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# LAND TENURE AND RESETTLEMENT IN POST-WAR MOZAMBIQUE: CAPACITY AND INDIVIDUAL CHOICE

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

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## I. INTRODUCTION

It is estimated that nearly 6.5 million people, approximately 45% of the population of Mozambique, have been "displaced" by the war.[1] As the country moves toward a cease-fire and an end to the conflict, policy planners are considering options for post-war economic and physical reconstruction. Explicit in many of these plans is the idea that "displaced" people will need to be "resettled" on the land. Indeed, many consider resettlement as one of the most immediate and critical issues facing Mozambique.

This paper suggests that plans for resettlement of the displaced population require very careful consideration to minimize the risk that they may result in greater social and economic disruption. Plans which in any way propose the "forced movement" or movement by coercion of displaced populations must be examined in light of the past historical experiences of Mozambique. Villagization and other social-planning programs in Mozambique, both during the colonial period and after independence, which included elements of forced movement, failed miserably to achieve their stated objectives and resulted in significant economic, political, and social disruption.

This paper contends that government should not attempt to resettle people, rather that people should be allowed to settle themselves depending on their own needs and desires. This element of individual choice is critical because a lasting post-war economic reconstruc-

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1. This number includes 5 million displaced people (*deslocados*), 1 million refugees (*refugiados*) and approximately 140,000 military troops. It is likely that an additional 1 million people have been displaced through past government policy, that is, with the villagization program (*aldeias comunais*) and the establishment of cooperatives and state farms. It may be stated that an even larger percentage of the population has been "displaced economically" by the war and government policy.

tion will be achieved only if a rural environment is created in which people will choose to invest in agriculture.

Further, if the government is genuinely committed to revitalizing agriculture, increasing food security, and reducing social conflict, it will have to address the political, as well as socio-cultural, nature of rural society. Government must devolve power to rural communities through policies that allow and encourage individual Mozambicans to exercise control over their own lives, including their means of production and the disposition of their resources. Since land is the main means of production and the center of political power and other socioeconomic relations, government will have to address land issues as a part of this process. Government must establish a clear land policy, one that (a) enhances security of land tenure rights for all farmers, including those in the commercial and smallholder sectors; (b) increases individual control and empowerment; and (c) is seen as legitimate by all parties.

## II. SETTLEMENT AND RESETTLEMENT

There are numerous different resettlement plans being discussed or proposed by Government and supported by donors in Mozambique (for example, UNHCR, UNICEF, and Italian Cooperation).[2] All of these, to one degree or another, include plans for moving "displaced" populations from one location to another once the war is over, that is, from urban centers to rural areas, from rural areas to other rural areas, or from refugee camps to "areas of origin." The most potentially negative version of these plans entails the "forced" resettlement of urban or rural populations into predetermined villages.

The proposition that people will need to be resettled at the end of the war is highly problematic. It is based upon a number of unsustainable assumptions, which include:

1) government and/or donors have the capacity to plan and carry out the resettlement of 6.5 million people;

2) government and/or donors know where people or communities should be resettled;

3) land for resettlement is available and free (for example, unclaimed or unoccupied) for resettlement; and most importantly,

4) people want to be resettled by government or donors.

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2. UNICEF and Italian Cooperation have already implemented resettlement projects in Manica Province.

With regard to the first assumption, the capacity to move or relocate large numbers of people is highly limited. Few governments have the resources or technical capacity to physically move and relocate people in ways that do not lead to major economic hardships. Other attempts in Africa to resettle populations upon independence or after major civil disruptions have been less than successful. Usually these attempts result in greater, or a different type of, economic and social disruption. They often result in an increase in land disputes (in Kenya, for example), or, when land is sufficiently available, in the creation of uneconomic zones or "homelands" (in Zimbabwe, for example). Wilson (1992b, p. 10) states, "Over 90% of the refugees repatriating around the world since 1975 have done so outside of formal programmes and without assistance."

Indeed, one may consider the villagization program of the *aldeias comunais* in Mozambique as a resettlement program. The results of this program were largely unsuccessful, and some individuals even argue that the program contributed to the civil war.

The number of people "displaced" or physically affected by the war in Mozambique is very great. Many of these people have been "displaced" for a long period of time (in some case more than fifteen years), which begs the question, Are they still displaced? Many have established new homesteads and new socioeconomic relationships. In light of these factors, the question is, Is it possible for government, with limited financial resources and trained manpower, to successfully implement a resettlement program? I suggest that not only is it not possible, but it is undesirable, as discussed below.

With regard to assumptions two and three, whether government and donors know where people or communities should be resettled and whether land is available for resettlement purposes, are related and equally unsustainable. It is assumed that government would attempt to resettle people only on land that is unoccupied (although this has not yet been made clear in the discussion of resettlement). Unfortunately, very little is known at the national, provincial, and even district levels of government about which land in the country is unoccupied; and even less is known about which land (if any) is unclaimed. Without such information, it would be impossible to relocate people without the risk of starting numerous land conflicts.

In addition, in many areas of the country, particularly those that are now relatively secure from attack and/or which are located in prime economic zones (that is, near infrastructure, transport, and markets), land has been retaken by former owners or is being taken up or reserved by new, commercial sector or joint venture interests (see Myers and West 1992; Tanner et al. 1992). This means that there is sometimes direct competition between smallholders and larger commercial farmers or joint venture interests. Areas that are being taken by private interests or joint ventures will not be available for resettlement. But it is also likely that government does not know precisely where some of these commercial farms are, how much land they occupy, and what the intentions of the owners may be. At the same time, these commercial interests and joint ventures are providing, and will continue to provide, economic opportunities for people that are supposedly "displaced."

Several important questions need to be asked. Where might government resettle people? Would people be sent back to their areas of origin? Does government know where these areas are? Is there land in these areas still unoccupied? What will happen if other "displaced" people have occupied those lands? What if these areas are now occupied by commercial sector farmers? Will people be resettled in areas that are not their areas of origin? All of these questions lead to a single crucial interrogative: What is the goal of resettlement?

It appears from much of the discussion to date on resettlement that the object is simply to move people away from the cities, away from the economic zones highly desired by commercial sector farmers and joint ventures (for example, the Beira and Limpopo corridors and the green zones), and away from refugee and accommodation camps. Should this be the objective of the government and donors in the post-war period? Is this the best way to spend limited resources? Is this the best way to achieve economic recovery and food security? Is this the best way to move toward a more democratic society, one in which political power is recognized as legitimate and is accountable to the people of Mozambique?

This leads us to the last assumption of the resettlement plans, whether people want to be resettled by government, which is perhaps the most contentious of the four listed above. Recent research in four local communities in four provinces, all of which have had experience with either *aldeias comunais* or previous attempts of government resettlement, indicates a deep resentment toward government with regard to these programs (see Tanner et al. 1992; Myers and West 1992). Many individuals interviewed, including *deslocados*, expressed a desire to leave these areas and to be out from under the control of the illegitimately designated village political structure as soon as the outlying rural areas become more secure. Others, who were not sure if they would move away, also expressed clear resentment for the government resettlement and villagization programs. People expressed a desire to make their own choices about where to live and how to live. They wanted to be free to decide to return to their areas of origin, to move to new areas, or to stay where they had settled. They wanted to be able to exploit economic opportunities as they judged them and they wanted assistance only with such things as education, health care, agricultural extension, and credit.

Specifically in the case of *deslocados*, many were ambivalent as to what they will do when the war is over. It seems clear that many will wish to return to their areas of origin as economic opportunities present themselves in the rural areas. It is also clear that the stated intentions of many displaced people are contradictory. Some will choose to stay where they are now located, again in many cases for economic reasons. Many have established new lives (through marriages and the birth of children), have invested in new economic and social relations, and are not willing to immediately leave these. In some cases they have access to urban opportunities, such as employment, health care, and education. It is extremely likely that an abrupt dislocation (resettlement) of these people would lead to hardships, including greater food insecurity, and also to continued or worsened political discord.

For others, "returning" or "moving out" is also an attractive option, because it represents a chance to escape from an uneconomic life of hardship created by displacement and government influences. For many displaced people, "moving out" is also a chance to

have access to more land. Many spoken to feel that they must wait to move until they have accumulated the financial resources to do so. Overall, the impression from displaced people themselves is that they will gradually withdraw from the urban zones and some rural areas, moving only a few family members at a time to new areas or to their areas of origin. It is clear, therefore, that while many want to return to their areas of origin, most people do not want to be resettled. One of the most important points is that for many displaced people, the answer as to whether they will stay or go is not readily clear because they themselves do not yet know. Decisions will be based upon the opportunities that are created for an environment in which they can most easily ensure their livelihood and improve their welfare.

Government will inevitably be blamed by the population if it attempts to make the decision for them. What then should government and donors do, with the limited financial resources available, to effectively contribute to economic revitalization and improved food security and avoid contravening the desires of the population?

Government and donors should invest in the revitalization of the agricultural sector. Rather than plan resettlement, government should think in terms of the *economic settlement* of the rural population into agriculture and other productive enterprises and how to best promote this process. The best way to achieve this is to create an environment in which people themselves will choose to invest in agriculture. For example, government might invest in the reconstruction of roads and bridges, particularly in areas hard hit by war. Government could encourage the development of market transportation by creating incentives so that private, and especially small-scale, operators will provide these services. Government could provide economic incentives, such as tax breaks or loan guarantees, and remove structural obstacles that constrain the re-establishment of market structures in rural areas. Government should permit the creation of new, including informal, mechanisms of commercial banks and supply networks through which both small- and larger-scale farmers have access to credit, seeds, tools, and extension services.

This approach implies that government and donors alike understand that individuals themselves are likely to be successful at settling themselves into economically productive activities and to resolve by themselves such conflicts as might emerge as a result. This process is already occurring in the countryside. As a result of the war and other economic dislocations, people have been constantly negotiating with one another for agricultural land, residential land, and access to other natural resources. They have established strong and legitimate economic and social relationships based upon these negotiations. ***It is apparent that the capacity to settle the population in productive activities in post-war Mozambique largely exists within the population itself. In short, government should not implement resettlement programs, but rather allow people to resettle themselves.***

All of this implies a long-term, gradual process in which people will decide for themselves when they should move, where they should live, and what the best opportunities are for them to sustain and improve their lives. It is conceivable that this process may take as long as fifteen to twenty years—as long as it took the dislocations to occur.

Donors and government may decide to assist those people who request assistance or others living in refugee camps who need help with relocation. For example, the government could subsidize the transport of those who request assistance to move out of the refugee camps. But such efforts should be responsive rather than coercive, and after that, people should be allowed to invest in their own futures within an environment of economic opportunity.

Although they represent a small segment of the displaced population, the settlement of demobilized troops will require special attention. Research conducted by the Swiss government among FRELIMO armed forces indicates a strong likelihood that many will return to their areas of origin to farm; this of course should be encouraged. However, without any means to sustain their lives, many may be tempted or forced to resort to banditry. Optimally, demobilized troops would be maintained in the armed forces and gradually returned to civilian society over the course of a year, but this is unlikely given the present desires of government and donors to demobilize as quickly as possible.

There have been different proposals made in the last year to either provide cash payment or land to troops as they are demobilized. While granting land to demobilized troops is an impractical solution and may lead to land conflicts, cash payments may be more likely to provide short-term sustenance which will dampen the potentially negative side effects of a hasty demobilization campaign. Importantly, these financial resources will need to be substantial enough in value to permit the relocation of demobilized troops and their families and provide for their livelihoods while they develop new employment opportunities or while they invest in agriculture. In either case, many will need to be sustained financially for at least one year (that is, one agricultural campaign).

Although this paper argues that government should not attempt to resettle people, and instead allow people to choose for themselves where to live and what to do, it does not suggest that government has no important role to play in post-war economic reconstruction. Government must, as noted above, create an economic environment in which people will choose to invest in agriculture. But more importantly, government must be willing to reform political institutions, power relationships, and laws so that all Mozambicans (small-scale farmers and large-scale farmers) have opportunities. This reformation will permit progress toward an open society where power is located in the hands of the population and where political institutions are legitimate and accountable.

## III. Settlement, Agricultural Revitalization, and Land Tenure Security

One of the most important and first steps that will help to achieve this objective is the clarification of land policy and the creation of laws and policies that will lead to security of land tenure. People in traditional or other social relationships at the local level should be

empowered to decide how the land under their responsibility will be distributed, divided, and used. They should have the power to decide who will distribute land and who will hear disputes. If conflicts are not resolved, land disputes should also have recourse to the higher courts. People should have greater control over the disposition of their *land rights*—freedom to choose whether, for example, to sell these rights, lease them, or give them away to family members. With secure land rights, farmers of any scale of production, including those in the commercial and smallholder sectors, will have the opportunity to compete in the economy leading to mutually beneficial relationships.

Without clear land policy guidelines and security of land tenure rights, the post-war reconstruction effort, and particularly the settlement of farmers and the revitalization of agriculture, will be frustrated; inevitably land conflicts will result. Without clear land rights, smallholders will be at the mercy of larger commercial farmers, and both commercial and smallholder farmers will continue to be at the mercy of the state and/or state-supported large-scale ventures.

As it stands now, commercial and smallholder farmers, as well as many provincial, district, and local-level government officials, are unsure what the government's policy is with regard to rural land. Especially with regard to the former state farm lands in the country, many people who are working these lands are not sure if government intends to move ahead with permanent privatization and divestment programs or if it will resume control over these resources. Commercial farmers of all sizes, both domestic and foreign, are unsure of their land rights. Some of these people have acquired access to former private holdings, others have acquired access to former state farm land, while still others have acquired access to other rural land. Most of these individuals have started the process of application for land title. None that were interviewed in recent research (see Myers and West 1992) had actually acquired land titles. ***Any farmer who is unsure of his or her land rights is unlikely to make investments to improve productivity.***

Smallholder farmers are facing similar difficulties. An important question for those working former state farm land is, Does the land belong to the state or is it theirs? Those who have come to occupy new areas as a result of the dislocation, and who have made arrangements with local communities or have cleared the land themselves (theoretically claiming ownership), must wonder and worry whether they will be displaced at the end of the war. Others who have remained on their own lands are made insecure by talk of resettlement in an unclear policy environment relating to ownership. Still others want to return to their old lands but are not sure of their status or landholdings after having spent so many years as tenants in the *aldeias comunais*. Those who have moved in to occupy former state farm land (even lands which may have been theirs historically) are made insecure by unclear land policy.

Government needs to make clear policy pronouncements with regard to land and consider land law and institutional reform that will lead to greater tenure security for all

farmers. It is also important that these reforms be carried out in a way that will be seen as politically legitimate by local populations.

In two earlier papers (West and Myers 1992; and Myers and Tanner 1992), proposals were made for possible mechanisms that would give people greater security of tenure in a framework that would be seen as politically legitimate by all types of farmers.

One of these proposals recommended a transfer of power from the national, provincial, and district levels of government to the "local level." One vehicle proposed for achieving this transfer was the creation of local-level land distribution boards and land dispute boards. These boards would be composed of local residents chosen by people at the local level in a manner decided upon themselves. This selection process may include many possibilities, including one that is controlled by traditional political and cultural norms. These boards would be empowered to decide on land allocation or disposition within their area of jurisdiction, using the customary law and social norms of the local community as a guide for distribution and regulating access.

The land distribution boards would consider land issues among its members and between its members and outside interests (that is, with private interests or the government). For example, if a private company was interested in acquiring land in a rural area to begin an agricultural enterprise, it would have to (at least) negotiate with the local land board, which would make the final decision on the land allocation. In this way, while the local community is empowered to say yes or no to land distribution, their land rights and political power are made secure—they are given control over their lives. In the end, both the rights of the private company and the rights of the community are made more secure, since all the interested parties have agreed to the venture.

Similarly, the proposed local-level land dispute boards will enhance security of tenure and help to empower people at the local level. Local-level land dispute boards should apply the customary law and social norms of the local community to land disputes, thus confirming their legitimacy as an institution in the eyes of local people. Legitimacy will be enhanced by the fact that these boards will also be formed by local people and selected by local people in a manner which they themselves choose. Those who do not agree with the results of disputes should have the right to appeal within the regular judicial system, with the proviso that national land legislation gives equal validity to both customary and "formal" legal systems as the basis of establishing use or other (ownership) rights over land.

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