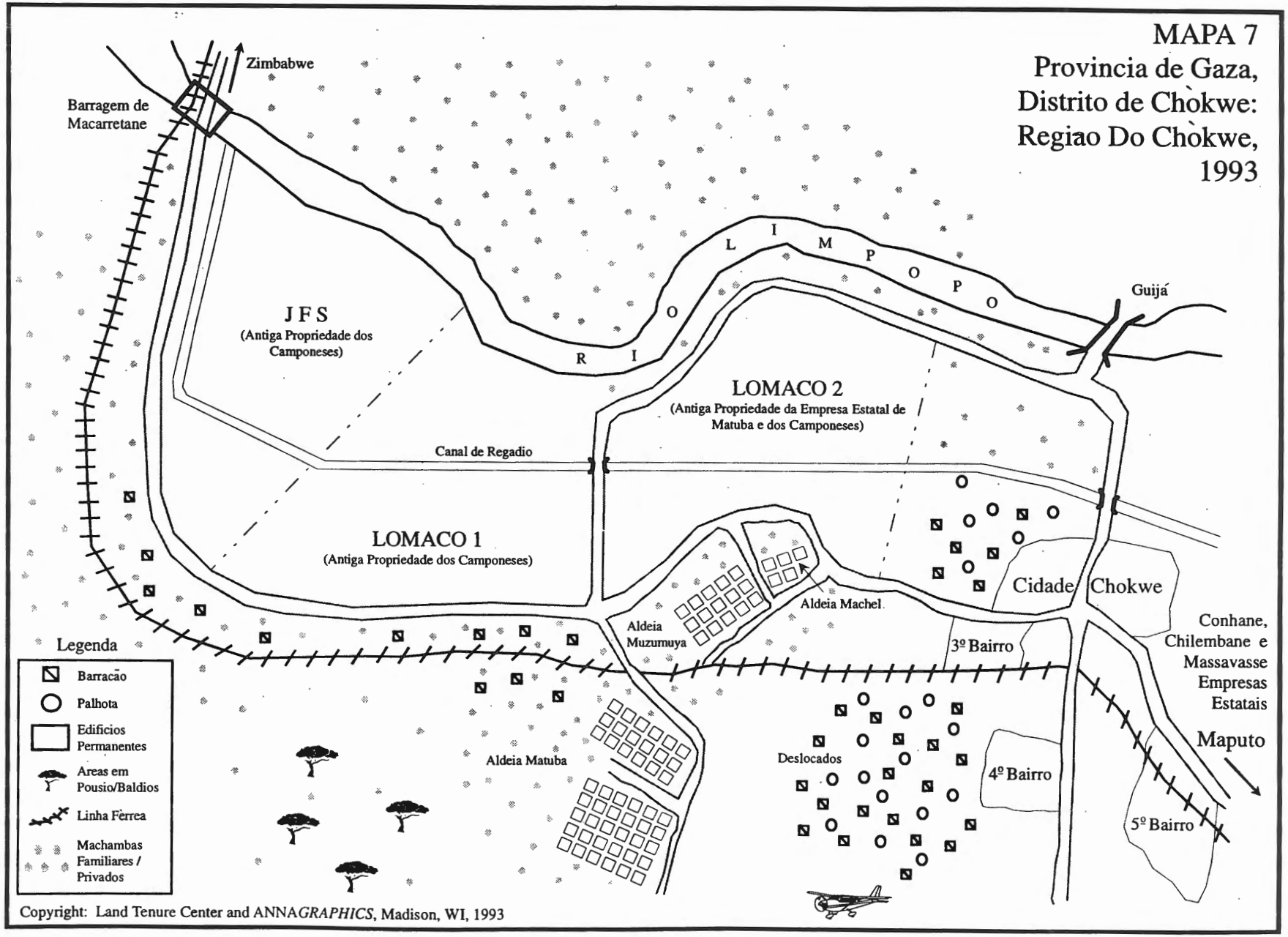
In the first location we sought to discover if the people displaced from Chaimite and other areas in Chibuto to Chilembene had returned to their "family" lands. We attempted to learn more about the interactions between Chaimite and Chilembene with regard to land and to determine what type of land rights returning farmers were securing. We wanted to learn who was distributing land and resolving conflicts. We also sought to learn more about the private commercial farmers operating in the area. In the second location we focused on displaced people living in and around the city of Chokwe. In this area we sought to learn if displaced people had moved from the accommodation centers and other areas to where they had been displaced or sought refuge during the war and returned to their homesteads. We also focused on the private sector commercial farmers and joint ventures enterprises operating in the area to determine how they were interacting with smallholder farmers, and if they were investing in their holdings.

MAP 6
Gaza Province: Field Research Sites, 1993

Legend

- ▲ Primary Research Site
- ● Secondary Research Site
- ▭ Area of Field Research
- ★ Provincial Capital

ANNAGRAPHICS and Land Tenure Center, Madison, WI, 1993


MAPA 7
Provincia de Gaza,
Distrito de Chòkwe:
Regiao Do Chòkwe,
1993
Zimbabwe
Barragem de Macarretane
JFS
(Antiga Propriedade dos Camponeses)
LIMPOPO
RIO
Guijá
LOMACO 2
(Antiga Propriedade da Empresa Estatal de Matuba e dos Camponeses)
Canal de Regadio
LOMACO 1
(Antiga Propriedade dos Camponeses)
Aldeia Machel
Aldeia Muzumuya
Cidade
Chokwe
3º Bairro
Conhane, Chilembane e Massavasse Empresas Estatais
Maputo
Aldeia Matuba
Deslocados
4º Bairro
5º Bairro
Legenda
Barracão
Palhota
Edificios Permanentes
Areas em Pousio/Baldios
Linha Fèrrea
Machambas Familiares / Privados
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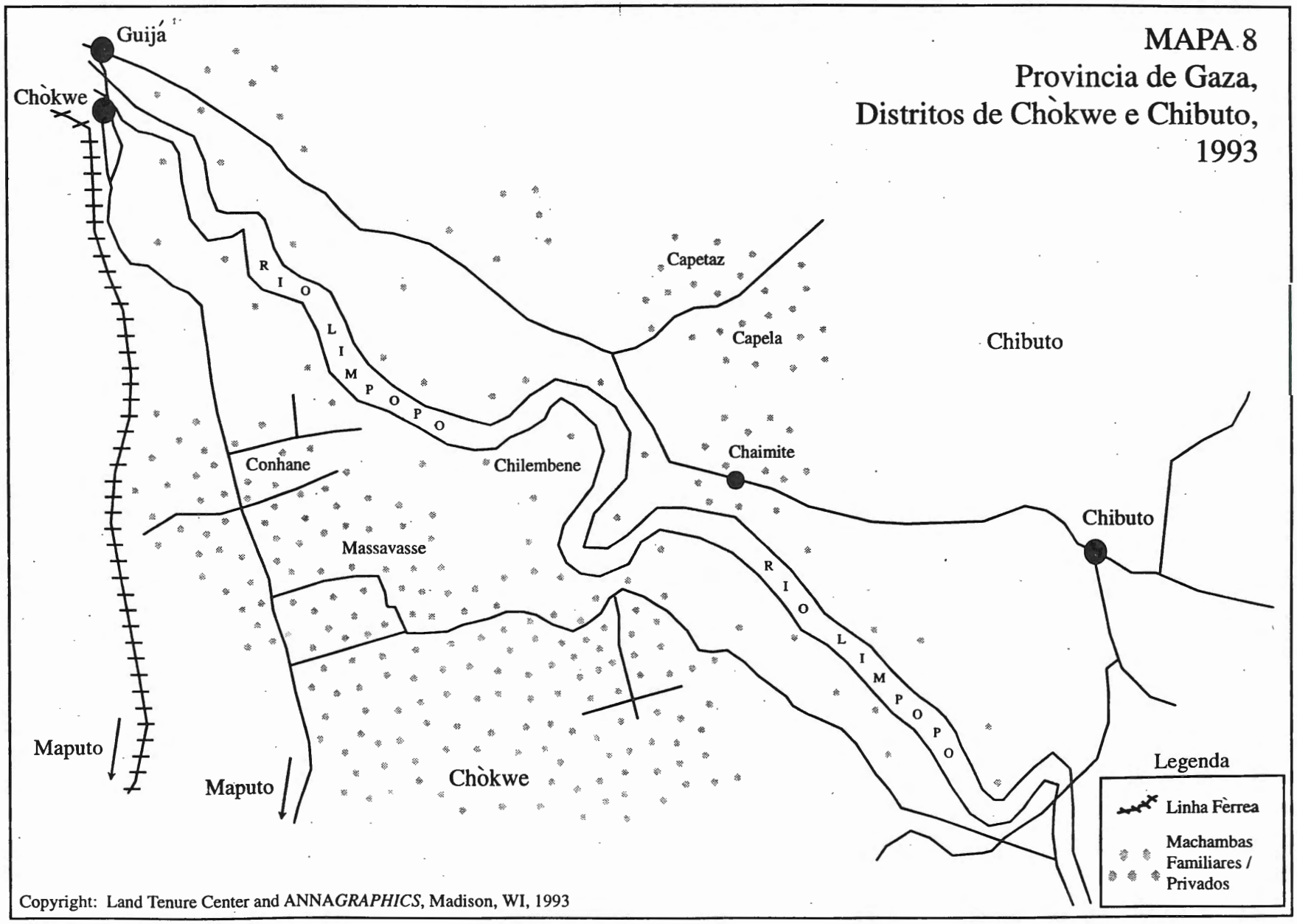
MAPA 8
Provincia de Gaza,
Distritos de Chòkwe e Chibuto,
1993
Guijá
Chòkwe
Capetaz
Capela
Chibuto
R I O L I M P O P O
Conhane
Chilembene
Chaimite
Chibuto
Massavasse
R I O L I M P O P O
Maputo
Maputo
Chòkwe
Legenda
Linha Ferrea
Machambas Familiares / Privados
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2. Common Historical, Land Tenure and Social Threads in the Limpopo Valley

Chokwe and Chibuto are linked culturally, politically and economically. Both locales include land in the fertile Limpopo valley. The major ethnic group in both districts is the Shangan. Resource allocation and political power are determined by patrilineal rules. Families have historically traded and established social links on both sides of the river. The men of both districts migrate to South Africa for labor opportunities. By comparison with central and northern Mozambique, there are more female-headed households. In addition, they share a common history from the colonial period to the present.

In several locations native peasants in the Limpopo river valley were displaced from their lands early in this century by private Portuguese farmers. Those native farmers who occupied the lowlands, close to the river, were particularly affected. In several places on both sides of the river native farmers were forced away from the lowlands and up onto the highlands. Later, in the early 1950s, the colonial government encouraged poorer Portuguese farmers to settle in the area. The government established the Colonato da Vale do Rio Limpopo, a huge irrigation scheme that covered more than 30,000 hectares.

Many peasants who lived in the territory of the scheme were forced to abandon their lands and move elsewhere in the district or to another district. Some Mozambicans remained to work as labor on the colonato farms. Once the irrigation scheme was completed, Mozambicans, some of whom had family land in the area, attempted to enter the scheme, but they were denied admission by the colonato administration.

Although it is far from clear, it appears that local customary authorities experienced a diminution of power and transformation of responsibility with the introduction of the colonato. These changes also came about as a result of the imposition of colonial political authorities in the area. Stripped of their powers to distribute land in many localities, customary authorities resorted to other means of social control, including manipulation of bridewealth and conflict resolution. Some customary authorities were renamed by colonial authorities as regulos, maintained their positions, and carried out the directives of the colonial government. Others, who chose not to collaborate, were replaced or had their powers superseded by colonial appointed regulos. And finally, others remained in power and quietly resisted and/or benefitted from the foreign administration.

After independence, many local families attempted to acquire land in the scheme and elsewhere in the Limpopo valley. For example, between 1974 and 1976 more than 6000 families had moved into the irrigation scheme south of the city of Chokwe and an even greater number were hoping to move into the area. Many of these people were attempting to reclaim lost land rights; others not from the area hoped to capitalize on the new opportunities created by Mozambican ownership of the irrigation scheme and infrastructure.

Most farmers were not successful in their attempts to acquire or reacquire land. The process, however, came to a halt in 1977 when the river flooded the lowlands. The government

moved smallholders off the lowlands, out of the irrigation scheme and into communal villages in the highlands. It is estimated that perhaps 50 percent of the population of the entire province was affected by the government villagization program (Isaacman 1983; Araujo 1988). Many communal villages (aldeias comunais) were established in both Chibuto and Chokwe Districts, and countless other smallholder families were displaced from their lands. The land available around the aldeias was insufficient for the population and, in many cases, of poor quality.

The independent government created a new level of officials at the locality level, and in many cases appointed officials that were not from the area. These new officials were usually not the former regulos, as they were seen to have been "collaborators" with the colonial power. However, research conducted in 1992 revealed that many of the lowest level bureaucrats and some state farm officials were related to the old precolonial chiefs and colonial regulos (Tanner, Myers and Oad 1993).

Peasant farmers who attempted to return to their old homesteads and lands after 1977 were forced back into the communal villages by the Mozambican government. In some cases government authorities destroyed their old farms and homesteads. This second wave of displacement in the period after independence angered local smallholders, and in many ways undermined the legitimacy and popularity of the new government.

Concurrent with the establishment of the villages and the forced movement of local families, the government also assumed control of the irrigation scheme in Chokwe. The administration of the colonato was taken over by the central government and converted to the Complexo Agro-Industrial do Vale do Limpopo (CAIL). CAIL operated as a massive state farm. Local displaced smallholders were "invited" back to the scheme to work for the farm. Not all who chose to work as farm labor were historically from the area; that is, not all the workers of the state farm previously had land in the area before the colonial government established the colonato. This would lead to land conflicts in the future as these laborers would claim land rights to which they were not historically entitled.

At the same time, the independent government of Mozambique assumed control (by intervention or nationalization) of other private colonial farms and created state farms. Some of these farms, such as Matuba, were located in the Limpopo valley, north of the irrigation scheme (see Myers, West and Eliseu 1992).

Many local Mozambicans refused to work for the state farms, preferring to farm elsewhere across the river or in the highlands. In some cases local farmers worked as farm labor, while their wives maintained farms in the communal villages or elsewhere in the region. Some farmers became tenants elsewhere, acquiring land rights through the customary land tenure system. The government was able to hire enough labor but was unable to successfully manage the irrigation scheme.

Some smallholders who were displaced outside of the irrigation scheme were successful in maintaining rights to land. Much of this land, suitable for limited dryland agriculture, was in

the highlands. Some farmers were able to maintain homesteads northwest of the city, in the area west of the road and rail line. Some smallholders north of the river were also able to maintain land rights.

The relocation/villagization policy led to land shortages in the less fertile highlands, as newcomers and the communes competed with local residents for land. The villagization program initially provided some benefits, including education services, health care, and other social services. But it is unclear if these benefits ever outweighed the disadvantages of forced villagization. Further, these advantages were all wiped out as the war progressed in the area. Overall, land tenure and other social relations were affected during the colonial era and the period after independence. There was a shift in power from local customary authorities to the colonial government, and later to the independent Mozambican central government. This shift undermined tenure security in the area, and created dependent and unequal economic relationships (Tanner, Myers and Oad 1993). These relationships, as well as concurrent land shortages, were intensified by the war, particularly as more and more people fled into the area south of the river and closer to the boundaries of the city.

In 1984 the irrigation scheme was "restructured," and divided into 10 smaller production units of approximately 2000 hectares each. These production units included Massavasse, Conhane, and Chilembene, which were three of the largest farms. Despite the new structure, the state farms continued to experience serious difficulties, were unable to earn profits and achieved minimal output. Along with the new structure in 1984, the government distributed land rights to a number of smallholders and private commercial interests in the scheme as well as north of the scheme. Rights to the best land were acquired by the "private sector" (ibid.). In many cases the "private sector" included state farm managers, district and provincial officials, and other government officials acting on their own individual account (ibid., and Myers, West and Eliseu 1992).

Additional distributions of land were made in the irrigation scheme and north of the scheme in 1989-1990 and 1991 as the state farms went bankrupt and closed. Again, most of this land was acquired by the "private sector" and by large commercial interests (JFS), including joint venture enterprises (LOMACO and SEMOC). Although we have little data by sector, some land was distributed to smallholder farmers. A few displaced people received temporary use rights. Despite these distributions, smallholders at least clearly do not have tenure security as the government has reacquired and redistributed the land in many areas of the scheme several times in the last few years.

3. Chilembene and Chaimite

a. Land Tenure in Chilembene and Chaimite Before the Peace Accord

Chibuto District was regularly attacked in the last few years before the cease-fire was initiated in 1992. Local residents reported that in the period from 1989 to 1992 one area or

another in Chibuto was attacked weekly. RENAMO troops occupied or moved about freely in many areas of the district. Most people in Chibuto, particularly along the river, were forced to flee to more secure zones. Security in nearby areas was also unreliable. People who fled from Chibuto were not immune to attacks elsewhere, but suffered less frequently from hostilities than those few who chose to remain. At the same time, others moved into the communal villages in Chibuto District from areas that they perceived to be less secure than Chibuto.

A large percentage of the people who fled Chibuto District during the war moved across the river to Chilembene. The movement occurred over a period of three to five years, and intensified in the last two years of the war as attacks increased and the drought continued. It appears that entire spatial relations and political structures were transplanted in the move from Chaimite to Chilembene. Displaced farmers reported that lineage groupings moved together from Chaimite.[40] Living in the accommodation centers and "displaced camps" near the city, the displaced families attempted to recreate similar spatial arrangements. In addition, political leaders who moved with their communities attempted to maintain their political roles by negotiating on behalf of their people for access to land and other resources, and access to humanitarian assistance. At the same time that people were fleeing from Chaimite, other people from less secure zones south and east of Chilembene moved north into Chilembene. The new populations intensified land shortages, ecological degradation and social conflict in Chilembene.

Customary rules for acquiring and securing land appear to be used less frequently in this area than in other parts of the country. Most individuals interviewed before the cease-fire reported that local government officials had control over land distribution and conflict resolution. They stated that if they wanted land they had to ask the state farm, executive council or district officials. They also stated that the government could move them to another location and take away their land rights if it so desired. Smallholders asked customary authorities for assistance only when there was a dispute between two families, for example over a land boundary. Smallholders frequently stated that the customary chiefs, including the regulos, no longer had power in the area (see discussion above in Section II).[41]

During the war few displaced people gained access to land, on or off the state farms, in Chokwe District. Those who did get land did so on a temporary basis, usually as tenants. Apparently, displaced families who arrived earlier were more likely to gain access to land than those who arrived later. Individuals in the latter group were forced to survive in other ways, i.e. as farm or urban labor, or as traders. Many were dependent on food aid, acquired either through formal donor assistance or through customary relationships. In addition, a small number of

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[40] Unpublished field notes, Myers, West and Eliseu 1992; and Myers 1993c.

[41] Ibid.

individuals migrated back and forth between Chilembene and other localities, such as Chaimite. These individuals maintained their farms in Chibuto and returned at night to temporary homesteads in Chilembene.[42]

b. Land Tenure in Chilembene and Chaimite After the Peace Accord

When the first round of field interviews was conducted in May 1993, farmers displaced to Chilembene had just started to return to Chaimite. Most felt very insecure about their safety, and often reported that they expected the war to resume. As a consequence, farmers were investing as little time and resources as possible in agricultural production. A lot of time was being spent on negotiating land rights and land access. Farmers returning to Chaimite were not always certain where they should farm or how to find their farm lands.

Most of the farmers interviewed in Chaimite are women. Several different land use strategies were reported. Some of these farmers were the vanguard of their families, responsible for opening new lands or recovering family lands while their husbands and/or children remained behind in Chilembene. Others, displaced from greater distances, were attempting to farm in Chaimite on a temporary basis, until they could move on or return to their "family" lands.

There were at least two categories of individuals who were voluntarily displacing and attempting to farm in the area: those arriving from RENAMO-administered areas, and families from Chokwe District who had been displaced by the colonial and state farms.

It also became apparent that a new category of the displaced was emerging in Chaimite. These are individuals who are losing land to private sector commercial interests as the district and provincial governments distribute land to non-native interests. Farmers reported that the lowlands, close to the river, were difficult to recover as they were most often occupied or claimed by such non-native private commercial interests.

Farmers and locality officials confirmed that locality officials, infrequently in coordination with customary authorities, granted land to smallholders. Most of these grants were for land in the highlands, farthest (from one-half to 4 kilometers) from the river.

Across the river in Chilembene, conditions were somewhat different. In Chilembene there was less land available, and all of the land in the irrigation scheme was claimed.[43] The area was

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[42] Ibid.

[43] There is an important difference between "claimed land" and "occupied land." There are many reported cases of non-native interests from Xai-Xai, Chokwe City or Maputo acquiring land (i.e. claiming rights to it), without occupying it or planting crops. Smallholders complain that these absentee land holders are not using the land and that local residents could use it productively.

more densely populated by natives and displaced farmers, some of whom are also in their own turn natives who have been displaced off their own lands.

By May 1993 accommodation centers for the displaced, as well as "displaced camps," continued to exist, but the number of their occupants had diminished. Those who remained had done so because they were afraid to leave the relative security of the area, because they had no place to go, or because of the opportunities that exist in Chilembene. These opportunities include access to education and other social services, irrigated land, markets and better transport.

It is also evident that many people were attempting to divide their time and resources between two or more locations in an attempt to maximize opportunities. Many households had split up, with some members returning to lands across the river in Chaimite or seeking new lands elsewhere, while others remained in the camp or elsewhere in Chilembene.[44]

A majority of the people interviewed in the centers for displaced people (Bairros "4" and "B") are women. Many of them reported that they were waiting for their husbands to return from South Africa before they made a decision to leave the camps. In some cases, women were trapped, and forced to remain in the camps in Chilembene, because they lacked the financial resources to support a move.

It is also likely that farmers' decisions to move out of the camps were influenced by the perceived weak tenure system across the river in Chibuto. It is common knowledge that the locality and district administrators are allocating land. If they have limited financial resources, it is unlikely that smallholders will gamble on a move that could result in landlessness or a weaker economic position than the one they have in Chilembene.

And finally, there were some individuals living in the camps who were effectively displaced on their own land. These individuals asserted that they or their families are from Chilembene, and that they lost land at some point in time to colonial farmers, the state after independence, or new private or smallholder farmers. They were either laborers or squatters on their land. They stated that they are hoping to reacquire rights to land in the locality.

Natives from Chilembene reported that they would like the displaced families to return to their areas of origin. It is a common opinion that there is not enough land in Chilembene and that the residents have done "their part" to support the displaced people. At the same time, important economic--and sometimes social--relationships have developed between native and displaced people in Chilembene. For example, local residents have been able to benefit from the relatively cheap labor afforded by the large supply of displaced people. Displaced people have worked in construction, building huts and houses, and in agriculture. Some displaced people

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[44] This same process was witnessed earlier in 1993, see Myers 1993d.

have established trading enterprises, while others have specialized in services.[45] In addition, many young men married women in Chilembene and have no intention of moving away from the locality.

The locality government officials stated that they would like displaced people to return to their areas of origin. They claim that the displaced are a drain on their financial resources and administrative capacity. Displaced people in Chilembene reported that they were being forced to leave, to return to their areas of origin or to move across the river. Some reported that the locality government was destroying, or threatening to destroy, their houses in the camps. Those who were attempting to divide their residences were, apparently, targeted more than those who were attempting to remain in Chilembene. District officials reported that displaced farmers had not understood their instructions and that no houses had been destroyed. They stated that smallholders were not being forced to leave. Smallholders responded to this perceived threat by leaving school children in the camp in Chilembene while they worked in other locations. Evidently, this type of "encouragement" to move is also occurring elsewhere in the country.[46]

When a second round of research was conducted seven months later in January 1994, conditions had changed in both Chilembene and Chaimite. Research in Chilembene revealed that many more displaced farmers had moved across the river to Chaimite and to other locations south of Chilembene. However, many displaced smallholders still remained in Chilembene. The reasons for remaining in Chilembene were frequently the same as those noted during the first round of research. Some women reported that they were waiting for their husbands to return from South Africa. Other women stated that they did not have financial resources to support a move. Other individuals stated that they were not sure the war was over and did not want to risk moving at this time. And finally, another category of individuals stated that they had no place to go.

In Chaimite several farmers were interviewed who had returned from Chilembene or other areas in the irrigation scheme. These farmers reported that they were now farming on the land that they possessed before the war displaced them. Upon closer examination it became apparent that these farmers had actually been displaced during the villagization program of the late 1970's, although some had managed to continue farming until the war displaced them across the river to Chilembene. These farmers reported that they initially had larger tracts of land in the area before the villagization program, and that it was taken by the government and redistributed to other members of the communal village.

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[45] See Tanner, Myers and Oad 1993.

[46] See Mozambique Peace Process Bulletin, 1993, no. 6. A similar phenomena was reported in Sofala Province (see discussion below on Nhamatanda District), and other unconfirmed cases have been reported by NGOs operating in rural Mozambique.

Other farmers were interviewed along the road between Guija and Chaimite. Within a 25-kilometer stretch along the road several smallholder and small private commercial farmers had recently established themselves. In addition, more than 380 cattle in dispersed groups were counted grazing along this stretch. There were a few new houses and homesteads, built on the north side of the road. These homesteads were clustered on the periphery of Guija and around the communal villages near Capela. In between these two "poles" were perhaps 45 homesteads visible from the road.

Interviews revealed that many of the new farms were being maintained by "week farmers." These individuals are planting and maintaining their crops during the week and returning to Chaimite city, Chilembene or one of the communal villages during the weekend or at night. They are doing this to keep their household in areas that they perceived to be relatively secure.

Again, it is unclear if these "week farmers" have tenure security. It is clear that many of those returning to the area were initially given land by the government after 1977, when they were all displaced from the south side of the road. It is not clear how many of these people had land in this area before 1977, and how many had their holdings reduced when the government redistributed land after 1977. It is also unclear what the economic costs are for a population that must continue to invest time and resources in maintaining two "homes."

4. Chokwe Region

a. Land Tenure in the Chokwe Region Before the Peace Accord

As noted above, Chokwe shares a common history with Chibuto. As in Chibuto, many smallholders were displaced from their lands after 1977 and forced to move into the communal villages, including Machel, Muzumuya and Matuba aldeias near the city.

Some of those displaced claim that they had "secure" land rights in the lowlands before they were dislodged. Some have "titles" or documents supporting their land claims. As the war progressed, drawing resources from the central and provincial governments, many smallholders were able to escape the confines of the communal villages and farm their lands, and in a few cases they were able to re-establish homesteads. Other relocated farmers, who were not as fortunate, were forced to use land in the area south of the rail line, between Matuba Aldeia and Bairro Cuatro. This land, however, was later taken over by the thousands of refugees from the war and drought who flooded the area in the 1980s. The population of the aldeias grew considerably once they were established, and the lands that they were allocated were no longer sufficient by the late 1980s. In addition, the continued use depleted the soil quality.

Before the war, Chokwe District was much richer than Chibuto. Chokwe has direct access to the rail line and roads to Maputo. In addition, the irrigation complex and the state farms are situated in Chokwe. After independence, the government invested heavily in these

schemes and permitted the state farms to borrow substantial sums of money from Mozambican banks. As the war progressed, the government was forced to invest heavily in the defense of the district. As a result of the infrastructure and defense, many people fled to the district, bringing their cattle and other moveable resources.

War-displaced farmers inundated the city of Chokwe beginning in the late 1980s. The population and boundaries of the city expanded considerably. In addition, bairros were established to hold the displaced. Many people came from across the river or from the area northwest of Matuba, but others came from communal and traditional villages that were no longer in secure areas. Prior to the war there were many traditional settlements running along the road from Chokwe to Macarretane. As the war intensified people fled to the relative safety of the city. Those displaced from these areas went to Bairros Three, Four and Five.

Much of the land in the district was occupied by the state farm sector. The government divested state farm land to the private commercial and family sector (smallholders) in 1984, 1989-1991, and 1992 before the peace accord. The largest amount of land reportedly went to smallholders in 1984 when 9,000 hectares of the 33,000-hectare scheme were divested (see Tanner, Myers and Oad 1992; Myers and Tanner 1993).[47] Despite this divestiture, land shortages remained acute inside and outside the scheme for both smallholders and private commercial farmers. The land divested to smallholders was grossly inadequate to meet the needs of the local native population, let alone the thousands of displaced families in the area.

Research conducted in the district revealed a growing number of private non-native commercial interests successfully acquiring land in the area. These interests acquired land through the formal state structure, both legally and extralegally, in the process displacing local smallholders--some of whom already had been displaced several times as a result of colonial operations, government policy and the war. At the same time, many of these allocations were apparently acquired for speculation, since no utilization of the land followed; this resulted in further displacement and reduced utilization of land. Sources working for NGOs in the area state there are many farms in the scheme that are owned by officials in Maputo, Xai-Xai and Chokwe, and that they are not being exploited.

In 1987 the joint venture enterprise LOMACO acquired land in the irrigation scheme (Tanner, Myers and Oad 1992; Myers and Tanner 1993). Local residents claim that in 1990 or 1991 LOMACO acquired an additional parcel, part of the former Matuba State Farm. Both parcels are between the road and the river northwest of the city (see area marked as LOMACO-1

[47] It is unclear how much of this land actually went to smallholders, as many private sector interests received land in the family sector lottery (see Tanner, Myers and Oad 1993).

and LOMACO-2 respectively on Map 7). The two parcels total at least 3,830 thousand hectares of prime irrigated land.[48]

Some farmers interviewed reported that they once had land in the area were LOMACO-1 is located. They state that they lost their rights many years ago when the state took control of the irrigation scheme following independence. Some of these farmers tried at some point to re-occupy their land, but were again forced to leave once the joint venture began operations.

The land designated as LOMACO-2 was identified by many smallholders interviewed as a problem area. Several stated that they were told by government officials and LOMACO management that they had to leave before the company started operations on this parcel. Many of these families had houses and trees, as well as fields, in the area. They report that, when they refused to leave, they were "chased off" by LOMACO and their houses were destroyed. Some stated that LOMACO cut down their trees to lay irrigation tubes. These farmers say they were told that they would receive compensation from either the government or the company, although it is unclear who told them this. To date, these farmers state, they have received neither new land nor compensation from either the government or the company. A formal protest was filed with the district government last year by these smallholders.

As a result, tension is high in the smallholder community, particularly in the LOMACO-2 area. They blame both the government and the company for displacing them from their lands again. Many expressed anger and stated that they blamed the government administration for permitting LOMACO to take their lands. Two others stated that they want revenge on the company for taking their lands and houses. Peasants still living in the communal villages fear that LOMACO will soon take all of the land in the lowlands that they previously held, and to which they still claim rights.

The large private commercial company Joao Ferreira dos Santos (JFS) has also moved into the zone between the road and the river, northwest of LOMACO's holdings; however, we have little information about this operation. While all of the smallholders interviewed had a negative opinion of, or negative experience with, LOMACO, none of the smallholders interviewed offered comments regarding JFS. In fact, smallholders commented that JFS assisted local farmers, whereas LOMACO would not even give them a greeting.[49]

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[48] This data is from the land registry, Provincial Office of DINAGECA, Xai-Xai. The registrar reports that LOMACO has control over 3,830 hectares in Macarnetane and an additional 1,808 hectares in Chilembene. Provincial sources also report that JFS has rights to approximately 2,000 hectares, while SEMOC controls 2,500 hectares.

[49] Farmers working land near LOMACO-2 reported that the company attempted to charge them 5000 meticais to pass across this land. While we did not see LOMACO actively doing this, we did observe many smallholders walking two or three extra kilometers to take an indirect route which would avoid crossing the company's land.

b. Land Tenure in the Chokwe Region After the Peace Accord

Even before the cease-fire was signed many people were moving around in the Chokwe region. In some cases, newly displaced families were coming into the area, escaping from RENAMO-held zones, while others were leaving the state farm sector in the irrigation scheme as the government granted land to various interests, including private commercial enterprises, the joint venture enterprises (such as LOMACO and SEMOC), and some smallholder farmers. Still others were entering the area to capitalize on opportunities created by the irrigation scheme, the private companies, NGOs and the district government. At the same time, people were being displaced by LOMACO (and probably JFS) northwest of the city, creating a new group of displaced landless farmers. It appears that in increasing numbers smallholder farmers, particularly displaced smallholders living in the city's bairros, were traveling great distances to farm their old plots during the day.

After the peace accord, an even greater number of people began to move around the region, seeking access to land for homesteads and agriculture. However, the land available has diminished considerably as formerly displaced people return to the area and as an increasing number of private sector commercial interests and joint venture enterprises acquire land concessions. There appear to be many people in the district, who are from the district, but who have no place to live and little or no land to farm. Some farmers who previously lived and farmed in the area northwest of Matuba have returned to their farms and homesteads. However, the land in this area is of poor quality and will support only a small population.

The January 1994 field research conducted in Chokwe revealed that conditions had not changed much in seven months. While many people in the outer areas and bairros of the city have moved, many more have remained in the aldeias and in the city. It is unclear how many of these individuals are remaining because they have no place to go and how many are remaining because of the opportunities that exist in Chokwe; however, individuals frequently reported both reasons for not moving from their current locations in the camps. As in Chibuto, many individuals also stated that they were either fearful or convinced the war would resume in the near future.

Many small plots are being farmed along the road between the city and the dam, and between the rail line and the road. All of the farmers in this latter category are reportedly displaced families, some of whom are from Chokwe district but have no place to go. It is obvious that these individuals, literally farming in the margins, have no tenure security.

Research also revealed that some smallholders had succeeded in returning to land near the river, but that they were hemmed in by the large private commercial farms and the joint venture enterprises. They complained that they had to walk long distances around these areas to gain access to the main roads and the city.

5. Concerns Raised by the Cases of Chokwe and Chibuto

Research in both field locations has illuminated several issues of concern. It is the impression of the government officials that all the peasants living in the region are displaced, and that they should and will move back to their lands of origin now that the war is over. Officials fail to recognize that many of the displaced are actually from this area and thus have no other place to return to. Essentially these smallholders have been displaced off their land and are trapped in the aldeias or bairros. The problem is being exacerbated by government officials who continue to grant land concessions in the area, or who permit the expansion of private sector commercial and joint venture enterprises. This suggests another concern: government believes it knows where free land is located and that it has the capacity and authority to distribute it. These ongoing concessions are leading to a new category of post-war displaced, who are extremely frustrated with government, and who are already threatening to respond violently if their concerns are not resolved.

Another concern is the official view that the displaced people who have begun to farm have settled permanently. Indeed, this is far from the case. Smallholders will continue to move as new opportunities or constraints arise.

Government officials also fail to recognize that smallholders are influenced by the same economic rationale as larger commercial interests--they too want access to the better irrigated lands in the Limpopo River valley. Officials justify the displacement of smallholders in favor of larger commercial interests and joint venture enterprises by claiming that the latter have a greater capacity to exploit the land. If it is true that many commercial farm holders are not currently farming their lands (i.e. they are speculating), are underutilizing the land, or are unable to exploit their concession profitably, than appears that this justification is unwarranted and requires re-evaluation.

The case of LOMACO's land acquisition is of particular concern. It is unclear whether, after the government granted permission to LOMACO to expand in the area described as LOMACO-2, it was the government itself that failed to find new land or compensate local farmers for their losses, or whether LOMACO was supposed to compensate local farmers for their losses. Local government officials in Chokwe also reported that they had not favored the expansion of the enterprise in the area and had tried to prevent it once they learned about it. In any case, it is particularly worrisome that the government would permit the dislocation of smallholders in favor of a joint venture enterprise, and specifically one, by its own records, is reportedly unprofitable.[50] Further, LOMACO's expansion as described above has clearly led to great tenure insecurity in the area, as local smallholders and small private commercial farmers

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[50] Mozambican members of LOMACO's managing board report that the company has not been profitable, another official stated that the company was drawing credit from the Central Bank of Mozambique, which could be used more productively elsewhere in the economy. See also Myers and West 1993.

fear the enterprise will soon assume control over all the land in the area near LOMACO-2. This situation can only inhibit investment and contribute to the significant ecological degradation already documented in the area (see Myers and Tanner 1993).

As part of our analysis, we need to determine if LOMACO has satisfied the terms of its contractual arrangement. In order to do this we need the terms of the arrangements; however, up to the present, neither LOMACO nor the government have (officially) disclosed this information. Additionally, the enterprise has not been forthcoming regarding its profitability (or conversely losses) in Chokwe or elsewhere in the country.

Smallholders in the area are well aware of the government's participation in LOMACO. As noted, the government is also frequently cited as a central antagonist in the area. Indeed, smallholders interviewed complained that the government was facilitating the theft of their land by non-native private interests and the joint ventures. One example will demonstrate this point. A group of farmers who participated in a group focus interview reported that "party" (i.e. FRELIMO) representatives had visited them before LOMACO expanded operations in 1991. FRELIMO representatives reportedly also accompany non-native private and large commercial interests who wish to acquire land in the area. The party officials reportedly ask the local farmers to assist them by giving these visitors land for farms. In return, the party officials state, the local farmers will receive assistance (such as seeds and sprays) and services (including extension and transport). Local farmers who recounted this story stated that not only did they not receive any assistance or services, but also that these enterprises take much more land than the areas agreed to by the local farmers. These farmers also expressed dismay with government officials who facilitate this type of "land theft," since key central government officials (including the past President, the current President, the Minister of Agriculture, and other high ranking officials) are themselves from southern Gaza Province and would have therefore been expected by local farmers to be more sympathetic to their situation. In short, these farmers did not speak positively about FRELIMO.

LOMACO's involvement in the region potentially could be constructive. The enterprise has the capacity to open new lands, develop infrastructure (roads and transport) and train manpower. However, the company seems destined to fail in this endeavor as it has an antagonistic relationship with the local community. It is unfortunate that the enterprise is seen by the local population as an adversary rather than a partner.

Investment in the area is also being adversely affected by the pervasive fear that the war will resume soon. As in other areas of the country, smallholders in the region claim that the war is not finished. Consequently they do not wish to invest in building new homesteads or in clearing new fields, planting trees, etc. Another factor affecting investment, for both smallholders and private commercial interests, is the unproductive use of significant amounts of money and other resources in order to acquire and secure rights to land. In addition, as previously noted, some non-native commercial interests appear to be speculating on a future land market, as they have acquired land and have not begun production.

Above all else, it appears that the tension between official authority and local smallholders has not diminished in the post-war period. This is particularly worrisome given what appears to be a near breakdown of customary authority with regard to land in the region. It is unclear how local farmers are resolving land disputes south of the river Limpopo, but it seems that they rely on family elders. When these elders are unable to resolve disputes, local officials are called upon. It is unclear what types of social and political transformations are taking place as a result of these tensions, and further research is necessary.

B. NHAMATANDA DISTRICT, SOFALA PROVINCE

1. Research Sites and Objectives

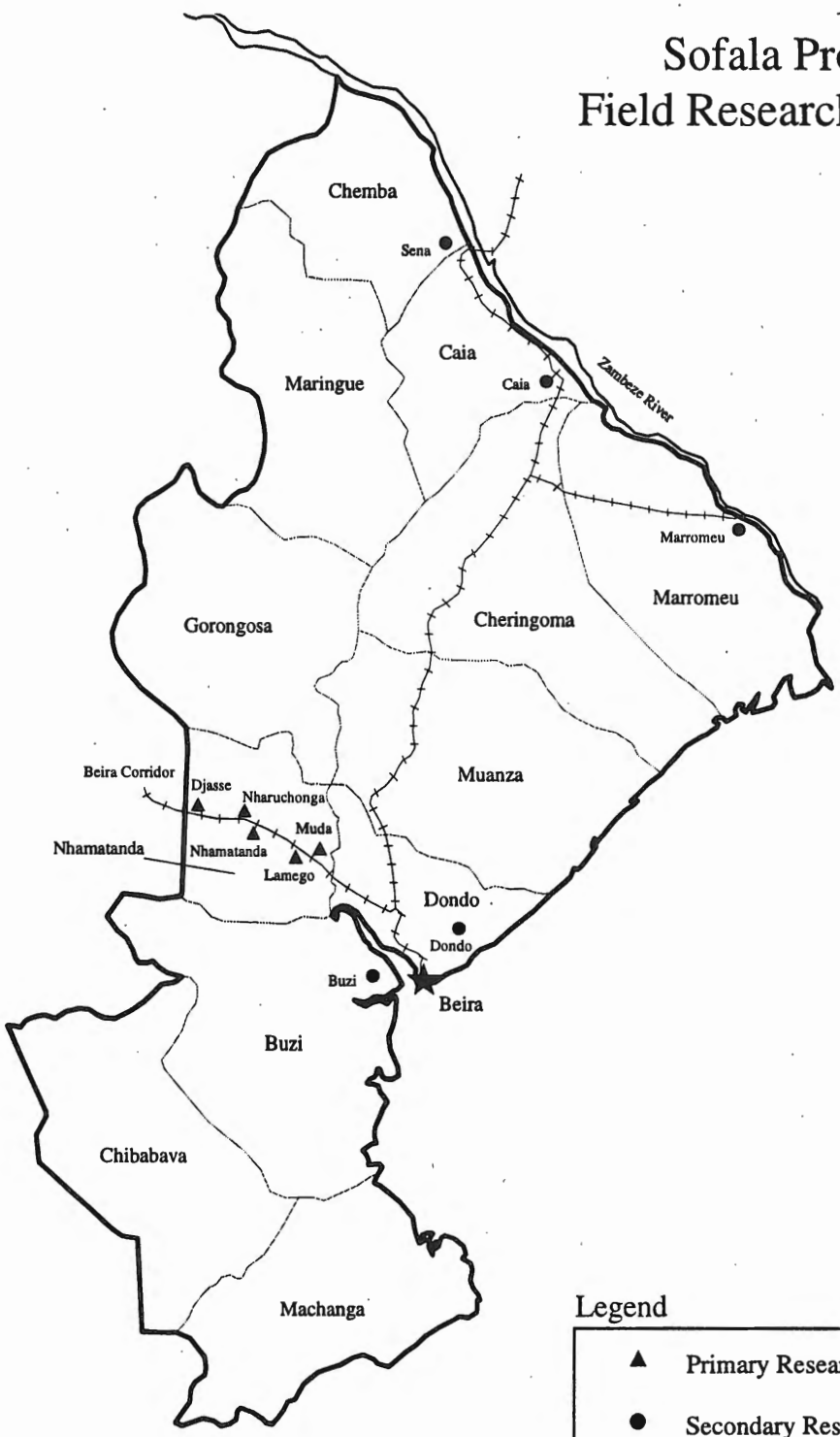
Nhamatanda District was visited three times in the last two years. The most recent field investigation was conducted in July 1993, approximately nine months after the peace accord was initiated. This case study on land access builds upon an earlier investigation conducted by the Land Tenure Center in 1992. This earlier work was part of a larger study focusing on divestiture of state farm lands and assets in Mozambique (Myers, West and Eliseu 1992).

In this and the case study of Manica Province that follows, we endeavor to enrich our understanding of tenure and power relations in several districts along or contiguous to the Beira Corridor, in central Mozambique. As discussed below, the corridor has been the site of substantial financial investment from the colonial period to the present. This investment has affected economic and power relations, as well as land tenure rules and land access in the colonial, independence and post-war periods. The entire corridor is densely inhabited (see Map 2), and during the war it was heavily populated by displaced families. It is the sight of a major road and rail transport between Zimbabwe and the Mozambican seaport in Beira. The case studies in Nhamatanda are representative of other communities in the Beira Corridor.

Five geographical locations in Nhamatanda District were chosen for investigation. These are situated north and south of the road and railway line at the following sites: (1) Djasse, (2) Nharuchonga, (3) Nhamatanda, (4) Lamego, and (5) Muda (see Maps 9-13). Approximately 55 individual farmers were interviewed at these five sites in 1993. Ten individuals were returning refugees, while 32 were displaced farmers. Two focus group interviews were conducted in Lamego and Muda. Three indigenous families were also interviewed. In addition small commercial private farmers were queried, as well as locality and district government officials, customary officials, rural extension agents, and representatives of NGOs operating in the district.

In this case study we attempted to understand if returning refugees and displaced farmers had returned to their "family lands," and to discover more about the interaction between displaced farmers, returning refugees and local inhabitants with regard to land access and control over natural resources in the post-war period. We also focused on who was distributing land and resolving land disputes, and on the interaction between new or returning non-local commercial interests and local smallholders.

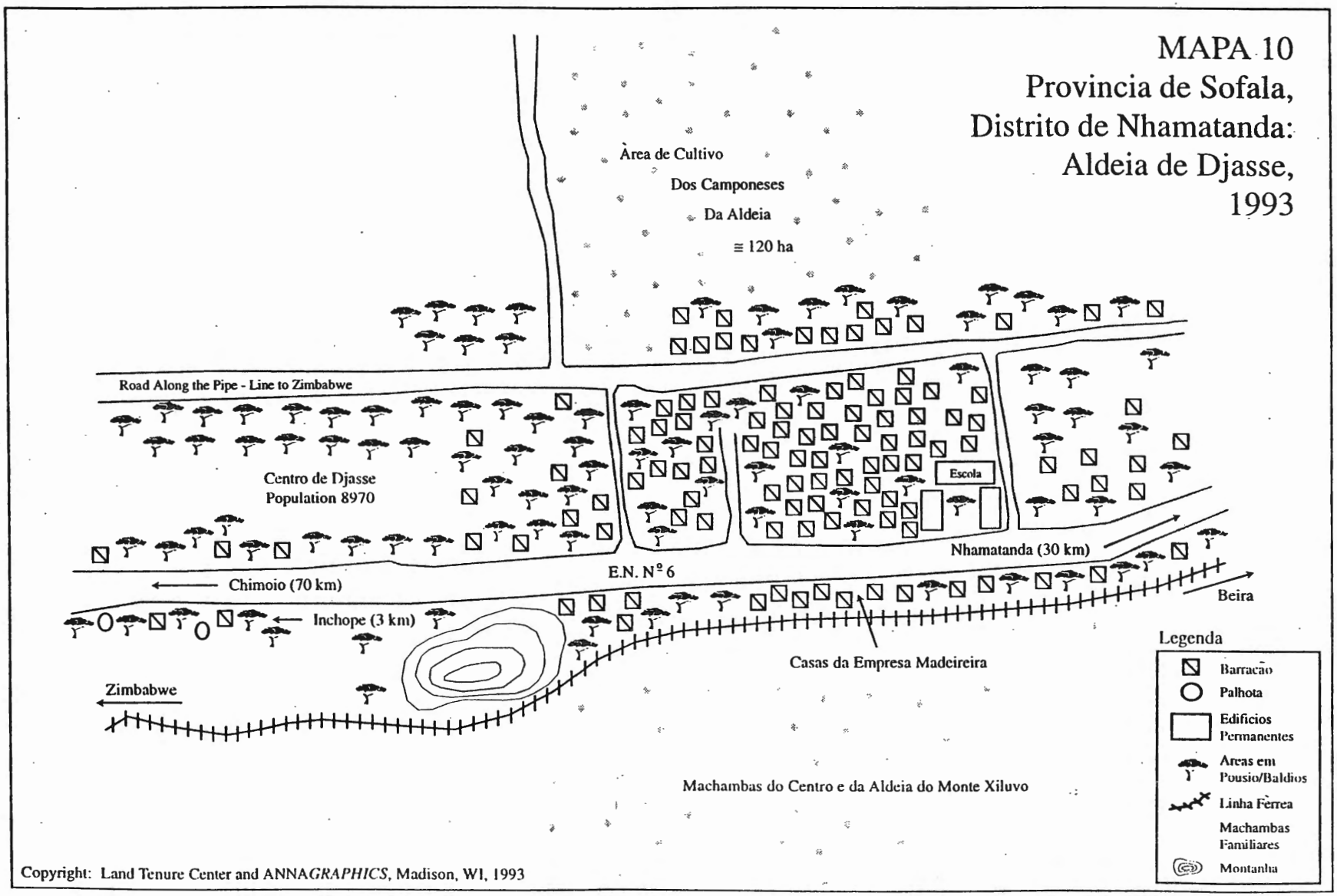
MAP 9
Sofala Province: Field Research Sites, 1993



Legend

- ▲ Primary Research Site
- ● Secondary Research Site
- ▭ Area of Field Research
- ★ Provincial Capital

ANNAGRAPHICS and Land Tenure Center, Madison, WI, 1993



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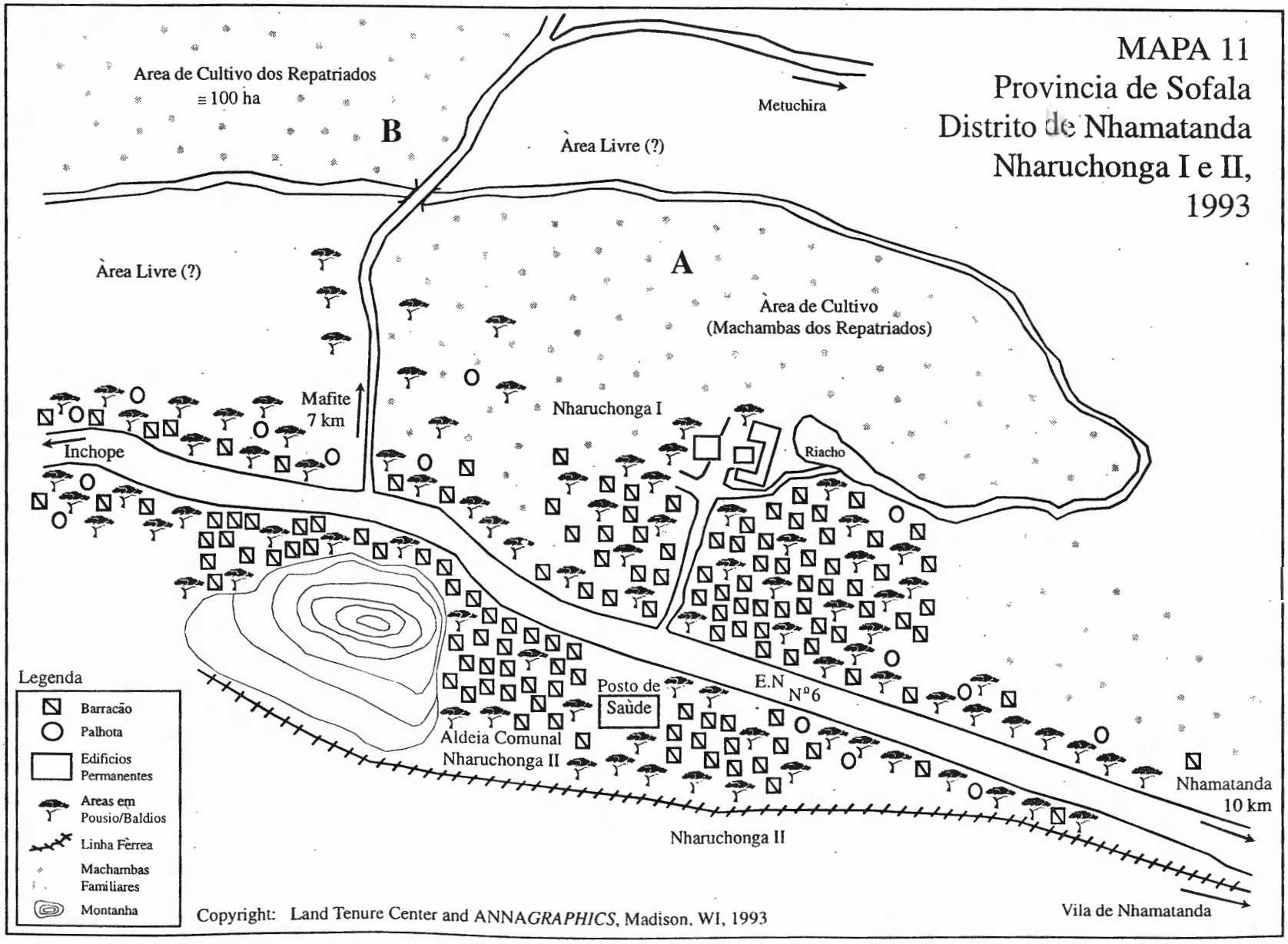
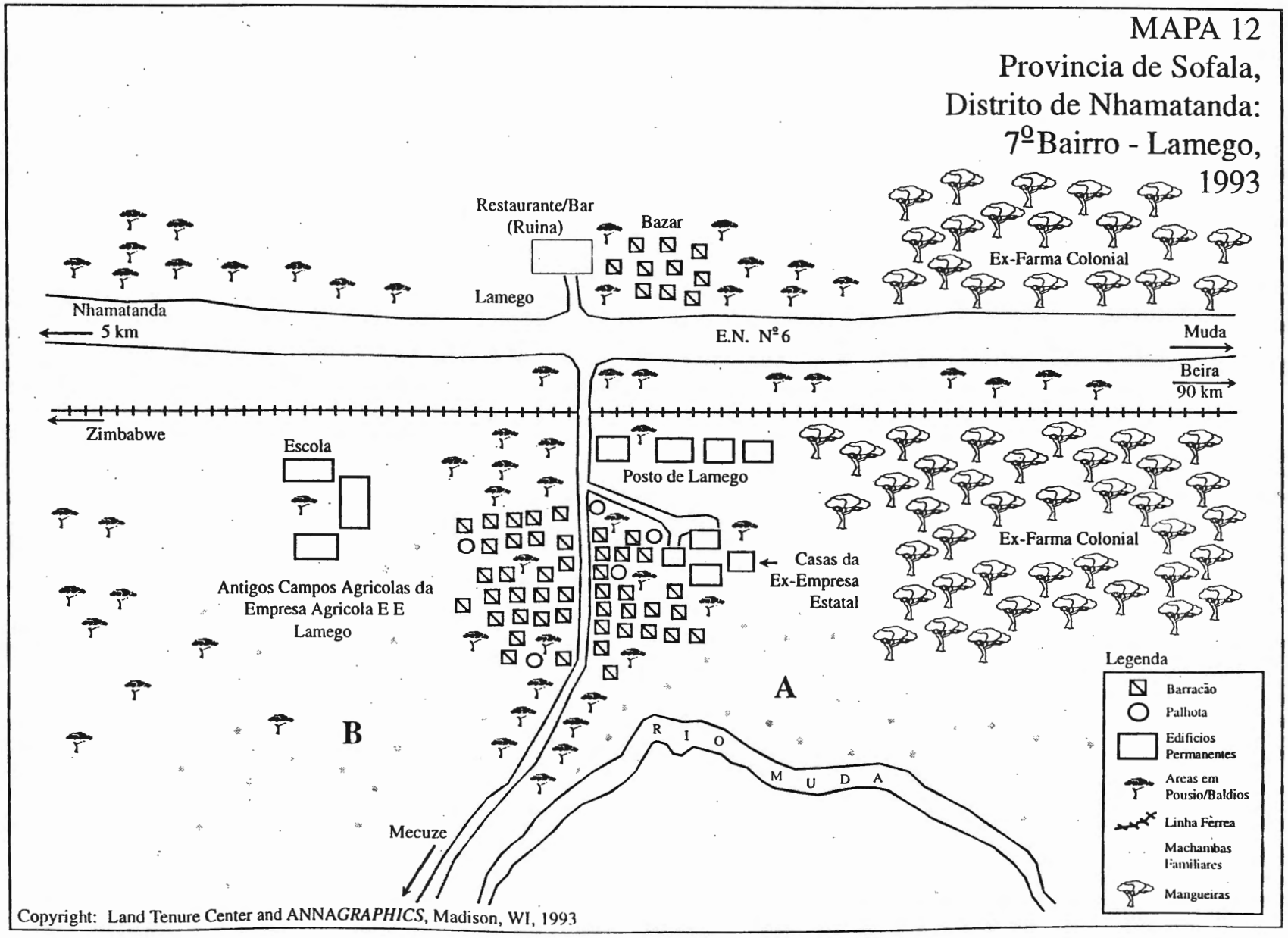
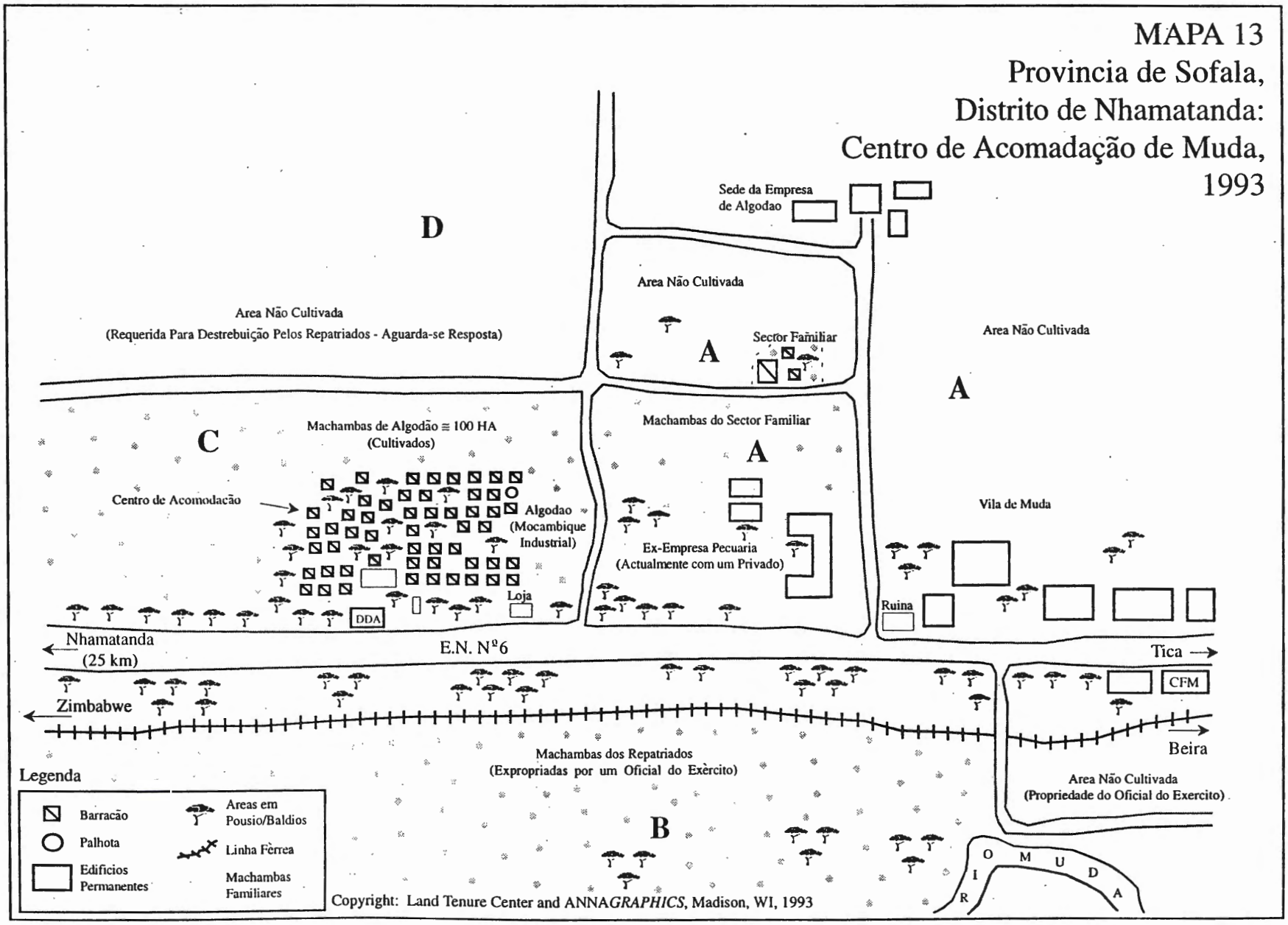

MAPA 11
Provincia de Sofala
Distrito de Nhamatanda
Nharuchonga I e II,
1993
Area de Cultivo dos Repatriados
≅ 100 ha
B
Metuchira
Àrea Livre (?)
Àrea Livre (?)
A
Àrea de Cultivo
(Machambas dos Repatriados)
Mafite
7 km
Inchope
Nharuchonga I
Riacho
Posto de
Saùde
E.N
Nº6
Aldeia Comunal
Nharuchonga II
Nhamatanda
10 km
Nharuchonga II
Vila de Nhamatanda
Legenda
Barracão
Palhota
Edificios
Permanentes
Areas em
Pousio/Baldios
Linha Fèrrea
Machambas
Familiares
Montanha
Copyright: Land Tenure Center and ANNAGRAPHICS, Madison, WI, 1993


MAPA 12
Provincia de Sofala,
Distrito de Nhamatanda:
7º Bairro - Lamego,
1993
Restaurante/Bar
(Ruina)
Bazar
Ex-Farma Colonial
Lamego
Nhamatanda
5 km
E.N. Nº6
Muda
Beira
90 km
Zimbabwe
Escola
Posto de Lamego
Ex-Farma Colonial
Casas da
Ex-Empresa
Estatal
Antigos Campos Agricolas da
Empresa Agricola E E
Lamego
A
B
R I O
M U D A
Mecuze
Legenda
Barracão
Palhota
Edificios
Permanentes
Areas em
Pousio/Baldios
Linha Ferrea
Machambas
Familiares
Mangueiras
Copyright: Land Tenure Center and ANNAGRAPHICS, Madison, WI, 1993


MAPA 13
Provincia de Sofala,
Distrito de Nhamatanda:
Centro de Acomadação de Muda,
1993
D
Sede da Empresa
de Algodao
Area Não Cultivada
Area Não Cultivada
(Requerida Para Destrebuição Pelos Repatriados - Aguarda-se Resposta)
A
Sector Familiar
Area Não Cultivada
A
C
Machambas de Algodão ≅ 100 HA
(Cultivados)
Machambas do Sector Familiar
A
Centro de Acomodacão
Algodao
(Mocambique
Industrial)
Ex-Empresa Pecuaria
(Actualmente com um Privado)
Vila de Muda
Loja
DDA
Ruina
Nhamatanda
(25 km)
E.N. Nº6
Tica
CFM
Zimbabwe
Beira
Machambas dos Repatriados
(Expropriadas por um Oficial do Exèrcito)
Area Não Cultivada
(Propriedade do Oficial do Exercito)
Legenda
Barracão
Palhota
Edificios
Permanentes
Areas em
Pousio/Baldios
Linha Fèrrea
Machambas
Familiares
B
O M U D A
I R
Copyright: Land Tenure Center and ANNAGRAPHICS, Madison, WI, 1993

2. Common Historical, Land Tenure and Social Threads within the Beira Corridor

The districts investigated in both Sofala and Manica Provinces, while different in many ways, share numerous common historical experiences. These experiences influenced social, political and economic relations within the indigenous communities and between these communities and the outside world. When the Portuguese arrived in the fourteenth century they found a relatively dense settlement of Africans, and a fewer number of Indians, living along the coast, including the territory around the present-day coastal city of Beira in Sofala Province. The interior territory, stretching west, was significantly less populated. Ndau, Sena, Teve, Tonga, Gorongosa and Shona-speaking peoples inhabited the region. These groups were patrilocal, and organized by lineage or clan structures. Politically, they were vertically hierarchical, with power vested in a chief at the top of the organization. These authorities were support in descending order by mambos or subchiefs, their assistants, and then by lineage or clan elders. These groups continue to inhabit the area, they are patrilocal, and there is some evidence which indicates that the political structures are similar to those the Portuguese encountered.[51]

Today, the port city of Beira and the coast remain more densely populated than the interior regions; however, a high percentage of the population in central Mozambique is now squeezed into a narrow band running along the historic trade corridor between Zimbabwe and the coast. In 1505 the first Portuguese settlement in the country was established in Sofala Province.

As early as 1525 the Portuguese gained military control over parts of Sofala Province. In the 1600s the Portuguese government granted concessions to Portuguese settlers to extend this control. These concessions, known as prazos, granted settlers monopolistic marketing arrangements, land, and the right to exploit local labor and collect taxes.[52] The holders of prazos had complete political and economic authority in their areas, and often waged war to expand or maintain control.[53] From the 1600s to the 1800s the history of Sofala and Manica Province is one of intense conflict between the Portuguese and the native populations, in which the former lost many military campaigns. However, a combination of factors including the prazos, labor practices--including slavery--and military campaigns created or stimulated divisions within native

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[51] For a brief summary of ethnic groups in this region and their political structures see Lundin, 1992.

[52] For two different perspectives on the prazos, see Isaacman 1972 and 1983 and Lundin 1992. For an historical discussion see Lacerda 1929.

[53] Lundin (1992) notes that the prazos also had cooperative relationships with local communities and customary authorities. The prazos often paid tribute to local authorities for their assistance and cooperation and the owners of the prazos often married the daughters of customary leaders. Through these cooperative arrangements, both the nature of customary society and the power of the prazos were transformed.

communities and between communities, and led to population dislocation. These divisions created opportunities for the "disadvantaged" or disaffected in many communities to rebel against the control or rules established by more powerful communities or segments within their own societies (see Isaacman 1983; Isaacman 1992; Vail and White 1980; Curtin, et al. 1981). In turn, these internal social rebellions created opportunities for colonial economic and political penetration. By the late 19th century, the Portuguese were able to capitalize on these internal divisions and gain administrative control over the territory. In 1900 chibalo was introduced, a forced labor system that continued until 1950. According to Alan Isaacman the struggle between indigenous communities and the Portuguese resulted in a transformation of social (including gender) relations, "individualization of the peasantry," dissolution of "collective" working arrangements, decline of "supra-household" kinship affiliations, and heightened economic differentiation (1983, 1992, 1977, see also Vail and White 1980). Lundin (1992) observes, that not only were local social, political and economic relations transformed by the Portuguese presence, but that local Portuguese relations were also transformed, creating tensions within that community and between the colony and Lisbon.

As a result of its own economic weaknesses, the Portuguese government in Lisbon was unable to invest directly in Mozambique. It sold concessions to foreign companies. These concessions,covering vast tracts of land, gave the companies administrative rights in their respective zones. The Mozambique Company was chartered to administer and develop a large area in Manica and Sofala Provinces. It reaped great profits through labor exploitation, and through the purchase of cotton at artificially low prices. The company sold labor to nearby settler estates. After 1925, Portuguese settlers, mostly peasants, came to Mozambique in greater numbers (see Isaacman 1983). The settlers were given choice tracts of land, cash bonuses, low-interest credit, and technical assistance. Most of these earlier settlers acquired land in southern Gaza Province, along the Limpopo River, and in the Manica highlands.

Small and large private firms also acquired concessions in Manica and Sofala throughout this period, displacing many local families. The operations of these firms ranged from citrus farming to cattle ranching to sugar production and processing. Some of the farms in the area of investigation included, Polpa Papel, Companhia Textile de Pungoe, Mocambique Industrial, SOALPO and Textafrica in Sofala; and SOALPO, Textafrica, and Chimonica in Manica.[54] Indeed, cadastre maps of the lands north and south of the corridor from the colonial period illustrate that the entire area was heavily occupied by small and large private agricultural operations. In Sofala, near Nhamatanda, Srs. Soares, Osvaldo, Popadac, Sanglides and Castanheira had holdings averaging 1,000 hectares each. In Manica, near Vanduzi, Srs. Nogueira, Pina, and Ribeiro had holdings in excess of 1,000 hectares, while several other individuals had farms between 180 and 500 hectares. A little further north of Vanduzi Post, another cluster of

[54] For a more complete list and discussion of these companies, see Joao Paulo Constantino Borges Coehlo, 1993; and Lundin, 1992, for a complete discussion of Mozambique Industrial.

private farms were held by Srs. Nobre, Simoes and Nogueira. These farms controlled approximately 2,000 hectares each. There were several other medium-sized holdings extending northward, each approximately 2,000 hectares (Myers, West and Eliseu 1992).

In 1930 the prazo system was abolished and the colonial government assumed direct administrative control over more than 260,000 square kilometers (26 million hectares) of land. Sofala and Manica Provinces were administered as one district, covering approximately 12.5 million hectares. After 1938 economic and administrative zones were established and 12 companies were given monopolistic control over the production of cotton. The companies were allowed to buy cotton from native producers at artificially depressed prices (lower than the prices paid to white settlers). These zones covered more than half the country, and two, Companhia Colonial do Buzi and Companhia Nacional Algodoeira, covered vast areas in Sofala and Manica Provinces. In these zones, the government in Lisbon imposed on indigenous black Mozambicans a policy of forced cotton cultivation.

In the early 1960s, in the face of growing opposition (largely but not exclusively from black Mozambicans) and the successes of FRELIMO, the colonial government initiated the development of the aldeamentos and the colonatos. The aldeamentos were part of a forced villagization program. Peasants were moved into "strategic hamlets" as a buffer against FRELIMO advances and to optimize colonial control of the local population. Aldeamentos were created all over the country, particularly in the northern provinces of Tete, Niassa and Cabo Delgado. In these three provinces between 50% and 60% of the indigenous population was forcibly relocated (Isaacman 1993), resulting in population concentration, landlessness and a decline in agricultural productivity. The colonial regime did not begin the villagization program in Sofala and Manica until 1971, and by then the regime had few resources to devote to its implementation.

At about the same time in the 1960s, the colonial government initiated a colonization program with the colonatos. These colonies of white settlers and a few assimilados (assimilated black Mozambicans), were often located in strategic military areas. They too were used as buffers against the advances of FRELIMO. The settlers were mostly poor Portuguese farmers. The colonial government selected large tracts of prime land, surveyed and cleared blocks for the colonos, and provided low-interest credit, seeds and technical services. These tracts were frequently already occupied by indigenous smallholder farmers. These farmers were forced completely off their land, remained on marginal land around the periphery of the colonato, or remained on their old land as tenants of the colonos. There were several of these blocks established in Sofala and Manica Provinces. One colonato established in Sussundenga District, Manica Province covered approximately 18,000 hectares.

By 1967, it is estimated that there were 4,043 "registered" farms, totaling 2.27 million hectares in Mozambique.[55] Many of these farms were part of the established colonatos. In Sofala and Manica 451 farms (or 11%) of the farms registered covered 677,000 hectares (29% of the total area). All of the more intrusive colonial political and economic policies were designed to control land and natural resources. The prazos, plantations, concessions, aldeamentos and colonatos all resulted in physical displacement and political and economic disruption. Native Mozambicans were forced off their lands or became landless laborers on their own farms. All of this led, eventually, to the growth of the independence movement and the eventual downfall of the colonial regime. However, this does not suggest that all parties in this resistance had the same goals and objectives. Some of those supporting the fight for independence had ideological goals that conflicted with those of the movement leadership, particularly regarding the nature of Mozambican economy and society after independence. Many who later broke from FRELIMO had different ideas regarding race and property relations, preferring to purge whites from Mozambique and to capitalize on resources that would be reclaimed from whites. Some of these individuals came from "traditional" political families, while others belonged to an emerging black capitalist class, including the assimilados. Many of both groups came from Zambezia, Sofala and Manica Provinces. It is not coincidental that there is a strong relationship between the economic and political history of these three provinces and the evolution of the civil war in Mozambique (see Sidaway 1992, and Geffray and Pederson 1986).

3. Land Tenure in Nhamatanda District Before the Peace Accord

After independence most private farmers, including the colonos, abandoned their farms in Sofala Province. The newly independent government began to "intervene" (e.g. take over) and nationalize several of these farms in 1976 and eventually creating at least 13 state enterprises in Sofala Province (see Myers, West and Eliseu 1992). These enterprises covered more than 35,000 hectares (see Map 3). Two of these farms were located in Nhamatanda District--Lamego Agricultural State Farm (3,726 ha.) and Muda Agriculture and Livestock. The area of the latter enterprise is thought to have been several thousand hectares, but is unknown by government

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[55] See Standard Bank Group, Annual Economic Review, Mozambique, 1968, p. 3, cited in Isaacman, 1983, p. 44. Officials at DINAGECA estimated in 1993 that there were at least six to seven thousand land titles issued by independence. In addition, after independence the state farm sector covered approximately 600,000 hectares. Government officials in Maputo assert that the state farm sector only included a fraction of the farms abandoned at independence. Consequently, it is likely that the number of colonial-era "private" farms and the area of these farms exceeds the figures reported by the Standard Bank Group.

officials in Maputo.[56] The boundaries of the state farms were not necessarily coterminous with their colonial counterparts. In some instances, the state farms were carved from larger colonial-era private farms, but in many more cases, the state farms were amalgamations of several small or medium-sized colonial private farms. Consequently smallholders, who may have been able to maintain rights to land between the private farms during the colonial era, were pushed farther away from their land when the state enterprises were created. The Lamego Agricultural State Farm in Nhamatanda is an example of such an amalgamation.

At about the same time that the state farms were created, the government established cooperative farms for smallholders near the state agricultural enterprises and initiated its own villagization program with the creation of the aldeias comunais (communal villages). Many of these villages were established in the same location as the old colonial aldeamentos. Neither Sofala nor Manica Provinces had as many communal villages as other areas in the country such as Gaza or Cabo Delgado Provinces. Nonetheless, communal villages were established in the former two provinces in the period from 1975 through 1978. Isaacman[57] and Araujo[58] respectively estimate that in 1982-1983 between 9.5 and 12.6 percent of the population in Sofala Province was forced into communal villages. This contrasts with Manica Province where estimates range from 22.4 to 25.4 percent, Tete (10.1 to 17.3 percent), Gaza (30.1 to 50.9 percent), and Cabo Delgado (86.7 to 90.0 percent). It is not coincidental that the number of aldeias comunais established in each province parallels the number of aldeamentos in the same provinces. To understand the dismay, frustration and resentment that people initially had toward the aldeias comunais it is necessary to understand their attitudes toward the aldeamentos. About the latter Lundin writes, "The aldeamentos were a means of controlling the population in a situation of social disorder. The aldeamento was an arbitrary attitude of violence and was regarded as an imposition" (Lundin, 1992:28).

Regardless of which estimates for villagization we use, the total figure remains substantial. Country-wide estimates of the number of people affected by the program range from 1.2 million

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[56] Interviews with Hermes Sueia, UREA (Unidade de Reestrutacao de Empresas Agrarias), Ministry of Agriculture, Maputo, February 1992 and August 1993. When research was conducted on the state farm sector in 1992, the Muda Agriculture and Livestock state enterprise had closed. We were unable to interview farm officials about its operations.

[57] See Isaacman, 1983:155. His data is drawn from The National Commission of Communal Villages, 31 May 1982.

[58] See Manuel Araujo, 1988, "O Sistema das Aldeias Comunais em Mocambique-Transformacoes na Organizacao do Espaco Residenecal e Productivo." Unpublished PhD Thesis, University of Lisbon.

to 1.8 million to 2.5 million.[59] If total population was 13 million in Mozambique in 1982, then between 9.2 percent and 19.2 percent of the country's population was moved into communal villages.[60] We know from field research that all of these people did not remain in the villages, and in many cases people maintained two homesteads--one official and one "traditional" on their family land. At the same time, many of the communal villages, particularly in the central part of the country, became RENAMO targets during the war. Consequently, in many locations smallholders were in a no-win situation. They were damned if the stayed in the villages and damned if they left.

The new government's policies with regard to land, the creation of state farms, cooperatives and communal villages, and its emphasis on large scale, state-managed production at the expense of small scale (private and family) producers led to new social tensions, physical dislocation and economic disruption in the countryside.[61] Fundamental social relations and institutions were affected, including bride-wealth, inheritance patterns, and dispute resolution mechanisms. At the same time, many aspiring entrepreneurs and petty capitalists were prevented from realizing their goals. Smallholders, and smaller commercial interests (including the assimilados, whites and indians) had planned to move into the vacuum left by white settlers. Smallholders and assimilados state that when they were prevented from reacquiring holdings lost during the colonial period, or from capitalizing on opportunities created when Portuguese and others abandoned the country, they became frustrated and angry.[62] It is likely that this frustration created fertile ground for the expansion of hostilities. Our research reveals a rural population that has been traumatized not only by war and drought, but also by colonial and independent government policy.

Field research conducted in 1992 and 1993, before the peace accord, documented a number of land tenure practices, most of which were based upon local social relations, war-time

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[59] Noticias (28 August 1982) reported 1.2 million people were affected by the villagization program, while Isaacman (1983:155) suggests 1.8 million people were moved into the villages. We extrapolate from Araujo's work and estimate 2.5 million people were moved into communal villages.

[60] Manuel Araujo (1988) estimates that 20.0 percent of rural population by 1983 was moved into government villages.

[61] See Sidaway 1992; Geffray and Pederson 1986; Geffray 1990; Hanlon 1990.

[62] Interviews with smallholders in Sofala, Manica and Gaza Provinces, 1992 and 1993. See also Sidaway 1992; Geffray 1990 and Hanlon 1990.

conditions and government policy.[63] Tenure relations represented a patch-quilt of multiple types of temporary (and occasionally illegal) and semi-permanent land tenure regimes. A broad mix of natives, displaced families, commercial interests and state enterprises existed concurrently, and often conterminously, in Nhamatanda District. The state farms had recently closed due to financial and managerial difficulties (see Myers, West and Eliseu 1992), but maintained control over their land. Some native smallholders were farming family land, while others were squatting on state farm land or land belonging to former private enterprises. Some conflicts were reported in 1992.

As noted at the beginning of this section, the majority of the Province's estimated population of 1.42 million people, and uncounted displaced people from other provinces, were squeezed into a narrow band, perhaps 3 to 5 kilometers wide, on either side of the road and railway line (e.g. the corridor), or in protected government areas. Others, who were less fortunate, were forced to remain in RENAMO-held areas. Many of those living in the government-controlled areas were living in or around government-created villages and cooperatives. These villages and cooperatives had populations far in excess of their intended capacity. For example, one village visited in Lamego had an estimated population of 5,800 inhabitants, although it was intended to accommodate only 40 or 50 families.[64] Many of the inhabitants were not from the area, but came from farther south or north of the corridor seeking safety from RENAMO attacks. Conversely, many of the native inhabitants had fled the area early in the war for Beira or other more secure zones. Smallholders and displaced farmers frequently reported problems of overcrowding, land shortages, soil degradation, and tenure insecurity.

Smallholders were not always clear about their tenure rights. For example, some smallholders had been displaced by the colonial plantation concessions. Some of the same families were again displaced by the colonatos and aldeamentos. After independence, many of these same individuals, who were hoping to recover their former pre-colonial land, were forced into communal villages, and had to work on cooperative farms. Others worked on the state farms. With the war, many farmers self-displaced to new areas of relative safety, and frequently they moved more than once to avoid fighting or being captured, or to capitalize on economic opportunities, better climatic conditions, infrastructure or international assistance. Farmers reported that they were not sure when or where they would move once the war was over. They did not know if they would try to remain where they were in the communal villages, move to new areas and secure land, or return to "family land" (see Myers, West and Eliseu 1992; Myers

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[63] In this earlier research, 16 officials at the provincial and district levels of government were interviewed in Sofala Province. This number includes four rural extension agents. Representatives of NGOs operating in the area were interviewed. In addition, the field team interviewed approximately 45 smallholders and small commercial farmers. Several of the smallholders interviewed were displaced from other areas.

[64] Unpublished field notes, Myers, West and Eliseu, 1992.

1993a; Myers 1993b). However, most wanted to leave the communal villages. In comparison to Gaza Province, farmers in Sofala Province appeared more angry about their forced resettlement and the conditions in communal villages. They were definitely more outspoken about the issue, blaming the government (and particularly FRELIMO) for the war, the drought, and other factors for problems associated with hunger, malnutrition and disease.[65]

Many of the smallholders interviewed in Nhamatanda in July and August 1992 who were not on state farm land or in communal villages had insecure, temporary land rights. These rights were being renewed by local customary authorities or lineages from season to season. Others who were squatting on state farm land or on former colonial-era private holdings stated that they would have to vacate their farms once the war was over and the former owners returned.[66] Farmers and displaced individuals expressed concern about the future. They believed that many refugees and other internally displaced families would move back to the district, creating land shortages.

By July 1992 provincial and district officials were already distributing land (including state farm land) to private commercial interests, government officials and other well-positioned elite (ibid.). In contrast to Gaza, Maputo, Manica and Nampula Provinces, little data is available on land concessions in Sofala Province. However, we know that 4,100[67] hectares were granted in Nhamatanda in 1992 and 1993. The Lamego State Agricultural Enterprise covered approximately 3,726 hectares. Consequently, it appears that the provincial government is granting more land than was occupied by the state agricultural sector. In addition, it was reported by district officials that both private companies and individuals have acquired or re-assumed rights to land in the district, and that these transactions have not yet been recorded. The larger enterprises acquiring land include Mocambique Industrial, Textafrica and SOALPO.[68]

Interviews conducted in 1992 revealed that provincial and district authorities, including the DPA (Provincial Director of Agriculture) and the DDA (District Director of Agriculture) in

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[65] While smallholders voiced articulate criticisms of FRELIMO and the government, they often had positive comments regarding developments in education, health care, and other services. At the same time, they did not offer positive comments about RENAMO. On the contrary, when they did speak about, or answer questions pertaining to, RENAMO they recounted horror stories about displacement and hunger, abuse and murder.

[66] Unpublished field notes, Myers, West and Eliseu, 1992.

[67] The central government reports in the Boletim da Republica that 1,721 hectares were granted in concessions in Nhamatanda District between 1991 and 1993. Field research conducted in Nhamatanda in 1992 revealed that 2,375 hectares were granted in concessions in the district in 1992 (West and Myers 1993). The applicants at the central level are not the same as those requesting land at the provincial level.

[68] Myers, West and Eliseu 1992.

Nhamatanda did not think there would be land shortages anywhere in the province or district once the war was over. They stated that the displaced families would return to their "areas of origin," alleviating any pressure on the land. At the same time, officials also noted that it was unnecessary for the province to reserve land for, or distribute land to, (family sector) smallholders. Significantly, officials stated that smallholders were incapable of exploiting the better lands, much of which belonged to the state farm sector or the abandoned colonial farms, because, they said, smallholders lacked sufficient "capacity" (Myers and West 1993:34-38).[69]

In 1992, we were unable to penetrate the areas controlled by RENAMO, north and south of the corridor. However, we believed that those areas, particularly in Machanga, Muanza, Gorongosa, Maringue, and Cheringoma Districts were relatively less populated and less likely to experience land shortages and conflicts (see Maps 2 and 5). At the same time, we knew that these areas had experienced less investment in the colonial and post-independence periods--thus making them less desirable in the short-term to commercial interests in the post-war period. These assumptions, and our expectations regarding land access and conflict, were in some ways confirmed and in other aspects challenged by our findings a year later.

4. Land Tenure in Nhamatanda District After the Peace Accord

In July 1993, Nhamatanda District was revisited. Research focused not only on the area surrounding Lamego State Agricultural Enterprise, but also included several other localities in the district. Displaced and indigenous farmers were interviewed at Lamego Center (Map 12), 12 kilometers east of the district capital. Repatriated, displaced, and indigenous families were interviewed at Muda, 25 kilometers east of the district capital (Map 13). Many of the people interviewed at Muda were repatriated from Malawi and Zimbabwe. We spoke to repatriated families from Zimbabwe and Malawi at Nharuchonga, 10 kilometers west of the district center (Map 11). And finally, displaced and indigenous farmers were visited at Djasse, 26 kilometers from the district capital (Map 10).[70] By far the most interesting and unsettling observations were made at Lamego and Muda. These case sites are discussed first.

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[69] In 1992 officials at the provincial and district levels of government, and officials from the provincial office of DINAGECA were repeatedly asked about land access, conflicts and shortages for smallholder producers and small private interests. The DPA, DDA and a representative from DINAGECA were convinced that land access was not a problem for smallholders or small private interests in Nhamatanda or Buzi districts--the two most densely populated districts in the province. They all believed that any localized problems would be resolved once the war was over and the displaced people returned to their homes.

[70] Displaced, repatriated, returning and indigenous farmers were also interviewed at the Gorongosa Center, Ramos Center, and Quarry of Mount Siluvu Village. These interviews are not specifically reported on in this case study, although the findings have been used in the overall analysis.

In both Lamego and Muda, approximately 50 percent of the repatriated people interviewed stated that they had access to land and were farming. They stated that they had either reclaimed old family land or that they had acquired new land since their return. Those people who said they had recovered family land are differentiated into several categories. Some were returning to land they claimed was owned by their family during or before the colonial period. Others stated that they were returning to land that they had been given by colonial authorities or by colonial-era private farmers. And still others said that they were recovering land that had been granted to them by government since independence. In some cases we witnessed overlapping claims, which the locality government was attempting to sort out. It is not clear if this effort will be successful.

The fact that only one-half of the repatriated families--that is returning families--had access to land at the time of the interviews is revealing. It was assumed by government that all those returning would have access to land, as they had land in this area before the war. In practice, however, this has not happened. There are several possible explanations for this anomaly. First, displaced families are not moving out of the district to their own family farms, giving way for returning refugees. Second, a new category of individuals (smallholders) are self-displacing into the area as they moved away from RENAMO controlled areas.[71] Third, a new category of smallholders are choosing to move to the area because of the opportunities it provides. And fourth, land previously held by smallholders is being granted to non-local smallholders, commercial interests, government employees, and retired military personnel. Land is being granted for mineral exploration, agriculture, grazing, forestry, hunting, and commercial tree farming.

In the first instance, displaced farmers are not leaving the district. While many in 1992 expressed a desire to leave the government-created communal villages (and many indeed have), they have not moved out of the district. One government administrator stated that over 200,000 displaced people were living in Nhamatanda District in 1992, and that by July 1993 only 150 families had left the district.[72] When interviewed, displaced farmers gave several reasons for staying, or conversely, not returning to their family lands. People stated that they felt the corridor was relatively safe, and that if the war resumed they would not want to be caught far from safety. One older man said that he did not want to live through the same experiences again

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[71] There is some evidence which suggests that many people chose to, and were able to, leave RENAMO held areas for government controlled zones shortly after the peace accord was initiated. It is likely that RENAMO was unable to completely control the large exodus of people shortly after the accord was signed. Given food shortages and manpower constraints, RENAMO may have opted to ignore the exodus. However, current field research in RENAMO administered areas reveals that RENAMO has reimposed tight controls on population movement, particularly entering and exiting it administrative zones (see Alexander 1994).

[72] Myers, West and Eliseu 1992.

if the war resumed in his native area; he would prefer to remain landless in Muda. Others stated that they would not return to the rural areas outside the corridor until the government created more positive conditions, such as access to water, health facilities, and transportation, or until the government agreed to help them rebuild their homesteads. This comment was often voiced by female household heads, who frequently had no male relatives to rebuild homesteads or financial means to hire someone to do it.

UNHCR (United Nations High Commission for Refugees) and several NGOs are monitoring refugee movement; however, few are closely monitoring the movement of internally displaced families--a group that far exceeds in number the refugee population by a ratio of at least 4 to 1.[73] We know little about the movements of the internally displaced. In our field research in Sofala, we noted that more people--most of whom were internally displaced--had entered the district than had exited it. Some families moved into the corridor because of opportunities there, not necessarily because they have land there or because they are from the district.

We also spoke to farmers who were entering the district from RENAMO administered areas. They self-displaced to avoid being detained in the RENAMO areas. They did this because they believed that the war would resume, and they were afraid that they would suffer if they remained where they were. Others self-displaced from RENAMO-held lands because they wanted to benefit from some of the opportunities in the government-controlled areas (e.g. greater international donor assistance--access to seeds and food--employment possibilities, education, health services, transportation, etc.).

The population of landless refugees in the district was also increased because, according to farmers interviewed at the accommodation centers, the provincial government in Beira had forced many people onto buses and transported them to the district where they were left. They stated that the officials in Beira wanted to move people away from the city to reduce over-crowding. One particular family stated that they were among several families who were forced to move, and that they were dumped in Nhamatanda, although it is not their home. This family was unable to pay for transport to their old locality and was stranded in Nhamatanda.

Many of the returning refugees who had not acquired land were confident that they would receive land from one of the government authorities or a local NGO. However, displaced farmers were not so sure about the future and their prospects to acquire or reacquire land in the

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[73] Estimates for the number of refugees residing in foreign countries during the war range from 1 million to 2 million, while estimates for the number of internally displaced range from 4.5 million to 6 million. World Refugee Survey, 1984-1993, estimates 1.7 million Mozambicans were refugees and 4 million were internally displaced (cited in Drumtra 1993:9). We believe the actual figure for refugees to be slightly higher, because many who fled to South Africa were not counted in these estimates. In addition, we believe that the number of internally displaced is approximately 5 million.

district. The difference in expectations may be due to the fact that displaced families living in the district may be better informed about land access and distribution, or it may be because of their perception that government and international donors favor refugees in their assistance programs.

And finally, as noted in the first two chapters of this report, government officials are granting land concessions in the district and throughout the province. These concessions, which for smallholders are often the most pernicious trend, are frequently in the best areas, near the corridor or the city and locality centers. A few examples from Muda and Lamego will demonstrate the various consequences of the granting of concessions.

Map 12 depicts land use patterns in the 7th Bairro of Lamego Locality. We interviewed smallholders and private commercial interests farming in the area south of the rail line. The area west of the road to Mecuze was previously part of a colonial farm (designated "A"). This land later became part of the Lamego state farm. During the war many smallholders from south of the river Muda were forced north into this zone. Native smallholders and displaced farmers squatted on land belonging to the state farm, and when possible farmed either on state farm land or around the perimeter of the farm. In 1992 when we visited this area it was densely populated with smallholders and displaced farmers. When we returned in 1993 we discovered that the area was still heavily populated (though some had moved away), but also that a private individual had acquired a large tract of land as part of a concession along the bank of the Muda, and between the river and the road to Mecuze. At least 25 families were forced out of this zone. They were told by local officials to move across the river (regardless of whether they came from the south side or not), or to find land elsewhere. As smallholders felt that the south side of the river was still insecure (since this area was previously subject to attack by RENAMO), they refused to move. Some farmers registered a complaint with local authorities, while others requested new land from these same officials or from NGOs operating in the area. Others are still squatting, hoping that the new owner will let them remain. A last group chose to leave. Some of the smallholders who were squatting in this area worked for the state farm before it closed. They felt that they should have priority over the other smallholders in the area; consequently, there was tension between categories of smallholders.

A similar case was reported by smallholders west of the Mecuze road (marked "B" on Map 12). Displaced farmers and former workers of the state farm were farming in this zone. Farmers reported that a private commercial farmer had acquired the land and that they were told to leave. Although unconfirmed, one farmer reported that the land was acquired by a local official. It is not clear if the official was from the defunct state farm or from the district capital.

Land access patterns in Muda were also very revealing (see Map 13). The area designated "A" was a private farm during the colonial period. After independence, part of the farm became a state agricultural enterprise. Smallholders squatted in the area surrounding the larger block. Both blocks have been claimed by a non-local private farmer. When smallholders were interviewed they had not yet been expelled from the land, though they had been told that they might be. Some farmers claimed that they had farmed in this area since the colonial period.

In 1992 and early 1993 smallholders were farming in the area designated as "B." After the war, repatriated refugees took land in this same area. It is not clear if the returning refugees were from this area or were simply trying to acquire land in a strategic location. In July 1993 smallholders were told that the block had been acquired by a district (or provincial) government official and that they had to leave. This affected several hundred people, and it led to a public protest. Farmers complained to locality officials, who, in turn, claimed that they knew nothing about the concession. Locality officials reported that they were not consulted and were frustrated that concessions were being granted without their approval or knowledge. In July 1993, locality officials were attempting to secure temporary rights for these "post-war displaced" families in the area designated "D." They were waiting for a response when the last field site visit was made. Regardless of the outcome, district officials could not guarantee tenure security in the new location. And finally, Mocambique Industrial, a colonial-era cotton producing company was in the process of reclaiming the area marked "C." During the war some of this land was farmed by local native and displaced farmers. After the peace accord repatriated refugees were using the land on a temporary basis. The fate of the farmers in this area is not known. Some smallholders moved to farm on marginal land between the road and the rail line.

Other examples of land access are illustrated on Maps 10 and 11, in Djasse and Nharuchonga. Nharuchonga, a few kilometers from Inchope locality, is the site of two government-created communal villages, Nharuchonga I and Nharuchonga II. During the war many smallholders fled north from RENAMO-administered areas and weakly controlled government areas to Nharuchonga II. Displaced people accounted for the bulk of the population in this village. They were hemmed in between the road and the railway. Some smallholders farmed south of the rail line, but usually returned to the safety of the village during the night. Some families were also farming north of the road, where the bulk of the commune's farms were located. Nharuchonga I was also inhabited by displaced families, though less so than its counterpart village. When the peace accord was initiated, repatriated refugees moved into Nharuchonga I. In July 1993, officials reported that more than 1300 refugees had entered the village seeking permission to stay. Locality officials negotiated with local authorities and other private commercial interests and secured temporary land use rights for returning refugees in the area between the road and the river, designated "A." Displaced and local smallholders were also farming in this area. Because of land shortages, locality officials approached a private owner who had acquired land north of the river after the peace accord. This land is designated "B" on the Map 11. He agreed to allow returning refugees to use the land on a temporary basis. He reportedly told the locality officials that as soon as he acquires enough capital he will expand his operations and exploit all of the land. At that time, he stated that the refugees will have to leave.[74]

It is interesting to note that displaced farmers reported that they are aggravated with the NGOs for granting assistance to returning refugees, rather than to other displaced farmers. At

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[74] Reported by district and locality officials, July 1993.

the same time, local farmers reported frustration with the assistance that has been extended to both displaced smallholders and returning refugees. Indigenous smallholders here, as elsewhere, often stated that they felt they had "done their job" by assisting displaced families and returning refugees with land, and wished that they would "go home."

It is not our intention to suggest that no displaced or few returning farmers are reacquiring land. Nor do we wish to suggest that all native farmers who remained in the area did not maintain or acquire rights to land. On the contrary, many smallholders are farming in the corridor, albeit frequently on marginal lands in many locations. Some farmers reported gaining access to land (usually on a temporary basis) by clearing land that had gone to bush. One farmer stated that he knew that the former Portuguese owner would return soon and that he would have to abandon the land he had cleared. Others reported that they gained land through an informal (customary) lease arrangement. They stated that they borrowed land for a season from local families, and either paid in cash or labor for the use of the land. A smaller number of farmers reported that they had purchased rights to land, usually on a seasonal or temporary basis (one farmer stated that in 1992 the price outside the corridor was 100,000 meticais per hectare). And finally, several farmers reported that they or other family members acquired land through squatting.

We do intend, however, that many returning refugees, displaced families and indigenous farmers are competing with each other for access to a limited resource in a constrained area. At the same time, they are also competing with non-local commercial interests who are buying land or acquiring land concessions from government officials. We also found that tenure security for these smallholders is weak.

Interaction among smallholders over the distribution of land was, however, differentiated. For example, in one case, an old man who had worked as the capatez (overseer) on a colonial farm refused to allow squatters on the land, let alone any monetized transactions. In another location, one family, which claimed historical rights to land that was occupied by a Portuguese farmer during the colonial period, was leasing land to landless families. This differentiated process requires closer examination; it is likely that such an examination will reveal more of the internal dynamics that affect control over natural resources at the local level.

It was also clear that many rural families were focusing only on the short term--they were planting for the current season and hoped to reap their crops before they were expelled or forced to flee. In other ways, farmers were quietly resisting, farming on marginal land and registering complaints with locality officials. It is interesting that in none of these cases did newly displaced families report that they complained to local customary authorities. They correctly targeted government officials and demanded solutions from them. Customary authorities were only called upon when a dispute involved two local community members.

Smallholders frequently stated that they had divided their households between two locations. The family household, and particularly the children, remained in the corridor districts, while other members of the family exploited farm land outside the safety of the corridor.

C. MANICA DISTRICT, MANICA PROVINCE

1. Research Sites and Objectives

Manica District was visited three times between June 1992 and August 1993. The August 1993 visit took place approximately nine months after the peace accord was signed. Like the previous study in Sofala, this case study builds upon an earlier investigation in 1992, which focused on divestiture of state farm land and assets (Myers, West and Eliseu 1992). Apart from our research on land access in the post war period the Land Tenure Center also sponsored a separate and more detailed study of power relations in several locations in Manica Province. This study focused largely on RENAMO-administered areas. It is an in depth analysis of both historical and current power and land tenure relations in these areas (see Alexander, 1994).

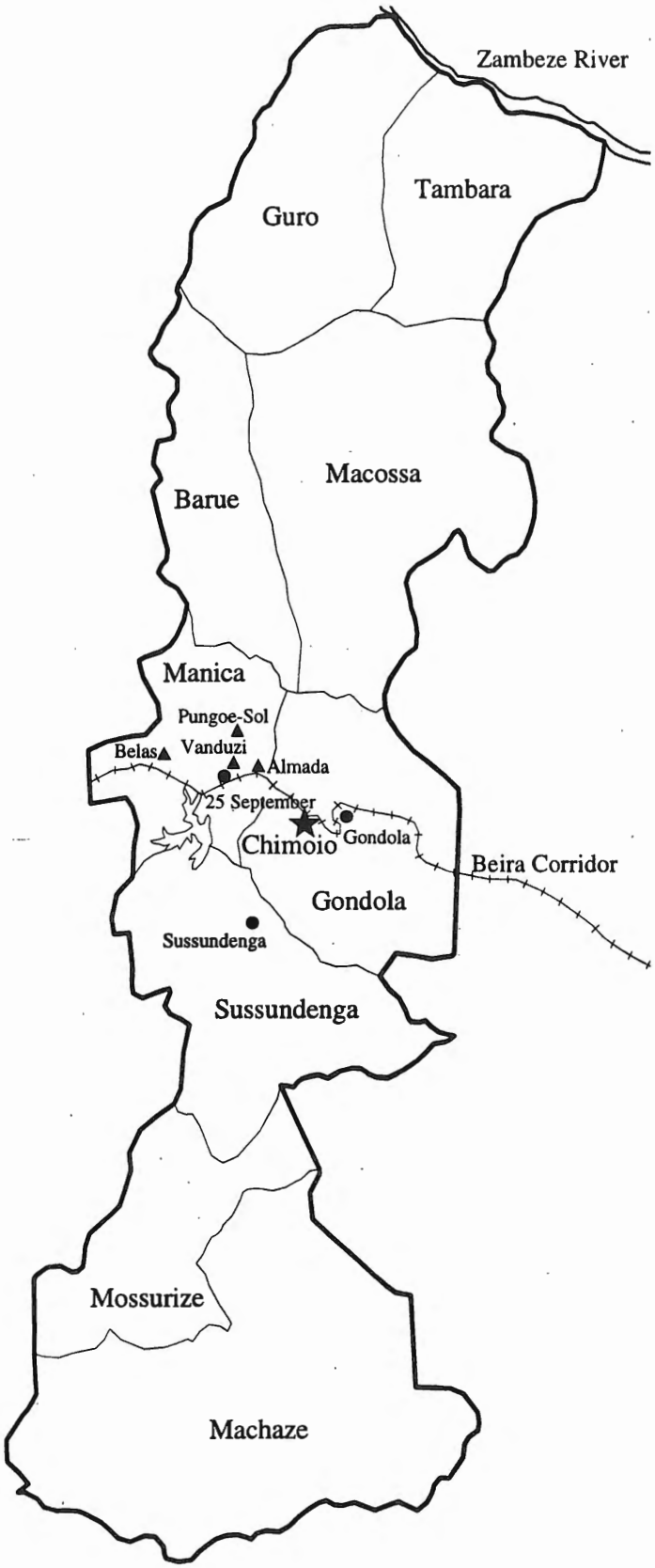
In this section we focus on tenure relations in several locations along the Beira Corridor in Vanduzi District, Manica Province. A few of the sites visited around Vanduzi were outside of the corridor. Like Sofala Province, this area in Manica Province has historically been the site of substantial financial investment. It is an area of great agricultural and industrial potential. The lands are fertile and well located, near transportation, markets and rivers. There is an abundance of labor. Although the government invested heavily in the security of the corridor, and Zimbabwean troops were stationed along the route during the war, infrastructure and communities suffered from repeated RENAMO attacks. The area will require substantial re-investment to recover the infrastructure and the productive capability of the zone. Also, like Sofala, the territory outside of the corridor, north and south, was largely controlled by RENAMO during the war. Little investment has historically taken place in these latter areas, there is no substantial infrastructure, and what did exist prior to the war was, ironically, largely destroyed by RENAMO itself (see Alexander 1994). These areas, also of great economic potential, will require much more investment and time if they are to achieve any of their productive potential. The fact that there are such economic disparities between the two zones--those controlled by government and those by RENAMO--may prove destabilizing in the near future (ibid.).

Seven locations were visited during the course of this investigation: (1) the Administrative Post of Vanduzi, 25 kilometers west of Chimoio; (2) the area around Vanduzi State Farm; (3) June 25 Communal Village, in Vanduzi; (4) Almadá Communal Village, 7 kilometers east of Vanduzi District Center; (5) Belas Communal Villages, 7 kilometers southwest of Vanduzi; (6) September 25 Communal Village, 15 kilometers northwest of Vanduzi; and (7) Pungue Sol, 48 kilometers northwest of Vanduzi. This last site is the seat of local customary authority, one of two in the territory surrounding Vanduzi. In this paper we report on the sites in and around Vanduzi, that is, the terrain around the state farm, Almada Communal Village and Belas Communal Villages (see Maps 14-16). At these sites we interviewed 39 smallholders. Twenty-six individuals are from displaced families, while ten more are local smallholders. Three individuals were returning refugees. We conducted two focus interviews in the Belas Villages, speaking to local natives, repatriated refugees and displaced families. We also interviewed eleven

government officials in Vanduzi Post, and the provincial capital in Chimoio, including 3 rural extension agents. In addition, we spoke to two commercial private farmers and to representatives from NGOs operating in the district.

In this case study, as in Sofala, we attempted to understand if returning refugees and displaced farmers had returned to their family lands, or had acquired land elsewhere in the post-war period. We wanted to learn more about the interaction between smallholders and larger commercial interests in the corridor, as well as among local smallholders, displaced families and returning refugees.

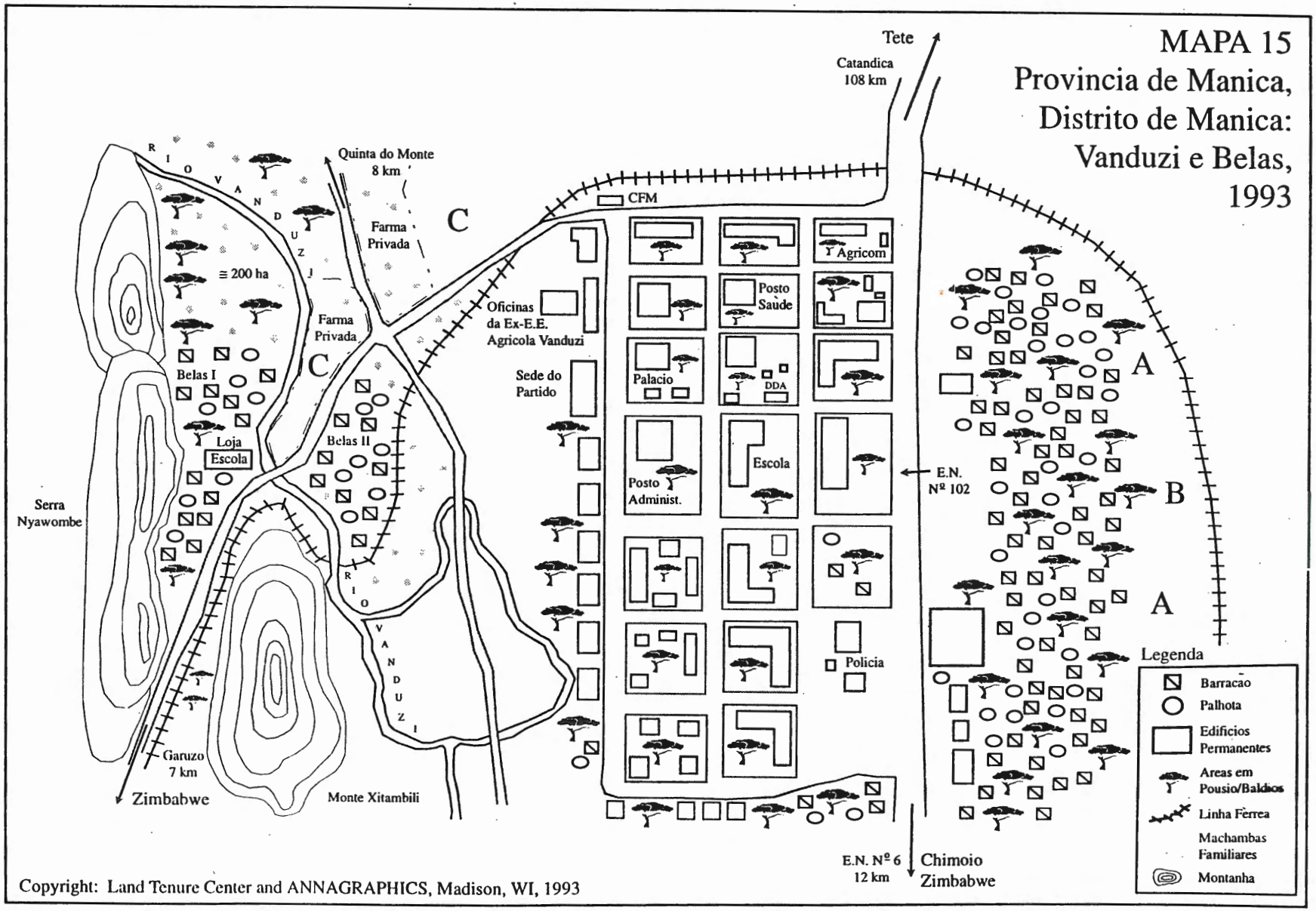
MAP 14
Manica Province: Field Research Sites, 1993

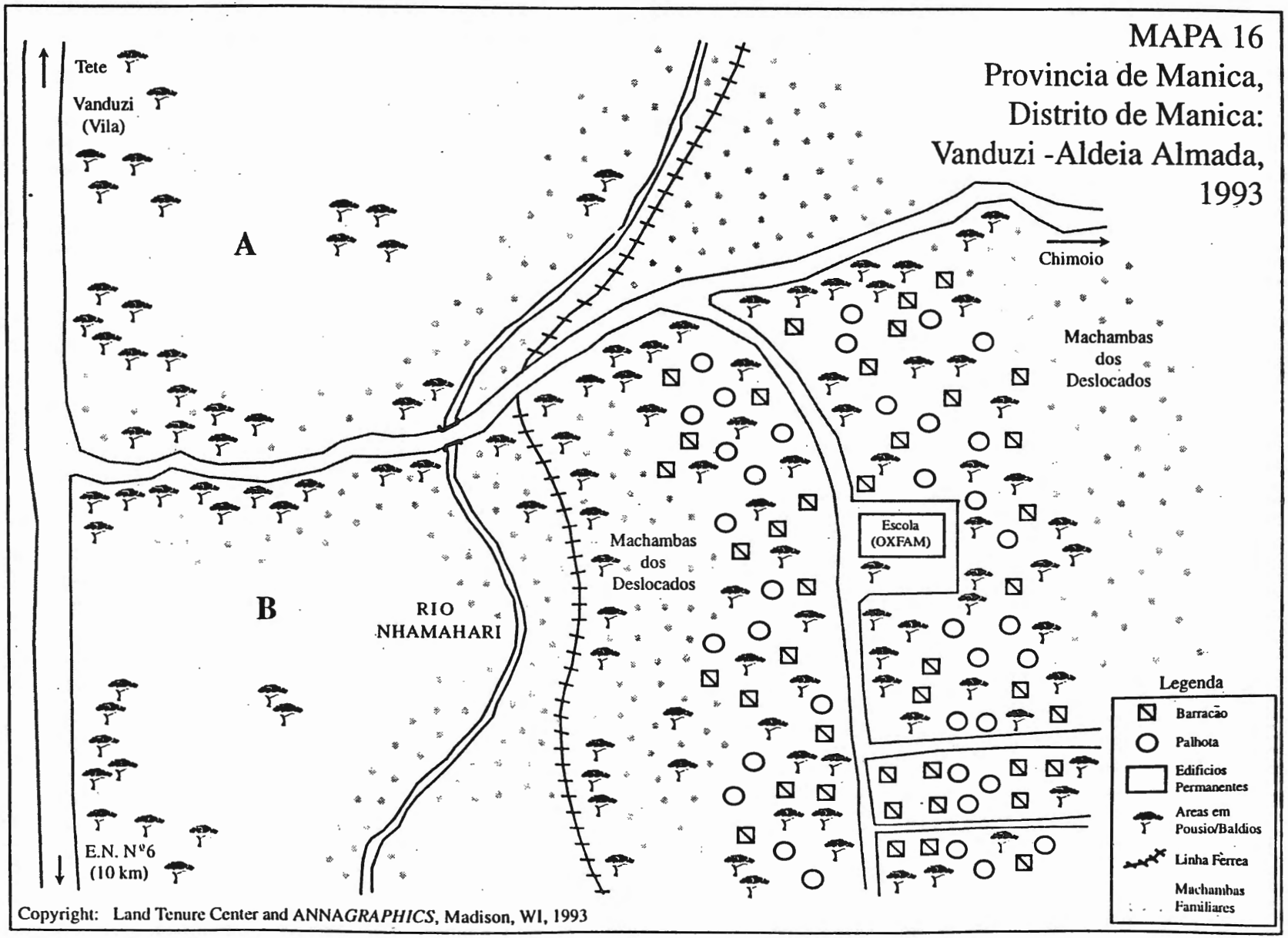


Legend

- ▲ Primary Research Site
- ● Secondary Research Site
- ▭ Area of Field Research
- ★ Provincial Capital

ANNAGRAPHICS and Land Tenure Center, Madison, WI, 1993


MAPA 15
Provincia de Manica,
Distrito de Manica:
Vanduzi e Belas,
1993
Tete
Catandica
108 km
Quinta do Monte
8 km
Farma
Privada
C
CFM
≅ 200 ha
Farma
Privada
C
Belas I
Loja
Escola
Belas II
Serra
Nyawombe
Oficinas
da Ex-E.E.
Agricola Vanduzi
Sede do
Partido
Agricom
Posto
Saude
Palacio
DDA
Escola
Posto
Administ.
E.N.
Nº 102
A
B
A
Policia
Garuzo
7 km
Zimbabwe
Monte Xitambili
E.N. Nº 6
12 km
Chimoio
Zimbabwe
Legenda
Barracão
Palhota
Edificios
Permanentes
Areas em
Pousio/Baldios
Linha Ferrea
Machambas
Familiares
Montanha
Copyright: Land Tenure Center and ANNAGRAPHICS, Madison, WI, 1993


MAPA 16
Provincia de Manica,
Distrito de Manica:
Vanduzi -Aldeia Almada,
1993
Tete
Vanduzi
(Vila)
A
B
RIO
NHAMAHARI
E.N. Nº6
(10 km)
Machambas
dos
Deslocados
Escola
(OXFAM)
Chimoio
Machambas
dos
Deslocados
Legenda
Barracão
Palhota
Edificios
Permanentes
Areas em
Pousio/Baldios
Linha Ferrea
Machambas
Familiares
Copyright: Land Tenure Center and ANNAGRAPHICS, Madison, WI, 1993

2. Land Tenure in Manica District Before the Peace Accord

After independence most of the colonial farms in Manica Province were abandoned and most of the white farmers and a few of the assimilados fled the country. We were told by provincial authorities that only "a few of the white privados remained, while several of the assimilados remained in Manica."[75] The government intervened and nationalized several farms, eventually creating 11 state farms, 13% of the total state farms reported nation-wide (see Map 3), covering approximately 73,000 hectares.[76] This figure represents almost 13% of the total land held nation-wide by the state farm sector. One of these farms, Vanduzi State Farm (4000 hectares), was located in Manica District. It closed in 1990 due to various financial and administrative difficulties (see Myers, West and Eliseu 1992). Land tenure relations in this locality are driven by the area's proximity to the corridor, and consequently population concentration, infrastructure, and capital investment. It is representative of other commercially strategic areas in the corridor.

Field research conducted in 1992 and 1993 before the peace accord was signed revealed many different types of land tenure practices and land uses.[77] In Vanduzi, we witnessed a broad

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[75] Interviews with district officials and rural extension agents, Vanduzi Post, July 1993. We do not have accurate data for Manica District; however, Alexander (1994) has been able to compile rather detailed data for Sussundenga District. While probably not complete, it is revealing. She notes that only two colonial privados remained, while at least 16 assimilados. have re-emerged in the last two years to reclaim or re-register their holdings.

[76] Our records from Manica Province regarding state farm land differs from other sources. For example, we believe that IFLOMA in Sussundenga District covered approximately 36,000 hectares; however, Alexander's (1994) data puts the actual size at more than 50,000 hectares. As the provincial government has already registered this much land from the State Farm in Sussundenga, we believe that her figures must be more accurate. Consequently, the total area held by the state agricultural sector in Manica is likely to be higher than reported by the central government in Maputo.

In addition, we have no data on Manica Timber State Enterprise and Manica Livestock Enterprise, both in Gondola District. It is likely that Manica Livestock alone covered several thousand hectares, as a substantial area was required for cattle grazing. However, we are unable to substantiate this because this information is unavailable in Maputo at UREA (Unidade de Reestrutacao de Empresas Agrarias), the organization responsible for monitoring and reorganization of the state farm sector.

[77] In this earlier research, 11 provincial and district officials were interviewed. This number includes 3 rural extension agents. We interviewed 4 local customary authorities, and 3 government/NGO "selected" community authorities. In addition, we spoke to approximately 25 smallholders, including 4 displaced farmers. We talked to two commercial farmers and representatives of NGOs operating in the district.

mix of tenure practices, and, already at that time, we were informed about a number of land conflicts that had already erupted. The area was highly populated, particularly the communal villages, with local smallholders and displaced families.

As in Sofala, the government created many communal villages and cooperative farms in Manica Province. Many smallholders, perhaps as much as 12.5% of the rural population in the province, were moved into these villages in the late 1970s. They farmed land allocated to them by the communal village and lost rights to family land. Other smallholders were given land in cooperative farms, usually attached to, or part of, a state farm enterprise. Still other smallholders secured employment working on the state farms.

In Vanduzi, and in other parts of Manica, the communal villages were transformed as a result of the war. With this transformation, people's views of the villages have changed. As noted earlier, people were often forced to move into the villages and abandon their family land. Other individuals were "encouraged" to move with the promise of better social services, education and other benefits. Initially, the government was able to provide some of these services in some locations, but this did not mitigate the fact that people lost rights to family land and access to customary authorities. In the early to middle 1980s RENAMO increased its attacks on the government created villages. Many of the communal villages became unsafe places to live. As a result, smallholders abandoned the villages for the bush. In 1992 Zimbabwean troops began to assist government troops in securing the corridor from attacks. By 1987, there were 10,000 Zimbabweans in the corridor (Sidaway, 1992) As a result of these changes, many smallholders and displaced families moved back to the communal villages. Smallholders reported that they did this because these villages, or "centers" as they were often called, had some infrastructure and services,[78] and had become considerably safer than the unprotected rural areas. However, as more people moved into the "centers," land became increasingly scarce, decreasing output and food supply per family and leading to conflicts.

In the period from 1990 to 1992, many NGOs started operating in the district. They brought food, seeds, and services including medical assistance. This also had a "pull effect" on the local population, influencing some to stay in the communal villages. In 1992 many farmers reported that when the war was over they wanted to leave the villages; in fact many reported a great deal of animosity toward the government regarding the communal villages.[79] At the same time, however, smallholders and displaced individuals made positive comments regarding the services available at the "centers." We frequently heard about families who divided themselves between two locations, one part of the family remaining in or near the "center," while another part moved on to other (perhaps family) land. This will be discussed in greater detail in the following section. However, here we wish to emphasize the pull effect that social services and infrastructure had on people who, otherwise, strongly disliked the communal villages. Although

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[78] Interviews with smallholders, Vanduzi Post, 1993.

[79] Myers, West and Eliseu 1992.

not stated directly, it would appear from our interviews that the strong negative reaction was due more to the way people were forced into the villages, often without consultation or option, and the way local authority was stripped of power, than because of the actual creation of the villages and the government's attempts to provide services for the rural population. In any case, the pull effect of social services, safety, and other opportunities will continue to influence where and when smallholders go.

Other land tenure practices included squatting and customary arrangements. In the first case, some smallholders were squatting on former state farm land, while others were squatting on former colonial holdings.[80] Neither of these two groups had tenure security, because there were no guarantees given that government would not distribute these lands to outside interests. Smallholders reported that they would have to abandon the land when the state resumed operations or when the old privado returned. In the second case, we observed many farmers who were farming their own land or land that they had acquired from another local family. Admittedly, these farms were either distant from Vanduzi Administrative Post and lacked access to services and infrastructure (let alone security from attack), or were on marginal land around the colonial farms or state farm production units. This latter group had relatively weaker security and depended on poorer quality land. It remains to be seen how or whether the prospect of acquiring rights in less congested areas will draw people away from the centers.[81] In addition, we noted some smallholders who were remaining on land which had been granted in concessions to non-local commercial farmers. They worked for the new land holders as landless laborers, or as tenant farmers. In one case investigated in 1992, a new private land owner had acquired a concession in excess of 1000 hectares. He had given smallholders temporary access to remain on 350 hectares of his concession.

When the first round of research was conducted in 1992, the Vanduzi State farm had recently closed. The directors of the farm, as well as district and provincial officials, were involved in the divestiture of the state farm's lands and assets. At that time, the state had already distributed over 4,275 hectares of Vanduzi's state farm land.[82] The provincial and district

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[80] Not all of these instances are true cases of squatting, as some smallholders claim that this was historically their land. In effect, it was the colonial farmers, the state or the new private interests who were squatting, and the smallholders were reclaiming their land.

[81] This, of course, assumes that land is available. Most likely, when and if people move from the centers they will either return to family land or will negotiated with another land abundant community or family for use rights.

[82] The central government reported that Vanduzi State Farm only had 4,000 of land. While it is likely that the central government has underestimated the actual area controlled by Vanduzi, this discrepancy reveals a more ominous problem. Provincial government is granting land concessions for land that is contiguous to the state farms. In doing so, they rob smallholders who had maintained or reacquired land between the state farm production units and the colonial holdings.

governments were also processing applications for land concessions outside the state farm sector, that is for land formerly belonging to the private colonial farms. Officials stated that they were not granting concessions for land that was not part of the state farm sector or part of the former colonial holdings, in other words, that they were not granting land that smallholders had managed to keep during the colonial and post-independence periods. However, our research in 1992 (Myers, West and Eliseu 1992) and in 1993 calls into question this assertion.

As in Sofala Province, officials in Manica stated that they believed larger (private sector) commercial farmers were better able to exploit the province's higher quality and better positioned lands. That is to say, they believed smallholders did not have the capacity to exploit the better lands. However, unlike officials in Sofala Province, officials in Manica frequently stated that they were concerned about smallholder access to land and the welfare of smallholders in a future post-war Mozambique.

Officials at the provincial and district levels of government spoke about the need to reserve some land for smallholders. In 1992 officials were discussing options for creating "protected zones" or reserves for smallholders. Four years earlier, the Province created the PDRM (Manica Province Rural Development Program). The initial purposes of the program were to move displaced people away from the congested corridor and urban areas in Manica and to stimulate agricultural production. More than 20 villages were created as part of the program, most of which were coterminous with former colonial holdings. This program was funded by Italian Cooperation and implemented by various NGOs operating in the area (see Alexander, 1994). Two of the villages created were near Vanduzi State Farm, Belas I and Belas II, and are discussed in more detail in the next section. The limitations of this policy of creating "reserve" villages has been discussed elsewhere (Myers, West and Eliseu 1992).

In 1992 officials stated that they thought people would return to their home lands immediately after the war ended. They believed that there would be less population concentration in the district after the war. In 1992, officials at Vanduzi Administrative Post informed us that the total population of the Post was 18,297 in 1990-1991, and 31,669 in 1992. Of this 1992 figure, 4,207 people were registered as displaced (Myers, West and Eliseu 1992). When we returned in 1993, Vanduzi officials reported that the population of the post was 38,409, and that 80% of the population was displaced families. Despite the anomalies in the data on displaced people, the data from 1991 and 1993 reveal an increase in population of 13,372 people, a 58% increase over the 1990-1991 figure. The difference is most likely due to an influx of displaced families. In the year after the war, the population of the post increased by another 6,740 individuals, a 21 percent increase over the 1992 population after the peace accord. Thus, rather than a decrease due to people leaving the area, population has increased as refugees have returned and displaced families have, apparently, remained in the area.

In 1992 we were unable to enter RENAMO held territories in Manica Province. As in Sofala, we believed that those areas north and south of the corridor were relatively underpopulated in comparison to the localities nearer to the corridor. This was later confirmed by Alexander (1994).

3. Land Tenure in Manica District After the Peace Accord

In July 1993 Manica Province was revisited. Research focused on the area around Vanduzi State Farm, as well as in nearby communal villages and communities (Maps 14-16). Displaced, indigenous and reintegrating farmers were interviewed.

As most of the state farm land (and some contiguous land) had been granted in 1992, there were no new concessions reported for state farm land in Vanduzi. Non-local private commercial interests who had acquired concessions continued to exploit them. It was reported that in some cases these private interests had expanded operations, thus some smallholders who had initially retained access to land were, according to local rural extension agents, forced off their farms. The fate of these smallholders is not unknown. The population of the villages around the state farm has increased as smallholders returned from refugee camps or self-displaced from RENAMO administered areas or other less favorable government controlled areas.

Some smallholders reported that they traveled several kilometers north each day to farm (often on land that was borrowed), and then returned to the center in the evening. They were doing this because they felt that the rural areas more distant from Vanduzi were not yet safe, and because many more social services are available in Vanduzi and other localities closer to the corridor than in the rural areas. Women noted the appeal of social services more frequently than men did. While we do not have statistical data, it appears that some farmers continue to exploit family land, or land that they held during the colonial period, while others are simply borrowing land for a short period. Tenure in the corridor has become more individualized for both smallholders and commercial interests.

Smallholders are still farming in the margins around the new private farms and colonial-era farms, and some continue to squat on those farms. The majority of these farmers, indeed the majority of all farmers with whom we spoke, stated that they did not have confidence in their ability to maintain their land rights. Some individuals seemed resigned to this, while others were angry. In two different locations, farmers noted that nothing has changed much since the colonial period, and that they gained little as a result of the wars. This view was also echoed by officials at the locality, district and provincial levels of government. Ironically, white members of the research team were approached on several occasions by smallholders and asked if they were returning to reclaim holdings. (This happened in several locations throughout the country.) One old farmer, echoing several others, stated that at least when the Portuguese were here he had a job and food to feed his children. While it is obvious that this farmer is not making a statement favoring whites or a return to colonial government, it is clear that he is expressing dissatisfaction and frustration with the results of independence and the civil war.

It is also clear that as displaced farmers return they find new residents and farmers in their communities and on their old holdings. Some of the new residents are larger commercial farmers, and others are smallholders. If land is occupied by smallholders, meetings take place and use rights are negotiated. If the land is occupied by a commercial interest the returning farmer apparently has little recourse.

Farmers who had maintained land rights or who had acquired land rights near Vanduzi boasted of substantial harvests in 1993, and looked forward to similar harvests in 1994. Many individuals in this category complained of problems with transport and markets, stating that some crops were wasting in storage or being sold for extremely low prices.

In 1993 district and provincial officers acknowledged that many more land concessions have been granted in the province. Our records indicate that over 125,000 hectares have been granted at the provincial level for agricultural exploitation, in selected districts in the last two years (see Alexander 1994). We suspect that concessions are also being granted for hunting reserves and mineral exploration. Research reveals that this figure of 125,000 represents, at most, 50 percent of the actual extent of concessions granted at the provincial level in the last two years (ibid.).[83] Most of this land is in southern Manica and Gondola Districts, and in northern Sussundenga District, near the corridor. At the same time we have heard numerous unconfirmed reports of land concessions being made (unofficially and often illegally) to Zimbabweans and South Africans. Alexander (ibid.) reports two cases in which local Mozambicans were fronting for Zimbabwean firms. It is evident that the provincial government is granting land far in excess of the area controlled by the state farm sector.

In several villages visited in Vanduzi, including Almada, Belas I and Belas II, September 25, and June 25 we found local residents, displaced families and repatriated refugees living together. There was no significant reduction noted in the populations of any of the villages, and there were increases in a few. Because we did not perform a standard household survey, we do not know enough about the composition of the communities--questions remain. For example, we do not know whether the population has remained the same because returning refugees are replacing displaced families who have moved on. Another possibility is that repatriating refugees have temporarily settled elsewhere and that the population levels in the villages have remained about the same because displaced people have not moved back to their "family lands." In the Belas villages it was reported that no displaced farmers have returned to family land. Administrators reported that the combination of local residents, displaced families and repatriating individuals was putting a strain on resources.

As in Sofala, rural extension agents told us about farmers who were self-displacing from RENAMO administered areas. Farmers reported that when the peace accord was signed they were able to move south or north to the corridor. They did this because of the relative safety of the corridor and because of the availability of humanitarian assistance and services. With regard to the RENAMO-administered areas away from the corridor, we do not anticipate land shortages and conflicts at this time, though land tenure weaknesses remain which may lead to

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[83] Alexander (1994) reported that about 50,000 of the 125,000 hectares granted in agricultural concessions in the last two years were registered to the provincial Government of Manica. This land is part of the IFLOMA State (forestry) Enterprise. The state is registering these land concessions in order to legalize the "intervention" of these lands and facilitate their alienation.

conflict in the near future if RENAMO continues to pursue an independent policy of land administration, including the granting of land concessions.

In 1993 farmers who did not have access to land, or who did not have secure rights (e.g. they were squatting on state farm land or land belonging to colonial-era privados), or who were farming near new private holdings expressed concern regarding their future and their ability to feed their families. In Manica, despite the government's PDRM program, smallholders were not as optimistic about the future as those interviewed in Sofala.

Two examples of the complex nature of land access for smallholders and commercial private farmers in Manica Province are discussed below. These two examples are drawn from our research in Belas I, Belas II and Almada Communal Village.

Belas I and II (see Map 15) are unique from the other communities studied because they are part of the PDRM program. With the approval of the provincial government, the Italian Cooperation built the two villages in 1991 on land formerly part of Vanduzi State Farm. Each village also had control over a few hundred hectares for smallholder production. In 1992 the Cooperation was requesting permission to build a third village at the same area. The Cooperation built meetings halls, administrative buildings and storage facilities, and they facilitated the acquisition of farm equipment and hand tools. The villages serve as centers for aid programs (food and clothing distributions and medical assistance). Belas I and II are also designed to support smallholders' interests, particularly in acquiring and maintaining rights to land in the vicinity. In 1992 each participant was granted 1 hectare in the scheme.

In 1992, before the peace accord, villagers included local residents, displaced farmers, reintegrating refugees, and former state farm workers. Each village was supported through rural extension agents, who were appointed by the Cooperation. The agent was responsible for land allocation. Each village also had an elected secretary and political leader.[84] These two individuals also assisted with determining land allocations, and the political leader was charged with resolving disputes. At the same time, local customary authorities became involved in the scheme and influenced political decisions, adjudication, and resource distribution and management (see Myers, West and Eliseu 1992).

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[84] In 1992 we noted that most of the individuals interviewed in Belas I and II felt that the villages were run by the Italians, despite these popularly elected representatives (Myers, West and Eliseu 1992).

In 1992 the provincial Government considered demarcating the villages and the land belonging to Vanduzi and other state farms as "reserves."[85] This would protect them from acquisition since any land demarcated as a "reserve" would not be surveyed and registered by DINAGECA. In 1993 the villages had not yet been granted reserve status, and, as noted, most of the remaining land belonging to the state farm had been granted in concessions or acquired by commercial interests.

It is interesting to note that displaced families have remained in these villages, and that reintegrating families have opted to move to these same centers. The fact that displaced farmers and reintegrating families are joining the Belas I and II villages further supports the argument that smallholders will not necessarily return to their "home lands," even if they feel it is safe and they have the means to do so. Smallholders, like larger commercial interests, want to exploit the same productive and strategically located lands as do commercial interests. In 1992, locality and district officials had assumed that refugees and displaced would leave the villages and that the reserve areas would no longer be needed.

When we returned to Belas I and Belas II in July 1993 we discovered that, as noted above, the populations had not declined. In fact, they had apparently increased. In 1992 the population for Belas I was reported to be 224 families, while in 1993 it was reported to be 372 families, an increase of 60 percent. More local residents and reintegrating farmers were residing in Belas I, while a preponderance of the residents in Belas II were displaced families. This difference is interesting because the land directly contiguous to Belas II has been granted to a private farmer, Sr. Chongo (area marked "C" on Map 15), despite an unofficial policy refusing private commercial applications for land rights in this area. Perhaps the locality and district governments are hoping to squeeze displaced people out of this prime area. At the same time, it should be noted that the inhabitants of Belas I are also suffering from land shortages. Their expansion is constrained by the Serra Nyawombe highlands to the east, and by Belas II to the west. Other land concessions in the area were also reported by both smallholders and local rural extension agents.

Additionally, the population of displaced people living within the Vanduzi Locality has not dramatically diminished. Although we did not take a census in 1992 or 1993, there were apparently as many displaced families living near the post (areas marked "A") in 1993 as there were in 1992. When asked, farmers stated that they wanted to take advantages of the services in Vanduzi, and because they felt that the rural areas were still unsafe. They also claimed that

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[85] Demarcation as a reserve has no real legal standing in Mozambique or Manica Province. The application of this measure relies solely on a verbal agreement between and the villages and DINAGECA to deny private (non-local) farmers' requests for occupation and application of title.

there was insufficient land near their homesteads. Local residents stated that they wished displaced farmers would return to their family lands or move away (anywhere).[86]

The village of Almada was established in the late 1970s as part of the government's villagization program (see Map 16). In 1993 the population was reported to be approximately 430 families. Local officials noted that this is a substantial increase over the previous year. The increase was due to an influx of repatriated refugees. In 1993, repatriated refugees, displaced families, and local residents were living in the village and farming land contiguous to the village. The area between the river (Nhamahari) and the village was intensely farmed, by local residents and displaced farmers before the peace accord was initiated. With the increased population of returning refugees, there is even greater concentration.

Smallholders reported that there were numerous land conflicts between local residents (and some displaced families) and returning refugees. The problem stems from the overlapping land rights that exist in the area. The major conflicts seem to be between returning refugees, many of whom are natives of the area, and residents of the village, that is between natives and those who received land in the villagization program. Some of the returning refugees are using the village as a stopping place on their way to other locations. For example, one farmer stated that he would remain in the area for one season before moving on to other land north of the corridor. Other refugees are returning home, that is to Almada, and claiming the land that once belonged to them before the villagization program and the war. These disputes are being heard by both local officials and customary authorities. There are fewer conflicts involving displaced people. This category of individuals appear to have the weakest rights of all smallholders in Almada. Local officials also reported that non-local private interests were trying to acquire land between the main road (E.N. 6) and the river (see areas marked "A" and "B" on Map 16). If this concession is approved, land shortages will certainly increase for farmers living in Almada. Most likely, local residents will force displaced farmers to leave the area.

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[86] The lines among the categories "local inhabitant," "(reintegrating) refugee," and displaced farmer are often blurred. Not only do we sometimes misapply these definitions, but smallholders themselves may misuse the definitions. This is indeed a area that requires further exploration; however, it is possible that smallholders are manipulating these terms to secure access to benefits and services, while inhibiting others' access to the same opportunities and benefits. Deeper exploration of local social relations, particularly with regard to access to, and control over, natural resources may demonstrate important social dynamics at the local level. For example, smallholders most likely use the "opportunities" and constraints of war and peace to manipulate their own local political and economic fortunes; consequently, one's status as a refugee rather than a displaced farmer, may affect one's opportunities..

4. Concerns Raised by the Cases in Sofala and Manica

In both Sofala and Manica Provinces, there continues to be a lack of knowledge about smallholder intentions and actions regarding reintegration in the post-war period. Provincial and district officials are unaware of, or unconcerned about, the movement of smallholders. In general, officials still believe that smallholders will return to their areas of origin or leave the "centers." The fact that this has not happened on a large scale does not seem to have altered their impressions or policies. Locality officials, who are better informed, are often not consulted and frequently find themselves in delicate positions with their respective communities as provincial and district authorities distribute land. Given that displaced smallholders are not moving from these villages, and that many are experiencing a population increase as refugees return and others self-displace to the corridor, local communities will face greater challenges with regard to land access and resource allocation than anticipated. These challenges will continue for several years to come.

Provincial governments are approving land concessions for some of the best land in the country. These concessions are creating land shortages in some areas, and intensifying shortages that already existed in other areas. Authorities continue to justify concessions on the belief that larger commercial interests are better equipped to exploit the more valuable resources and are more efficient. On the positive side, it appears that many concessions in Manica Province have gone to local commercial Mozambican (former assimilado) farmers. Some of these individual are indeed better positioned to exploit resources than their foreign counterparts who have recently been acquiring or attempting to acquire land. On the negative side, this process may be reinforcing smallholders' status as smallholder by inhibiting their opportunities to accumulate capital and expand production. Officials in Manica Province appear to be receptive to the needs of smallholders, particularly through the implementation of the PDRM program and identification of "reserve areas." However, the process for demarcating reserves and formalizing the arrangement, let alone enforcing some type of tenure security, has not moved forward. In 1992 we expressed concern with the plan to create reserves. We still maintain those reservations; however, we would like to see the province move forward by recognizing smallholder land rights and protecting them. At least, the province should not grant land concessions where smallholders are located, and should incorporate smallholders into the negotiations between commercial interests and the state.

There is growing tension among different categories of smallholders--displaced, refugee and native families--as they compete for resources. The tension is heightened by the distribution of assistance, and what appears to local residents and displaced families as favoritism toward refugees, who already appear in many cases to be better fed and equipped. This tension will increase as population density increases in some areas, and it may be a destabilizing influence.

Additionally, military factors are still a cause for concern. Smallholders and commercial farmers continue to express concern about unexploded land mines. We believe that the presence of land mines affects people's decisions to move to less congested rural areas (whether or not they came from these areas). At the same time, local smallholders were worried about

demobilization. They repeated that there were still many people in the bush who had weapons, and that they did not feel safe moving away from the corridor until these weapons were taken from the soldiers. Both mines and demobilization are a constraint in both provinces to reintegration in the two provinces.

D. ANGONIA DISTRICT, TETE PROVINCE

1. Research Sites and Objectives

The final research site reported on in this study is located in Angonia District, Tete Province. More than 150 smallholders, including former refugees and displaced farmers, were interviewed in three locations in the district. These sites included: (1) villages around the perimeter of Ulongue city, and farms along the road between Ulongue and Dedza; (2) the territory around the administrative post of Domue, particularly the farms adjoining Block I of the former state farm CAIA (Complexo Agro-Industrial de Angonia); and (3) the area around M'Languene, specifically the lands near Block III of CAIA (see Maps 17-20).[87] The first round of research was conducted in March 1993, five months after the initiation of the peace accord. A second round of research was conducted in January 1994, and a third round was completed in February 1994. Provincial, district and locality officials, and rural agricultural extension agents were also interviewed. In addition, we spoke to small and medium-size commercial farmers, and representatives from NGOs operating in the area.

This research locale differs substantially in several ways from the other cases reported in this study. First, Angonia District is located in the far north of the country, bordering on Malawi. Consequently during the war, a larger percentage of the population sought refuge in camps across the border in Malawi than in government-secured areas. Proximity to the border created social and economic opportunities that did not exist in most areas of the country. Second, in comparison to other areas in this study, this district was less commercialized by Portuguese and Mozambicans during the colonial period--there was a higher percentage of smallholder farmers in relation to larger commercial interests than in the other areas visited. At the same time, the district was relatively wealthy, and peasant smallholders benefitted from this wealth. And third, beginning early in the war, large areas of Angonia were controlled by RENAMO. RENAMO continues to administer many of these areas in the post-war period. These characteristics are discussed below as they relate to our analysis.

In this case study we seek to understand land tenure, production and power relations in a district in northern Mozambique. We are particularly interested in the area because of its proximity to the Malawian border, its high concentration of returning refugees, and because of its relative poverty with regard to remaining infrastructure and services. Three locations were selected for investigation that allowed us to study this phenomena.

We were interested in the area around Ulongue because of the high population concentration and resulting land competition. During the last few years of the war the city became a "safe zone" protected by government troops. Many families from Angonia and surrounding districts moved to this zone, resulting in increased population concentration and land

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[87] CAIA was divided into four separate production blocks. These blocks, located in Angonia and Tsangano districts, were not contiguous.

conflicts between displaced and native families. We also interviewed families in the area along the road between Ulongue City and the border post at Dedza (in Malawi), particularly focusing on Tchabualo and Calomue Villages. These lands, bordering an important transportation route, have substantial commercial value. During the colonial period private farms were located on either side of this road. There is some evidence that non-local commercial interests are returning to the area to resume control of these farms. In the first round of interviews conducted in March 1993, some smallholders reported that they would not occupy these lands because they expected the former private (Portuguese) farmers to return when the war was truly over. The land near the border, adjacent to the Malawian city of Dedza, was also of interest because of its relative security during the war. Although RENAMO troops often attacked people and kidnaped others in this area, many people farmed the lands closest to the border during the day while returning to Malawi at night. In some cases, these courageous farmers were not from this area, but were exploiting abandoned land. In other cases refugees staying in Malawi, who previously had land close to the border, continued to farm their land. Many of the individuals in this latter group were the first to return after the peace accord and resume agricultural and other social and economic activities. We wanted to learn if returning refugees experienced any conflicts.

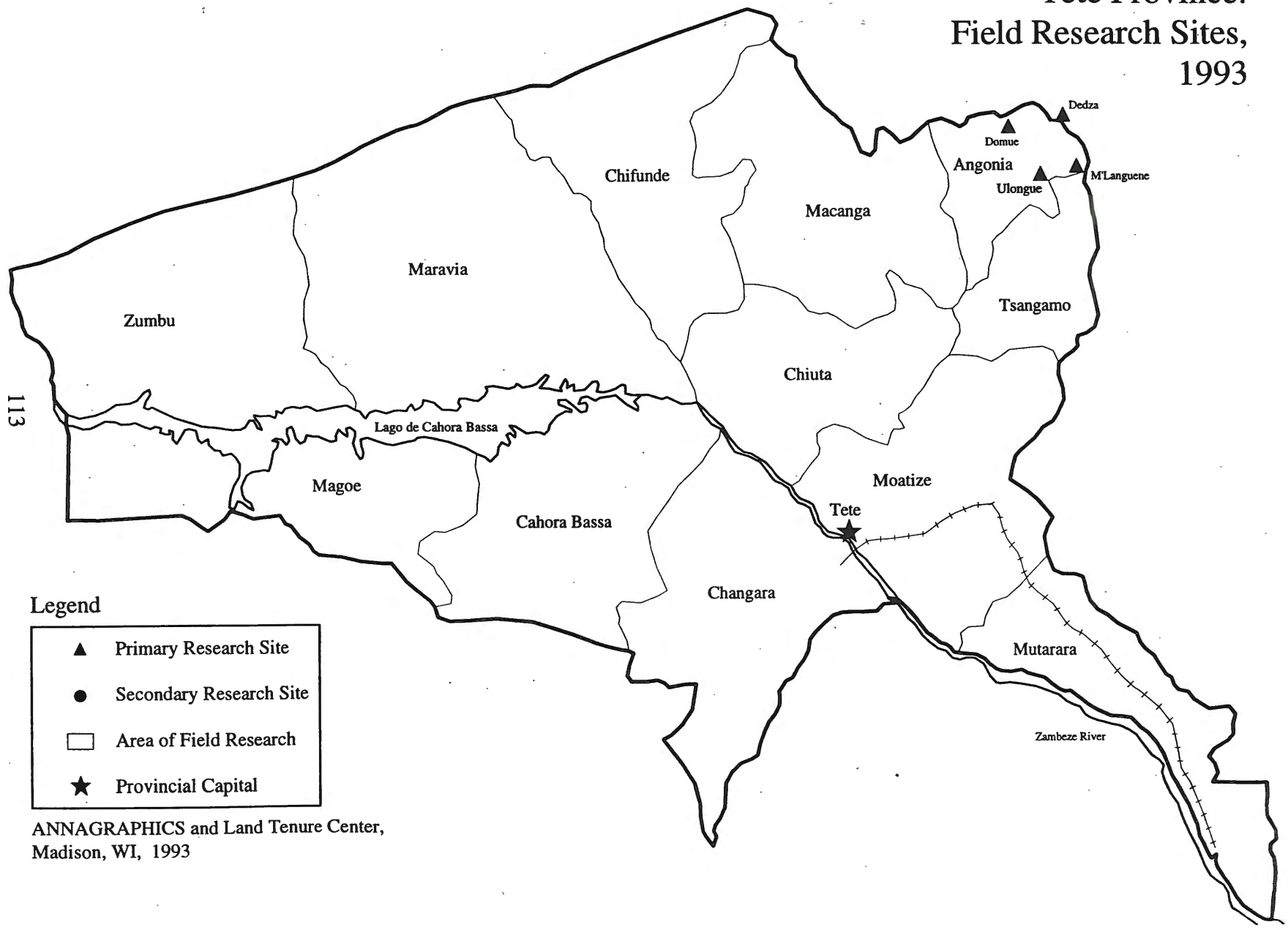
The second location investigated was Monequera Village, Domue. We focused on the area surrounding one of the four production units of the former state farm CAIA. The land assets of this company were temporarily distributed during the war to non-local commercial farmers. Substantial conflicts have been reported between local smallholders, state farm workers, and non-local private interests over rights to these lands.

The third location investigated was in the villages of Bachone and Chipala, in the Locality of M'Languene. M'Languene, like Dedza is located on the Mozambican-Malawian border. It was also the site of a CAIA production unit. There appear to be significant differences between Domue and M'languene that affect land access. These differences, which are historical and related to internal social and political struggles, will be discussed below. Numerous land conflicts involving the private sector and smallholders have been reported.

In all three locations we sought to understand if people were returning to their "family" lands, or how returning refugees and displaced farmers were gaining access to land. We wanted to discover who was distributing land, including government officials, customary authorities and lineage or family heads. We sought to learn more about the land concessions being granted to smallholders and larger commercial interests in the area by government officials, and to learn how the recipients were investing in or exploiting their concessions. As in our other research sites, we endeavored to learn as much as possible about the frequency and nature of land conflicts, and the nature of, and mechanisms for, their resolution.

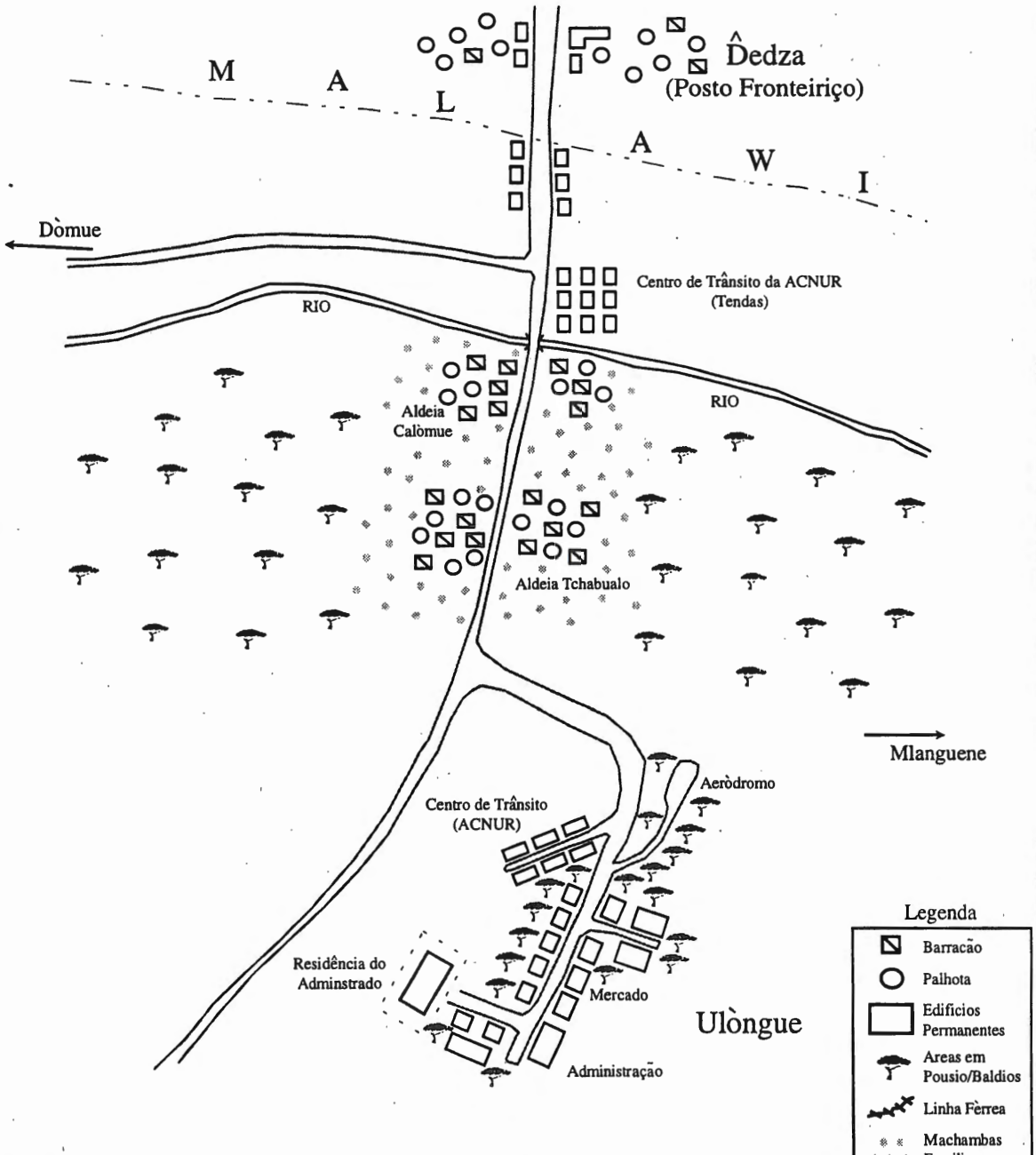
At the same time, we wanted to know if all categories of farmers at all three locations felt secure and were investing in their land. We also focused on the "private sector" commercial farmers operating in the area to determine how they were interacting with smallholder farmers and local small private interests. In Tete, more than anywhere else visited, larger commercial farmers complained about tenure insecurity, and several reported that temporary rights had been revoked. This case illustrates a different set of problems affecting investment and agriculture, and a unique set of issues affecting local political relations.

MAP 17
Tete Province: Field Research Sites, 1993



ANNAGRAPHICS and Land Tenure Center, Madison, WI, 1993

MAPA 18
Provincia de Tete
Distrito de Angònia:
Zona de Ulonguè e ˆdedza,
1993



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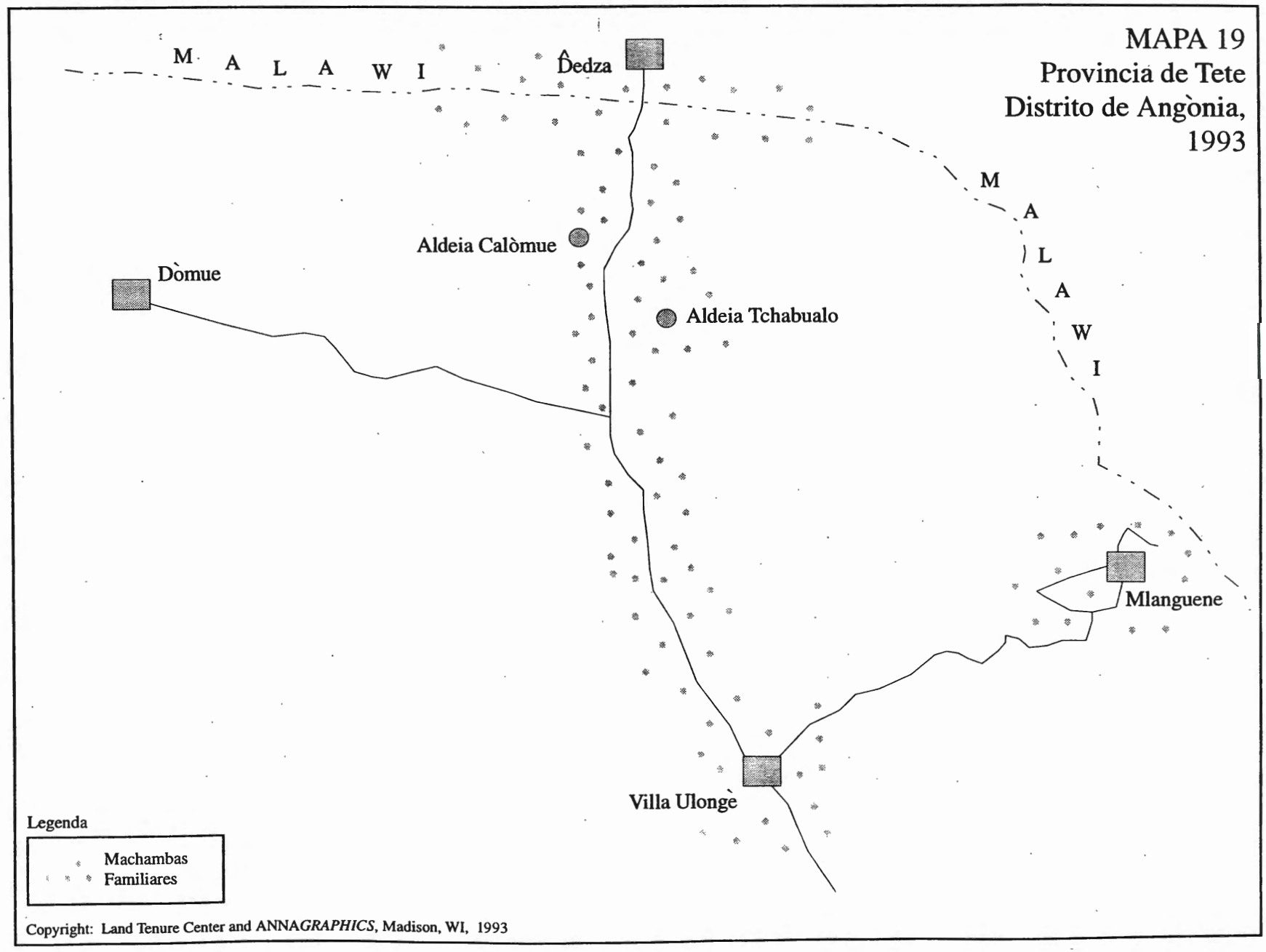
MAPA 19
Provincia de Tete
Distrito de Angònia,
1993
M A L A W I
Ĉedza
Aldeia Calòmue
Dòmue
Aldeia Tchabualo
M A L A W I
Mlanguene
Villa Ulongè
Legenda
Machambas Familiares
Copyright: Land Tenure Center and ANNAGRAPHICS, Madison, WI, 1993

2. Historical, Land Tenure and Social Patterns in Angonia District

The international border with Malawi, like others in Mozambique, is artificial cutting across natural geographical terrain, and social and ethnic groupings. Like other borders in the country, it has been and continuous to be very porous--with much population movement and commercial transactions crossing in both directions. There are important cultural, political and economic relations between the people on both sides of the border. These relations influence land access and use, among other social phenomena. The people on both sides of the border are Chewa, a matrilineal group, with matrilineal inheritance patterns and matrilocal property relations; a new husband typically gains access to land from his wife's family and remains in her father's compound for a number of years before moving elsewhere.

During the colonial period, a number of private farms were established, but these were not located on the best land in the district. In 1968 the colonial regime began a campaign of forced resettlement of the rural population into the aldeamentos. In Tete Province, which became the major combat zone after 1968, more than 250,000 people (or nearly 60% of the population) were affected by resettlement (Isaacman 1983). After independence, the new government also attempted to move people into communal villages, but this program was far less grand and less successful as only 10% to 17% of the province's population was affected (Isaacman 1983; and Araujo 1988). As elsewhere, the government programs had mixed results. For example, women benefitted from the large government-created villages because of their improved access to education, grinding mills, and other commercial opportunities, but at the same time they lost control over land rights because the villages promoted patrilocal marriage.[88] As elsewhere, traditional authorities were attacked by the new government, but these attempts were less than successful and were soon abandoned. In many areas, FRELIMO secretaries were also holders of customary titles.[89] Several private farms were intervened and became part of CAIA. The state farm covered approximately 22,000 hectares and was divided into four production blocks.[90] When it was created it assumed control over some of the former private farms and adjoining smallholder farms. Displaced smallholders were moved to state-created communal villages. The state farm went bankrupt and was abandoned as early as 1984. State farm workers left the farm blocks and moved to Malawi or occupied land in the government-controlled areas.

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[88] Wilson 1991b; unpublished field notes, personal communication, February, 1994. In contrast, see Jean Davison (1988) who stated that women in Sofala Province benefitted from the cooperative and communal movements. She wrote, "The state's role in land redistribution, in most cases, has benefitted peasant women by giving them greater access to land equally. At the same time, such redistribution does not affect all women equally. Some women gain more than others" (1988:246).

[89] Wilson 1991b and Bonga and Wilson 1993.

[90] These production units were located in Domue (3800 hectares), Matiasa (6552 hectares), Tsangano (31994 hectares), and Maniquera (8466 hectares).

Angonia District, which before 1986 included the territory now designated as Tsangano District, is reported to be one of the most fertile in the country, with great agricultural potential. The best lands are located along the Domue-Ulongue-M'languene-Tsangano axis. (Three sites in this area were investigated.) The remaining land in the district is less productive, and consequently not in high demand (Wilson 1991b). Additionally, much of the land elsewhere in the province has limited accessibility, thereby reducing its attractiveness to both smallholder and commercial farmers. Before the war, people in Angonia reported that there was plenty of land available, although the two districts were densely populated. Historically, Angonia has been one of the most productive and wealthiest areas in the country. Before the war local inhabitants were relatively wealthy, having cattle and other resources. Reportedly, the peasant population was highly differentiated and factionalized, creating opportunities for RENAMO during the war (Wilson 1991b; and Bonga and Wilson 1993).[91]

During the war, villages in the district were heavily attacked by RENAMO and FRELIMO soldiers.[92] By 1985 a large number of people had fled to Malawi. Not only was Malawi relatively close for most of the refugees, less than two days walk in many cases, but many refugees also had extended family living in Malawi. Additionally, the government did not gain control of the area around Ulongue, Dome and M'Languene until much later in the war. These areas were not secure and smallholders reported that they felt safer if they remained on their farms or in the bush rather than moving to the city centers. However, between 1987 and 1989 the majority of the population in Angonia District fled the countryside. The U.S. Committee for Refugees (USCR) estimates that during the war approximately 220,00 people fled Angonia District, moving across the border to refugee camps or to stay with relatives in Malawi (Drumtra

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[91] Bonga and Wilson report that much of the killing and looting done in northern Tete was done by local inhabitants, who were neither FRELIMO nor RENAMO. They state that local inhabitants used the war as a cover to resolve deep seated internal ethnic, class and other types of social struggles (Wilson 1991d, and 1993; Bonga and Wilson 1993; Wilson, personal communication, February 1994). At the same time, they observed that RENAMO capitalized on these internal divisions and mobilized poorer peasants to attack wealthier peasants, commercial elite and government officials. If these observation are correct, the end of the war may not lead to a calm period of productivity, but rather to new types of struggles as "victims" attempt to recuperate lost property or avenge perceived injustices.

[92] Wilson and others report that FRELIMO soldiers frequently attacked the local population in Tete, and those that were thought to be RENAMO collaborators were particularly targeted. Additionally, FRELIMO encouraged people to flee to Malawi as this would limit the number of individuals that RENAMO could (usually forcibly) use for logistical support (Wilson 1991d, and 1993; Bonga and Wilson 1993; and Wilson, personal communication, February 1994).

1993; and UNHCR 1993). USCR also estimates that an additional 92,000 people fled from Tsangano District to Malawi. We do not have comprehensive data for the number of people internally displaced in the district.[93]

Beginning in 1988 many smallholder refugees in Malawi started to farm the land nearest to the district borders. Shortly before the peace accord was signed in 1991, tens of thousands of people began to move back to Angonia, particularly to Ulongue, from the refugee camps in Malawi. They joined displaced and local inhabitants in the government-protected area. By August 1993, 90% of the refugees had returned to Tete (Wilson, personal communication, February, 1994; Drumtra 1993). Bonga interviewed refugees in 1993 in Malawi before they repatriated to Mozambique. Many of her questions focused on refugees' perceptions about post-war Mozambique. Included in her list was one question about land access. She reported that refugees did not think they would have difficulty acquiring land when they returned to Mozambique.

3. Land Tenure in Angonia District Before the Peace Accord

As noted, much of the countryside in the district was abandoned after 1986.[94] Later, some farmers exploited land near the borders and the land surrounding the protected government areas. In these latter locations, there were shortages and competition between displaced farmers and native smallholders. Outside of these government areas and those controlled by RENAMO, few smallholders risked farming in the district. Refugees and displaced families believed they had secure land rights and that they would reclaim their land when the war was ended.

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[93] Both USCR and UNHCR report that only 13,000 people remained in Angonia District, while an additional 5,000 people stayed in Tsangano District during the war. Presumably, by the end of the war, a great majority of these people were living in the three secure government- controlled cities. However, we believe that the number of people reported to have remained in the districts is an underestimate. Further, this division between refugees in Malawi and those individuals remaining in the districts suggests that there was no movement back and forth between Mozambique and Malawi, and that people who fled to Malawi remained there until the peace accord was initiated. We know that many people were returning to Ulongue as early as 1986 and that there was a great deal of movement between Malawi and Ulongue (Wilson, personal communication, 1994; Bonga and Wilson 1993).

[94] Some individuals chose to remain in the RENAMO controlled areas and continued to farm throughout the war. The relationship between these farmers and RENAMO has been documented by Olaf Juergensen, Queen's University, Kingston, Ontario (forthcoming, see also Wilson, unpublished notes on the war in Tete Province, personal communication, 1994). Juergensen's research also seeks to discover why some inhabitants of the district went to Malawi and others to the government controlled areas. He suggests that tenure security may have affected this choice. His work will shed light on an important issue.

Beginning in 1988 some of the lands formerly belonging to colonial private farms and CAIA were occupied by non-native commercial producers. The farmers came largely from Ulongue and Tete City; they were secure during the war because they had their own security forces (milicianos). "Temporary" use rights were authorized by district officials. Authorities report that none of the temporary users were given legal documents to support their claims or had their rights registered; however, an investigation conducted by the Norwegian Refugee Council in September 1993 suggests that some commercial producers were given titles (Berg 1993, and Nina Berg, personal communication, 1993). Regardless, we later found that many of these individuals felt that their rights were permanent and intended to remain on the land granted to them.

In 1991 Ken Wilson predicted that, while commercial farming would create economic opportunities, infrastructural and market development, and "a demonstration effect," it would also enhance conflict over land in the prime areas, "depriving peasant producers by privileging commercial producers."[95]

Wilson and others report that those with stronger ties to land in Angonia were the first to return to the district. Others who returned early had weak ties in Malawi or had experienced problems while staying there. At the same time, many people started to move out of the government-controlled areas. District authorities informed refugees in Malawi that when they returned to Angonia they should go directly to their old family lands and begin farming. By and large, this is what smallholders did (Wilson 1991b). However, smallholders encountered problems at first. Essentially, there were two movements of people, one group moving out of Ulongue and another, larger, group moving south from Malawi. In some areas, these two movements overlapped. Many people were not sure peace would last; they maximized their options by planting as much land as they could near to the secure zones, regardless of whether it was their land. As more smallholders returned from Malawi or moved out of Ulongue they often encountered other smallholders on their land.[96] This generated conflicts between smallholders. In most cases, customary authorities were called upon to resolve these disputes, and customary authorities generally decided in favor of the claimant who had the stronger claim to the land. The person with weaker rights or no claim was told to leave. If he or she had planted crops he or she was allowed to harvest them before leaving.

4. Land Tenure in Angonia District After the Peace Accord

By the time the peace accord was signed a large number of people had already returned to Angonia, planted crops and started building houses (albeit in some locations they were

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[95] Wilson 1991b:5.

[96] Unpublished field notes from Tete, Sena and Caia, Myers, Eliseu and Nhachungue, March 1993.

temporary). As time passed, more and more smallholders became settled, mostly on their old family lands. When we first visited the district in March 1993, there were many people farming outside of the city of Ulongue, and there were a few new settlements along the road between Ulongue and Dedza. We focused on these locations and the new farms being planted closest to the border around Dedza.

In the area around Ulongue some smallholders reported land conflicts, largely between displaced farmers who did not "belong" in the periurban areas and returning refugees. These conflicts were largely being sorted out by local lineage heads and other customary authorities. There were a few reported conflicts between local inhabitants and new (incoming) farmers when the latter attempted to farm on sacred lands. It is not clear if these new farmers were returning refugees or displaced farmers looking for temporary use rights. The district and locality officials were also involved in distributing land on a temporary basis to returning refugees and others who did not have land. One native farmer complained that district authorities were distributing land that was sacred, while another smallholder stated that district authorities were distributing land that belonged to other families who had not yet returned. He worried that there would be conflicts between these new recipients and the returning refugees.

District officials stated that they knew enough about land occupation (or availability) in Angonia to distribute land to smallholders and non-local commercial interests. They felt that there was plenty of land available in the district for all interested individuals, and they encouraged outside interests to come to the district to invest in agriculture. In addition, district agricultural officers stated that there would be plenty of land available near Ulongue because all the displaced farmers would move away to their home lands.

In the area along the road to Dedza (see Map 18) we noticed many areas that were unexploited. Locality officials and rural extension agents stated that those lands were claimed by refugees or by former colonial owners. In the latter case, they were convinced that the colonial owners would return and that no local smallholders would occupy this land. Most of the families living in the area had returned recently. The area was sparsely populated, and new permanent houses were being constructed. Smallholders reported that there was plenty of land available and that they had returned to the same spots they occupied before the war forced them to flee to Malawi. Farms were planted with maize around these new homesteads.

In March 1993 the land near the border with Malawi at Dedza was already intensively cultivated. Smallholders reported a few conflicts as returning farmers encountered temporary farmers who exploited the land during the war or occupied it during the first few months after the peace accord. By and large, however, smallholders were resolving disputes and resuming their lives.

When we returned to Angonia in January and February 1994 we revisited the area around Ulongue, and the road between Ulongue and Dedza. We focused specifically on Tchabualo Village (25 kilometers north of Ulongue) and Calomue Village (40 kilometers north). The land

bordering the road and around these villages was now intensely cultivated and densely populated.[97] Smallholders had reacquired their lands and, in a few locations, had occupied former colonial holdings. They stated that these lands were historically theirs. Upon closer examination, however it appears that these old colonial holdings are being occupied by extended family members who do not wish to return to interior areas of the district or province because the land their is unsafe and less fertile. Smallholders in Tchabualo reported that, despite the population density, land access was not a problem for them Most stated that their family had at least two parcels of land, and that the community had land reserves for further expansion. Smallholders reported numerous land disputes between returning smallholders over boundary demarcation, but that these disputes were easily resolved by local authorities.

The area around the border, and specifically Calomue Village was also densely populated and the land intensely cultivated.[98] Smallholders noted that historically Malawians also farmed on these lands. There were many small and medium-sized colonial farms along the border before independence. These farms were abandoned, but not occupied by native smallholders or Mozambican commercial farmers. After 1948 the Portuguese authorities attempted to inhibit the Malawians from using land near the village. This caused frustration and confusion over land rights, as Mozambicans moved into the vacuum. Smallholders report that some Malawians are now attempting to reclaim rights and this is causing conflicts between the two communities.

As a result of new Mozambicans entering the area, and the natural population increase since the war (as a result of births and marriages), smallholders state that there are land shortages along the border, and particularly around Calomue Village. The local community discussed the problem and "appointed" their chief (Nhacuacua) to contact locality officials. The village requested that the district authorize the reoccupation of the old colonial holdings in the area. The community had not yet received a response to the request when the study was conducted. In the interim, the community requested land from other nearby villages, including Tchabualo.

The lands around M'Languene were of considerable interest to our investigation because the area is densely populated and because a high number of land conflicts have been reported. M'Languene is located approximately 40 kilometers east of Ulongue (Map 19). It is situated near

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[97] During the first round of research we visited two villages along the road, and other communities were just starting to re-establish themselves. The distance between these new (reestablished) communities was, in some cases, more than 2 kilometers. When we returned in 1994 we drove through ten villages, much like Tchabualo, all densely populated, and we witnessed other villages that were just reforming. We made several "spot checks" along the road and asked people where they were from. In most cases smallholders stated that they or their family was rebuilding on the exact same spot they had abandoned before the war drove them away.

[98] District authorities reported that the population of the village in 1993 was 7,652 people, and that this was typical of villages along the border.

the Malawi border. In 1989 the district reported a population density of 32 persons per square kilometer, more than twice the average density of the country. We interviewed smallholders in Bachone and Chipala villages. Many smallholders reported that they continued to farm on Mozambican land, nearest to the border, during the war; however, it is clear that these farmers exploited any land available, regardless if it was theirs or not.

After the peace accord was signed most of the local inhabitants returned to the area. Locality officials report that the population is significantly higher now than it was in the pre-war period. Customary authorities, smallholders and locality officials say that there have been a number of land conflicts in the last year, and that these conflicts are among smallholders and between smallholders and non-local commercial producers.

With regard to conflicts among smallholders, most are between returning refugees who have not respected the old family boundaries. These conflicts are being resolved by local customary officials. Some conflicts are between displaced families and newly arriving farmers who are not native. The outcome of these conflicts is undetermined. Another set of conflicts between native smallholders and non-native commercial producers have resulted in violent confrontations.

At independence, some of the colonial lands were intervened and became one of the CAIA production units. Smallholders in the area had believed that they would recover these lands, and were disappointed by the state's intervention. When the peace accord was signed, many smallholders tried to reclaim these lands. Some of these smallholders were successful, others were not as the lands formerly part of CAIA were occupied by new commercial interests who had acquired land rights from district authorities after 1986. District authorities would not tell us how many of these "temporary"[99] land rights were granted to non-native interests. We were able to interview four of the recipients.

Local customary officials state that there have been conflicts over agricultural and scared lands. In the first case, some smallholders are struggling with the new commercial holders, claiming that they have priority rights to the former CAIA land. Other smallholders claim that the new commercial producers are not respecting the limits of their concessions and have encroached upon adjoining smallholder land. In the second case, smallholders reported that private farmers had started to farm on sacred (i.e. ceremonial and burial) land. In both cases smallholders presented complaints to the district and locality officials.

Officials have not been very successful in resolving conflicts that the government initiated

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[99] These lands were reportedly granted on a "temporary" basis. The term "temporary" was never defined. Recipients state that they were told they could use the land until the war was over or until "things changed." We do not know what these farmers paid for these concessions, although one reported that he had invested 70 million meticais (approximately 13,000 U.S. dollars at the current rate of exchange in December 1993).

through the granting of concessions. One customary authority interviewed in Chipala stated that the district officials protect the interests of commercial producers and disregard the claims of the smallholders.[100] At least one case has also been passed on to the local court, but it too has not been resolved. In the interim, smallholders are acting on their own initiative. Smallholders drove off some of the non-native producers. In one dispute over sacred lands there was a violent demonstration that resulted in casualties. In another case, local smallholders presented a complaint to district officials, and those officials suggested that the private farmer return a part of the area to the local inhabitants. The local smallholders refused to accept the proposal, demanding the return of the entire concession, and threatened to drive out the commercial producer. They have also reduced his land by reoccupying a portion of it. Other commercial farmers in the area have been pressured by smallholders to return part or all of the land they received. District officials stated that they are not titling or registering land concessions in the area until the disputes are resolved. Smallholders suggested that the government should demarcate their lands and prevent commercial producers from occupying those areas.

The last site investigated in Angonia covered the terrain around Dome, the site of a CAIA production block. This site was also chosen because of its fertile lands, its location along the transportation corridor, and because it is the site of a high number of reported conflicts. Dome is located approximately 45 kilometers northwest from Ulongue. In February 1994 WPF (World Food Program) estimated that the population was 116,108 people. This figure includes people in both government and RENAMO-administered areas.

Conflicts have been reported among smallholders and between smallholders and commercial producers. Returning refugees complain of conflicts with other refugees because of confusion over land rights. The confusion stems from the colonial period when communal villages were created and smallholders were forced to abandon their lands and move to the villages. Numerous villages were created in the area around Domue. The confusion was later compounded by the government after independence when smallholders were again required to live in communal villages. Smallholders reported that they wanted to reclaim their old lands--land held prior to the villagization programs--but that these were being occupied by other smallholders who claimed that the land had been abandoned or had been given to them by the state. When smallholders started to return to the area district authorities told them to return to their areas of origin or the area of choice. This led to create confusion as the authorities assumed smallholders would return to the lands formerly belonging to the communal villages, while smallholders intended to move to family lands held before the communal villages were established. Reportedly, local customary authorities are having difficulty resolving these disputes and tension among smallholders persists.

At the same time, private commercial farmers acquired some land beginning in 1986, mostly on CAIA land. District authorities were unable to tell us how many commercial

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[100] One district official suggested that no one was entitled to the CAIA land for a long period because the state was going to resume agricultural operations.

agricultural concessions had been granted to these non-local farmers. Returning smallholders have attempted to recover these lands and have presented petitions to the district authorities requesting the removal of the commercial farmers. Private farmers interviewed stated that they had acquired the land legally and that the government was not protecting their rights. One commercial farmer reported that he had invested several million meticais and demanded that the government uphold his right to the land. Another commercial farmer accused the government of withdrawing land use rights because it is an election year.[101] District authorities state that they are reviewing the case and no titles will be issued until all the facts have been acquired.

5. Concerns Raised by the Case of Angonia

The case study in Tete Province reveals that a large percentage of the refugee population has returned to the Province, and specifically Angonia District, without hinderance. Although we do not know what is happening in the RENAMO-controlled areas, we are certain that most of the refugees in the government-controlled areas have gained access to some land and have planted crops during the last two agricultural seasons. It is not clear, however, if smallholders have secure rights. Reports from other sources indicate that there are few land conflicts in the interior region of the province or away from the major transportation/commercial Domue-Ulongue-M'languene-Tsangano axis.[102] Most conflicts are occurring where population density is high and where the best (most strategic) land is located.

It appears that most conflicts between smallholders are being resolved by customary authorities. It is clear, however, that further research is needed to understand the dynamics between returning refugees and new arrivals. Internal struggles within these communities may become more overt as the refugee populations settles and more land is exploited for agricultural production. This area should be monitored in the future.

There is some evidence that Mozambicans and Malawians are entering the district because of its fertile and productive lands. Demobilized soldiers have also been negotiating for land rights, and their demands may be accelerated up by the demobilization process. Both of these new activities may destabilize the district, particularly since the latter group is powerful and has the backing of international donor agencies.

Although we cannot be certain, it appears that the district authorities have stopped granting land concessions. Whether this moratorium is for "election purposes" or some other objective, the end result is positive. However, district authorities need to go further and resolve

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[101] Smallholders reported that both FRELIMO and RENAMO have been trying to "mobilize" peasants in the district.

[102] Bonga and Wilson 1993; Wilson 1991d; Norwegian Refugee Council 1993; and Berg, personal communication, 1993.

the problems pertaining to the concessions that were granted during the war. Part of the problem stems from the fact that the land formerly part of CAIA has not been officially divested. In fact, the problem in Angonia is representative of problems affecting the state farm sector elsewhere. The central government has yet to articulate a policy with regard to the state farm sector. At the same time, the district and provincial governments need to find ways to encourage and promote commercial agricultural investment. This will be impossible given the current confusion surrounding the status of the state farm sector.

District authorities need to decide if they are going to support previously granted concessions or extinguish these rights. As it stands now, the authorities have avoided making a decision. It is not sufficient for them to state that they have not granted titles and will not grant titles until the matter is investigated. The district should strive to create a greater sense of security for all producers.

Finally, if it is true that during the war much of the violence against local inhabitants was committed by other local inhabitants, the end of the war may lead to a new round of social struggles. These struggles may be intensified in a climate where people are unsure of their land rights and where the government challenges those rights by granting concessions to non-native producers without local participation or consent.

V. SYNTHESIS AND CONCLUSIONS

In the introduction to this report, we noted that the countryside in Mozambique is in a state of intense transformation. Many aspects of this transformation are positive, if fragile, creating economic opportunities for individuals and leading to greater food security and a better, more secure way of life for many.

At the same time, aspects of this transformation are negative and destabilizing, and could erode the economic and political gains achieved since the signing of the peace accord. The de facto land policy which is emerging is undermining agricultural and other economic investments and the development of collaborative and decentralized political relations and institutions. Despite existing land laws, the government is allowing a massive land grab to occur, which is stripping many smallholders of their land and tenure rights, and adversely affecting investment strategies for all land holders. Three problems exist in the land tenure system. First, the formal land tenure system is weak and ineffective, permitting both legal and extralegal land grabbing, without securing land rights for the new landowners. Second, the formal judicial, administrative and political structures are weak and ineffective. The state is unable or unwilling to effectively administer existing land laws. And third, the formal land tenure system, with its accompanying laws, does not reflect the economic and political realities in rural Mozambique.

In many areas of the country, "good land"[103] is becoming a limited commodity as it is being acquired by returning (foreign and national) private interests or acquired and distributed by the state to new national and foreign private parties and joint state/private enterprises. This is usually occurring at the expense of small- and medium-sized land holders. In all areas of the country, for all types of investors (especially smallholder farmers), land tenure rights are weak, permitting the state to confiscate and redistribute land, and allowing the state, companies, and other private interests to gain control over natural resources outside the scope of the law. However, the system does not confer strong rights on these new land holders, leading to unproductive land speculation. Given that the majority of farmers in Mozambique are women, these development are unequally affecting one segment of Mozambique's rural population.

Evidence from the case studies indicates that, for most Mozambicans, land is not an abundant resource, free from competition or conflict. Land scarcity and land tenure problems exist. Land conflicts are frequently reported in the popular press (Noticias, MediaFax, Domingo Tempo), the radio (Radio Mozambique), and the televised news service. Conflicts are also being reported by rural Mozambicans and by NGO representatives in the field. In fact, the frequency of reported land conflicts, often of a violent nature, is increasing dramatically throughout the

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[103] "Good land" refers to land that is of high agricultural productivity, as well as land that is strategically located near rivers, transport, markets, etc. This "good land" is in the same areas where the most land conflicts occur (see Map 5) and also coincides with the areas where the greatest investment and infrastructure exist.

country. Conflicts have been reported in every province. They are occurring most frequently in those areas where there are higher population densities and where there has been the greatest capital investment. It is clear that there is a relationship between, on one hand, population density, capital investment and official land concessions, and on the other hand, the occurrence, location and frequency of land conflicts.

Evidence from the case studies also indicates that the formal system of land access in Mozambique is not transparent, nor is it seen as legitimate by a large percentage of the rural population. There is confusion and ignorance about how people gain rights to land through the formal system, who has authority to distribute or grant land rights, and what type of rights are being granted or acquired. There is no structure for linking the customary and statutory legal systems--no courts exist that bridge the gap between the two and bind them together. No structure exists to permit disputes heard at the local level in a customary setting, using customary laws, to be passed up to a "higher," "formal" court of appeal.

Evidence indicates that the weak land tenure system, combined with an administrative process that lacks clarity, and the unregulated and virtually uncontrolled distribution of land at central, provincial and district levels, is leading to conflict and insecurity. This is undermining economic investment and creating a fertile environment for unproductive land speculation. The weak tenure system is adversely affecting agricultural production and reintegration of the more than six million refugees displaced by war and drought. It is contributing to the emergence of a new category of post-war refugee. It is affecting the quality of life for the majority of the country's population, particularly women who make up most of the farming population. Above all else, it will lead to political instability at all levels of society, ranging from the household to the central government.

Despite its limitations, the power of the state (in both FRELIMO- and RENAMO-administered areas) to adversely affect land tenure security and agricultural productivity should not be underestimated. In some areas of the country the state is strong enough to dispossess people of land, particularly smallholders, and distribute this land in the form of concessions to the state, companies, and other private interests. Provincial and district officials in many locations stated that they believed they had the right to dispossess smallholders of their land in favor of other interests because smallholders were incapable of exploiting the better, more sought-after lands. Strong evidence from Maputo Province, and unconfirmed reports from Gaza, Manica and Sofala Provinces indicate that this tactic is used more frequently against women farmers or land holders than against men farmers or land holders. This has been revealed by our research and the research of others. (See Sheldon 1991; Bowen 1992; and Rose, et al. 1992.)

Even more disturbing than the lack of resources, and the contradictions and weaknesses within the land laws and regulations, there appears to be a profound disregard for the law--and individual rights--by some in government who have responsibility for implementation and administration of the land laws. Throughout the country numerous cases have been reported of government officials dispossessing (or permitting the dispossession of) others of land, and redistributing it to themselves, their families or other interested parties in return for private gain.

Customary authorities in Mozambique do not have an officially sanctioned role in the process of land distribution. Indeed, with regard to land distribution to commercial interests customary authorities are rarely encouraged by formal administrators to become involved in the process; more frequently they are isolated or ignored. These efforts to bypass customary authorities, whether successful or not, have adversely affected the power of these authorities to protect and defend their own positions, as well as their ability to defend their resources and the resources of their communities against acquisition by the state or private economic interests.

Smallholders and some larger commercial interests are gaining access to land in a variety of ways; this process is not well understood by policy makers and other government officials in Mozambique. Farmers gain access to land by reclaiming old "family land." For smallholders, "family land" may be land that they had rights to in precolonial times, land that was acquired or that they were forced onto during the colonial era, or land that was given to them after independence. Family land may be land that formerly belonged to a private colonial farm, land from a colonial government-created village, state farm land, or land from a government-created village. Research reveals that in many areas there are multiple possible claimants for the same land. Many categories of people, with varying degrees of justification, claim rights to land. They are not merely competing for land, but many feel that their claims have a legal bases. These feelings that their claims are legitimate is what makes many land disputes especially complex and acrimonious.

Smallholders are gaining access to land in other ways as well. They are clearing bush land that they consider to be unoccupied (but usually part of their community's land). Smallholders are also squatting on former colonial private farms and state farms, acquiring land as tenants of new commercial farmers, and occasionally purchasing rights to land. In a very few cases, smallholders are receiving land through government-granted "concessions"; however, in all reported cases, these concessions were temporary.

The research reveals that many former refugees and displaced families are leaving refugee camps and other areas to which they were displaced. It is clear that in many cases they move to new areas that are not "home" or "family" lands. In some cases, former refugees and displaced people are unsure of where they should go; in other instances, smallholders are choosing to move to areas that offer the best economic opportunities or the best physical security, regardless of whether the area is "where they came from." Other farmers are dividing their time between two locations. Where or when people move, and what they do when they get there depends on many factors, including where they came from, how long they were displaced and the conditions they find in their new location. Government predictions that refugees and displaced families would return to their "areas of origin" have proven inaccurate. Many displaced families will remain where they are, to maximize their opportunities and minimize risks. Nevertheless, farmers who have planted crops are not necessarily permanently settled, and may move again after the next agricultural season depending on new opportunities or risks. This movement has both positive and negative consequences. It is positive because smallholders are seizing on opportunities that ensure the best quality of life for them, but it creates instability and

opportunities for unscrupulous individuals and the government to take land and displace smallholder farmers.

The research reveals that many former refugees and displaced families have acquired at least temporary rights to land and have planted for at least one agricultural season. But in many locations smallholders are acutely aware of the temporary nature of their rights, and that they could lose these rights. There is tension among smallholders in some locations. Research revealed that in most locations and cases investigated, land disputes between smallholders were positively resolved by local customary authorities. Less frequently, locality level government officials resolved disputes. No disputes involving smallholders were reported to have been resolved by the courts. In some cases, customary authorities have been unable to resolve disputes involving smallholders. This may be an indication of complex social struggles re-emerging in the post-war period.

The case studies also reveal struggles between smallholders and larger commercial interests, and between smallholders and joint venture enterprises, and between smallholders and the government. In most of these cases smallholders are being forced to abandon land in favor of more powerful interests. Customary authorities were unable to resolve these disputes and often refused to become involved. In most cases smallholders presented petitions or complaints to government officials, and in a few instances, their complaints resulted in an investigation and favorable decision. However, more frequently, government officials either did nothing or decided in favor of the larger commercial interests. Conflicts have resulted, in some cases leading to physical violence. In many cases tension remains high, undermining investment and movement toward greater food security.

Research reveals the emergence of a new category of post-war displaced smallholders. These individuals and families are being displaced as government grants land concessions and as unscrupulous private interests force people from their lands. These individuals are exploiting the relative weakness of smallholder farmers and the lack of clarity in the land laws.

Admittedly, unexploited land exists in many locations, and in many areas smallholders stated that they had enough land, for at least now. Our primary focus and area of concern is the land that is more strategically located--the lands in the former corridors, on the state farms, and near the cities, international borders, coast, rivers and major roads. These areas, where the highest population concentrations exist, are the most valuable and sought after. Larger commercial interests are acquiring these lands, and in the process smallholders are being displaced. More importantly, smallholders are being denied an opportunity to compete with larger commercial interests, thus depriving them of the ability to improve their economic position.

At the same time, laws and the administrative procedures do not confer security of title on any commercial activities (including agricultural, mining, hunting, and forestry). Concessions are granted and often retracted with great speed. Some concessions have been granted and when questioned, the government often fails to support or defend them. Like smallholders, commercials farmers are discovering that the lands they acquire often have multiple claimants.

These claimants include colonial-era private farmers, the state, and other claimants in the post-war period, including smallholders. Some commercial farmers and joint venture interests are resorting to private militias to support their perceived rights. This lack of clarity and security is pitting smallholders against commercial interests. It is leading to instability, speculation, underinvestment and the abuse of resources.

While mistakes have been made, the consequences are not irreversible. Government needs to identify priority areas in the country and address the most acute problems in these areas. At the same time, government needs to participate in an open dialogue with all segments of Mozambican society, focusing on land law reform and land administration. Particularly, Mozambique needs to determine who will be responsible for land management, and at what level of government decisions will be made. The role of customary rules and authority must be made a part of this discussion. Government and civil society should cooperate in the management of land and other natural resources, and government should reconsider its evaluation of smallholder agricultural potential. In some regions, locality, district and provincial officials are attempting to resolve some of the more pressing issues, for example, by "setting aside" land for landless farmers. Such innovations should be considered as part of the discussion and, where appropriate, they should be pursued.

There are no simple solutions or neat answers to the problems identified in this report. The solutions that appear the simplest are often inappropriate given existing circumstances and not cost-effective. Some have suggested that the best solution to land tenure problems in Mozambique is to title all land in the country--or title all the strategic lands. They argue that this would ensure security. Others have said that the land law and land regulations are adequate and they simply need refinement. They state that the problem lies in administration of the law--that is that it is not administered as it was intended to be, and it is not administered uniformly. They suggest that favoritism and nepotism undermine its application.

The current land law is not appropriate for Mozambique. Key considerations for a developing a new land law include the following: it should be able to function in the current economic and social environment. It should be socially responsible and contribute to a more equitable society. It should encourage investment and sound resource use. It must be acceptable to all segments of society? Those who administer the law must be viewed as legitimate. And finally, it should be framed in such a way that government and civil society can administer it successfully. If the new land law in Mozambique does not meet these criteria, then it is questionable whether Mozambique will achieve greater food security, post-war social stability and democratization. Indeed, in the absence of property law that meets these criteria, Mozambique faces an uncertain future.

VI. RECOMMENDATIONS

A. RECOMMENDATIONS FOR GOVERNMENT

1. Central government should suspend the granting of land concessions until the land law is revised or clarified.

2. At the earliest opportunity after elections, government should open a public discussion concerning land law and property rights in Mozambique. The land law should be assessed, than revised or replaced.

3. A revised land law should legalize land transactions, including those that are already taking place. Privatization of land markets may well give women and other land users with secondary rights greater opportunities to gain control of property and hold resources. But this should be studied carefully, since this type of regime, particularly if combined with individualization and/or registration, may lead to the concentration of all rights in the (male) heads of household or lineage heads, stripping women and others of their secondary user rights.

4. A revised land law should create secure, negotiable, private rights. As part of this revision, government may consider registering property rights in selected areas of the country, particularly those that are of the most economically strategic importance.

5. Provincial governments should strive to devolve land management to the district and locality level.

6. District and locality governments should incorporate local communities and their leaders in the process of land management. Open forums should be created in which representatives of the government and local community members can exchange ideas regarding their needs and objectives.

7. All levels of government should strive to recognize local community political structures and their leaders and involve them in the management of land and natural resources, and the resolution of conflicts.

8. The land tax code should be re-assessed, revised as necessary and enforced. Commercial land holders should pay land taxes that reflect the market value of their lands. This would help to discourage some types of land speculation.

9. Government should avoid entering into joint ventures, which continue to place demands on state resources without substantial returns to the treasury, and should seriously consider privatization of its existing joint venture enterprises.

10. Government should invest more resources and vest greater authority in the Ad Hoc Land Commission to study land issues and make recommendations. Its terms of reference should be expanded and it should report directly to the Council of Ministers or the National Assembly.

11. Government should continue its review of the judiciary, and ways should be found that allow interaction between statutory and customary legal regimes. As part of this process, government should review the inheritance laws and determine if there are ways to modify them to create more secure rights for women and others with secondary land rights.

12. Government should begin to keep records of land concessions and other government land transactions.

B. RECOMMENDATIONS FOR RENAMO

13. RENAMO should stop making land concessions in areas under its control.

14. RENAMO should allow the free movement of people and goods throughout the areas under its control.

C. RECOMMENDATIONS FOR CIVIL SOCIETY

15. Civil society should insist that government and RENAMO stop making land concessions.

16. Civil society should open its own dialogue regarding land and property rights in Mozambique. Government should be encouraged to participate in this dialogue.

17. Local communities, with the assistance of locality and district government should discuss the creation of local land management boards or other institutions that will empower them to defend their land rights and negotiate the exchange of rights with non-local interests.

18. The Universidade Eduardo Mondlane should initiate research into questions relating to property and land rights, customary authorities and political institutions, and the role of civil society in the democratization process.

D. RECOMMENDATIONS FOR DONORS AND NGOS

19. Donors should encourage the government to stop making land concessions. International assistance should be tied to this action.

20. Donors should help create an environment in which government and civil society can communicate and negotiate over land law and tenure reform.

21. Donors should continue to fund programs that build national technical capacity and skills, particularly with regard to dispute resolution and resource administration, and programs that generate information leading to a more informed public debate about land and property relations in Mozambique.

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