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**COMPETITIVE RIGHTS, COMPETITIVE CLAIMS:
LAND ACCESS IN POST-WAR MOZAMBIQUE**

BY

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Summary

This article examines the complex struggles for land in Mozambique before and after its civil war and how these dynamics may undermine the country's fragile peace process. The article notes that dubious government activities and official unwillingness to confront land tenure reform issues are exacerbating an already confusing situation marked by competitive and overlapping land claims. Drawing upon field research throughout the country, this article reveals that in the past three years, government agencies have been haphazardly distributing land rights to new and returning private national and foreign enterprises as well as to government officials through privatization of the vast state farm sector, reactivation of former colonial titles, and granting of concessions. It is estimated that as of May 1994 forty million hectares of land, more than half of Mozambique's total area, have been granted in concessions or 'sold' to commercial enterprises. This practice is leading to the emergence of a new category of post-war displaced families. A case study of land access and competition in two locations in Gaza Province reveals that, contrary to government predictions, all refugees and displaced families are not returning to their 'areas of origin.' Motivated by continuing security concerns and economic considerations, many are locating in areas near infrastructure, markets and transportation. The case also illuminates how war, and colonial and post-independence policies have generated multiple layers of competitive claimants. Resolving these land conflicts will necessitate more secure and transparent land rights and clarification of who has power to distribute rights and adjudicate conflicts. The article concludes that the government, in redesigning its land laws in ways conducive to long-term economic growth and political stability, should encourage a dialogue with all segments of Mozambican society and, rather than viewing smallholders and customary rules as impediments, incorporate them as active partners.

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I Introduction

In 1992 a peace accord was initiated in Mozambique. Since then, the quality of life for many Mozambicans has improved measurably. Hostilities have largely stopped and demobilization of the armed parties has begun.¹ Democratic national elections are scheduled to take place in 1994 and many of the more than five million people displaced by war and drought have resumed agricultural production.

Nevertheless, in this largely agricultural country, mistakes are being made by government that will undoubtedly have lasting adverse effects on economic growth and political stability in the fragile post-war future. Despite numerous land-related problems reported in the daily press² and by rural Mozambicans,³ private investors, NGOs⁴ and other civil organizations operating in rural areas, the government has been largely silent on the issue of land tenure reform. A recent government report on the transition from emergency assistance to reconstruction fails even to mention land issues.⁵ The government recently announced in a meeting of the Coordinating Council of the Ministry of Agriculture that it was unwilling to discuss the matter.⁶ The new political parties have also neglected the issue.

As Mozambique moves forward with democratic elections and post-war reconstruction, including resettlement of more than 5 million displaced people, government and civil society⁷ will face important policy choices that will affect the long-term economic growth and political stability of the country. Land tenure reform, including reform of land law and land administration, will be one of the most important issues facing the new government. There is a need to initiate a comprehensive discussion on land policy reform, natural resource management, and decentralized access to 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, sell or exchange 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, customary law or a combination of both 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 civil society, and the form and nature of governance in post-war Mozambique.

II. Objectives and Concepts

The purpose of this paper is to discuss the more important issues that will affect the development of a new land policy in Mozambique. It first presents data on land access and the land administration process in Mozambique. This is followed by a case study of land access and competition in two communities in Gaza Province. This case study is instructive for two reasons. First, it illuminates complex struggles for land during and after the war. These struggles, in many instances, are historically rooted and, in part, driven by local responses to the varied effects of war and government policy. Struggles are also driven by land and agricultural policy, as well as by the new economic opportunities created by peace. Second, it illustrates the types of problems government will encounter as it moves forward with reconstruction. This paper demonstrates that the *de facto* land policy evolving in Mozambique, and the consequent land struggles may well undermine a fragile peace.

Material for this paper is drawn from the research conducted by the collaborative Land Tenure Center-Mozambique/Ministry of Agriculture Project on Land Policy Reform. As part of this Project research was conducted in Tete, Manica, Sofala, Inhambane, Nampula and Gaza Provinces from October 1992 to February 1994.⁸

It is beyond the scope of this paper to discuss the debate regarding the nature of 'customary society' in Africa, which has been done elsewhere.⁹ However, customary institutions, and the debate within Mozambique about these institutions, play an important role in the current struggles for control over land and natural resources. In this paper the term 'customary' is used to denote political, legal and cultural institutions that are used by rural Mozambicans. Combinations of these institutions are often referred to as customary social systems. These systems, products of the tension and collaboration within rural society and between rural society and a wider social, political and economic order, give meaning to, shape and regulate peoples lives. They have meaning because they are historically rooted and because they have been transformed as rural Mozambicans have experienced new economic opportunities and political

constraints. These systems are not static, and they do not equally affect all members of a community. These systems create political and economic opportunities for actors, who manipulate local rules and customs to their advantage. Often, this manipulation comes at the expense of weaker individuals. The process of use and manipulation transforms customary institutions, which in turn create new opportunities and constraints for individuals, families and communities.¹⁰ As Harry West has written in the context of Mozambique,

As rural societies reproduce themselves, they transform their notion of tradition and legitimacy. Furthermore, individuals variously situated within rural society negotiate the meaning of these terms, advancing their own visions and contesting others The constant appraisal of various conflicting claims to legitimacy gives rise to the process of transformation of tradition itself. Each and every time land is allocated, resources distributed, or disputes settled, those who experience power in the form of everyday practice pass judgement on its legitimacy and assess its claim in accordance with tradition.¹¹

In this debate, there is often a profound misunderstanding of the difference between, on one hand, customary institutions and rules, and on the other hand, customary authority (i.e. chiefs, kings, *regulos*, etc.). This misunderstanding frequently leads people to conclude, incorrectly, that a discussion about the role of customary institutions in the distribution and management of natural resources implies a return to 'antiquity' and the rule of chiefs as the absolute managers of land and other natural resources (as they have often been mythically characterized in the pre-colonial period). This misunderstanding has unfortunately influenced the debate over the management of land in Mozambique. For example, several participants representing different levels of 'official' government at the recent Second National Land Conference in Mozambique expressed alarm at the idea of empowering local communities, using locally defined rules and procedures, to control land within their communities' jurisdictions. Some participants thought that this would be a reversion to 'tribalism,' and inhibit the fair and open distribution of land. Others stated that it would be undemocratic. While still others stated that chiefs would take all the land for themselves, without compensating local smallholders, and alienate the land to 'outside' interests. They felt that smallholders would be left landless.¹² This position in the Mozambican debate, that local authorities and customary rules are 'undemocratic,' 'backwards' and 'inhibit productivity,'¹³ is not new. Shortly after independence FRELIMO took the position that customary institutions, authorities and rules were backward, representing

feudalistic society, and launched a campaign against them. This campaign had a dramatic effect on social relations in many rural communities, promoting conflicts and schisms within them.¹⁴ As the following discussion will demonstrate, this 'misunderstanding' in the debate in Mozambique, whether genuine or contrived, is affecting land access and tenure security.

A second part of the debate, which influences land access and security, is the (mis)conceptualization of agricultural producers. By government definition, two producer categories exist, 'private sector' and 'family sector' farmers.¹⁵ The private sector is made up of farmers who employ wage labor, have access to credit, and produce for the market. Private sector farmers are seen as having 'greater capacity' to exploit resources (i.e. land, capital and labor) than the family sector. The family sector is defined by government as farmers who do not employ wage labor (but only exploit family labor), have little access to capital, and do not produce for the market. They are seen as subsistence producers.¹⁶ It is assumed that family sector farmers have smaller farms than private sector farmers, and that they are less productive and use customary rules to acquire and secure rights. It is also assumed that private sector farmers are more competitive than family sector farmers, and that they acquire and secure land rights through the statutory legal system. These categorizations do not reflect reality.

In practice, many private sector farmers have little access to capital, employ family labor rather than wage labor, and consume much of what they produce. At the same time, most family sector farmers produce for the market and hire labor to augment the family workforce. Many family sector farmers have access to capital through the market and remittances from off-farm employment. These categorizations have been used by government, bureaucrats and some segments of civil society to deny peasant farmers access to land and other resources, while diverting these resources to a select group of individuals. This will become clearer in the case study discussed below.¹⁷

In this paper the terms 'smallholders' and 'larger commercial farmers' (or interests) are used, rather than private and family sector, to denote two broad economic categories of farmers. Admittedly, the terms 'smallholder' and 'larger commercial interests' require further articulation, which is beyond the scope of this paper. However, for this discussion, these terms represent categories of producers that are more dynamic and porous than the categories created by government.¹⁸

III Land Distribution in the Post-War Period

In the last three years the government has been distributing land rights to new and returning private national and foreign enterprises.¹⁹ Land 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 provided for agricultural land, mineral exploration, hunting reserves, grazing, forestry and timber exploitation, and tourism development at a rate that has increased substantially over the last two years and which shows no sign of diminishing. Little land is being given by government to smallholder farmers.²⁰ This process not only threatens the existing rights of smallholders and other small private farmers, but it also reinforces and deepens a historical process of marginalization and impoverishment of the Mozambican peasantry, which had begun during Portuguese rule and was further exacerbated following independence when the new socialist state weakened the rights of smallholders and strengthened its control over land and other property at the expense of customary and individual statutory rights. Now, under the rubric of economic reform and democratization, the state is once again undermining the land rights of smallholder farmers and other small national private interests. This process is being facilitated by a government (and particularly the FRELIMO Party) that views itself as the paternal guardian of a peasantry that is unable to defend itself or participate in a market economy, and is incapable of exploiting the more productive lands and natural resources in the country.²¹ This position is being taken in spite of many reported cases of land grabbing for speculative purposes.²²

We estimate, based upon confirmed data and unconfirmed reports, that as of May 1994 approximately 40 million hectares of land have been granted in concessions or 'sold' to private commercial enterprises.²³ This data is summarized in Tables 1 and 2. Table 1 illustrates all land concessions since 1986, for which we have data. Table 2 presents only mining concessions. This second table is presented because the area granted is substantial and well documented.

Two additional types of land transfers are relevant to this discussion and are reported in Table 1. Research on the state farm sector conducted between 1991 and 1992 revealed that, by 1992, much of the land in the sector had been acquired (legally or extralegally) by commercial interests and government officials.²⁴ The area of the state farm sector in 1991 was estimated to be approximately 600,000 hectares.²⁵

It is unknown how much of the privatization of state farm land has been recorded at either the provincial or central levels of government. However, given the uncertain legal status of these farms,²⁶ 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.

The second type of land transfer is the reactivation of former colonial era titles. Most likely these old titles represent many hundreds of thousands of hectares. The office of DINAGECA in Maputo reports that there are approximately 60,000 potentially valid land titles from the colonial era.²⁷ According to the law, many of these titles may be reactivated. We know very little about these claims. At the same time, there are numerous private agricultural enterprises in Mozambique, such as Entrepoto, 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.

We believe that the reported 40 million hectares granted in concessions and other types of land transfers is a conservative estimate since we have only partial data from a few districts in five provinces, and because we have excluded several extreme unconfirmed reports of concessions covering millions of hectares. In addition, we know that many concessions are being granted at the provincial level of government which are not recorded.²⁸ We also know that RENAMO is giving concessions in areas under its political control; however, thus far we have been unable to gather concrete data about these grants.

This figure—40 million hectares—representing more than half of Mozambique's total land area, are creating land shortages and conflicts in numerous locations, many of which are also the most densely populated and strategically economic in Mozambique.²⁹ A weak land tenure system and a frail system of land administration exacerbates a situation that will deteriorate further as recipients of concessions occupy land and assert rights which are still not fully determined or transparent. One wonders what the impact of such trends will be on investment, productivity, political stability, democratization, and the environment. If these data are accurate, then in addition to a weak systems of land tenure and land administration, there is a potentially serious problem regarding the availability and scarcity of land in Mozambique.

In the absence of the knowledge concerning land concessions and land available for agriculture, it is easy to assume that there is enough land for all in Mozambique. The country has approximately 80 million hectares of land, with a population of about 16.5 million people. However, the Ministry of Agriculture estimates that only 18 million hectares of land are suitable for agricultural production.³⁰

TABLE 1
Distribution of Land Concessions and other Transfers by Sector *

I	Land Concessions, 1986 - 1994 (in hectares)		
	Confirmed Cases		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	597,000	N/D	250,000 ⁶
Mining ³	11,220,000	N/D	1,000,000 ⁷
Tourism	N/D	N/D	350,000
Forestry	N/D	N/D	1,500,000 ⁹
Other concessions (unspecified)	20,000,000 ⁸		
Subtotal	34,701,000	606,000	4,600,000
Total Land Concessions			39,907,000
II	State Farm Sector		400,000
	(Estimated area divested)		
III	Existing Private Agricultural Enterprises		500,000
	(Estimated from DINAGECA)		
Total Distribution of Land Rights (Ha)			40,807,000

* Government controlled area does not include Renamo-administered lands. All figures have been rounded to nearest 1,000. N/A =Not Applicable N/D = No Data Available

1. Reported in the Boletim da Republica (68,000) and by DINAGECA, Ministry of Agriculture, Maputo (724,000).

2. Ministry of Agriculture, Maputo; see also Myers, West and Eliseu 1993.

3. Ministry of Mineral Resources. Three types of licenses are available, including exclusive and non-exclusive rights.

4. Partial data from selected districts in five provinces (Gaza, Inhambane, Nampula, Sofala and Manica).

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. Recently approved by the Ministry of Finance to the religious organization, Heaven on Earth.

9. Includes one reported case of one million hectares in Cabo Delgado Province.

TABLE 2
DISTRIBUTION OF MINING CONCESSIONS: BY PROVINCE, 1993

PROVINCE	AREA GRANTED (Ha)
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	409,965
Multiple provincial concessions	8,000,000
Total Area (Ha)	11,220,742

Source: reported by Ministry of Natural Resources, Maputo, 1993

In many areas of the country there is plenty of land available for smallholder farmers. Our research reveals that in some places many former refugees and displaced families have acquired at least temporary rights to land. In these areas there is unoccupied land, and possibly unclaimed land. In other parts of Mozambique, however, there are real land shortages resulting in intense competition for resources and conflict. These areas include the most productive and economically important land in the country, including land along the Beira Corridor, in the Zambezi Valley, along the Zambezi and Limpopo Rivers, agricultural land in Maputo Province, the Green Zones, land near or around the former state farms, and agricultural land near urban areas. In addition, lands near the borders with Malawi, Zimbabwe, South Africa and Swaziland, as well as coastal lands, are in high demand.

The process of granting land concessions is not transparent. Land concessions are almost always given without the consent of local smallholders. The views, needs and requirements of smallholders and many private sector farmers are not often taken into consideration as part of the process. Smallholders and some private sector farmers complain that there is confusion and ignorance about how people gain rights to land through the formal system, who has authority to distribute land rights, and what types of rights are being granted.³¹ There is no structure that links the customary and statutory legal systems--no courts exist to bridge the gap between the two and bind them together. Even when some disputes enter the court system, most disputes brought before official authorities are decided upon by administrators and not the judiciary. Customary rules and procedures are not part of, or permitted to be used in, the hearing process. 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.³²

The process for granting concessions has at times been in conflict with statutory law. For example, the Land Law (1979) and Land Regulations (1987) prohibit granting land that is already occupied, and requires paying compensation for those lands that the state confiscates for purposes of development. However, central, provincial and district administrators have often distributed land that is occupied or claimed by smallholders.³³ In some cases, district courts have decided cases in favor of concession recipients and other landholders with 'official' documents against smallholders who claim rights by occupancy.³⁴ 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.³⁵

One problem is the government's administrative deficiencies, particularly at the district and locality level. Government does not have the financial and managerial capacity, or the human resources to implement the current land laws, and ensure that administrative procedures are followed.³⁶ As alluded to earlier, another part of the problem is government's perception of the capacity of smallholder farmers. Land concessions are often given to private sector farmers and other commercial interests because it is believed that they have a greater capacity to exploit the land profitably. One often hears the argument that there is plenty of land and that government should encourage private investment by granting land concessions to those companies or individuals who have the capacity to use it.³⁷ Many Mozambican officials at the central, provincial and district levels of government stated that Mozambique needs private investment and that larger commercial enterprises have the capacity to open new lands and exploit resources. While this is true, it is a mistake to assume that smallholders can not also profitably exploit Mozambique's land and other natural resources. This position exhibits a continuing bias in government against smallholder producers. A final problem is that many bureaucrats increasingly act as if the current government is 'temporary' or in 'transition.' This is leading to corruption. Numerous cases have been reported in the press and elsewhere unofficially of high ranking members of government who have grabbed land or permitted others to grab land for personal gain.³⁸

IV. Competitive and Overlapping Land Claims

There are indications that rights to a number of government-granted concessions overlap. For example, agricultural concessions (including those for agriculture, forestry, timber, and hunting) may overlap with each other, or agricultural concessions may overlap with mining concessions. It is likely that in many areas, if not most, these state concessions have been granted for land already claimed by local smallholders under customary tenure regimes.³⁹ This scenario is, of course, made much more complex by numerous categories of smallholders who also have competing and complimentary rights to many of the same lands.⁴⁰

In many districts 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 individuals who had received state concessions. In several areas of the country, the landless population is growing or changing to include new individuals who previously held land rights (some times maintained during the war), as government continues to grant concessions.⁴¹ In many locations in Mozambique, smallholders have resisted attempts to displace them. Smallholder resistance has taken many forms, including (1) violent confrontation with state officials or new landholders, (2) peaceful confrontation and compromise with officials and new landholders, (3) destruction of property, (4) labor withdrawal and land abandonment, and (5) refusal to withdraw and land squatting.⁴²

In addition to multiple, overlapping claims resulting from the government land distribution process, there are at least four additional layers of possible competitive claimants in many locations of the country due to historical events. The first layer is composed of those Mozambicans who claim rights based on historical occupation of the area and lineage membership. The second layer is made up of Mozambicans and foreign interests who acquired rights during the colonial period. For example, families who had land rights in the precolonial era may still claim rights to land that was later occupied by (1) private companies or individuals who acquired land during the colonial period; (2) people who were given land as part of colonial villagization schemes, otherwise known as *aldeamentos*; or (3) people who acquired land in one of the colonial-era *colonato* schemes.⁴³ After independence a third layer of land claimants was created as the new government established its own *aldeias comunais*.⁴⁴ state farms and cooperatives. Under these schemes, smallholders were moved to new locations that were often already claimed by other families or communities. At the same time, claims by state farms and cooperatives decreased the amount of land that was available to smallholder farmers.⁴⁵

During the war a fourth layer of land claimants was created as people fled to secure zones and established new lives. In all more than 5 million people moved at least once during the war. Displaced families created new demands for land. We have already witnessed land disputes in several research locations between 'returning' smallholders and formerly-displaced families who have chosen to remain in their present locations.⁴⁶ Informants also told us about disputes between returning smallholders who claim historical rights and returning smallholders who claim

rights as part of a villagization scheme. And finally, a new set of claimants is emerging as larger private sector enterprises acquire land or reactivate (pre-independence) land claims. A typology of competitive claims must also acknowledge the possible struggles over land that occur within rural communities as people maneuver to optimize their opportunities. Many of these struggles may be historically rooted, as suggested by field research in Gaza and Tete Provinces.⁴⁷

There are no government mechanisms in Mozambique to monitor land concessions and land occupation. There is no department or agency within the government or civil society that has the capacity to monitor all land grants and to determine the validity of an individual or community's land rights.⁴⁸ The laws pertaining to land and property, including the Constitution, the 1979 Land Law and the 1987 Land Regulations are ambiguous and do not clarify the status of previous or existing land rights.⁴⁹

Many claimants interviewed felt that they have a legitimate legally based right to the land, and are unwilling to relinquish their control. When multiple individuals feel that they have valid rights, and none is willing to relinquish rights, a conflict occurs. These convictions that claims are legitimate makes many land disputes especially complex and acrimonious. Ultimately, government and civil society will be faced with an enormous task as they attempt to disentangle these overlapping rights and determine who will hold rights to the land. This will be an expensive and politically difficult process.

V. Smallholder Land Access in the Post-War Period: Two Cases in Gaza Province

The government predicted that all refugees and displaced families would return to their 'areas of origin'⁵⁰ after the war. This has proven inaccurate. After the peace accord, many former refugees and displaced families left refugees camps and other areas to which they had been displaced. Many of these people moved back to their 'family lands;' however research also reveals that many former refugees and displaced families have not moved back to their 'old lands,' but to new areas. In other cases, smallholders had remained on their land throughout the war, but various government actions reduced their rights, and have become tenant laborers or simply landless on their own lands.⁵¹

In addition, many smallholders are not moving away from congested areas en masse, because they are motivated by the same factors that influence 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 or move to rural areas. They often prefer to remain in congested areas, borrowing or leasing land or working as tenant laborers.⁵² These different responses are revealed in the cases of Gaza Province.

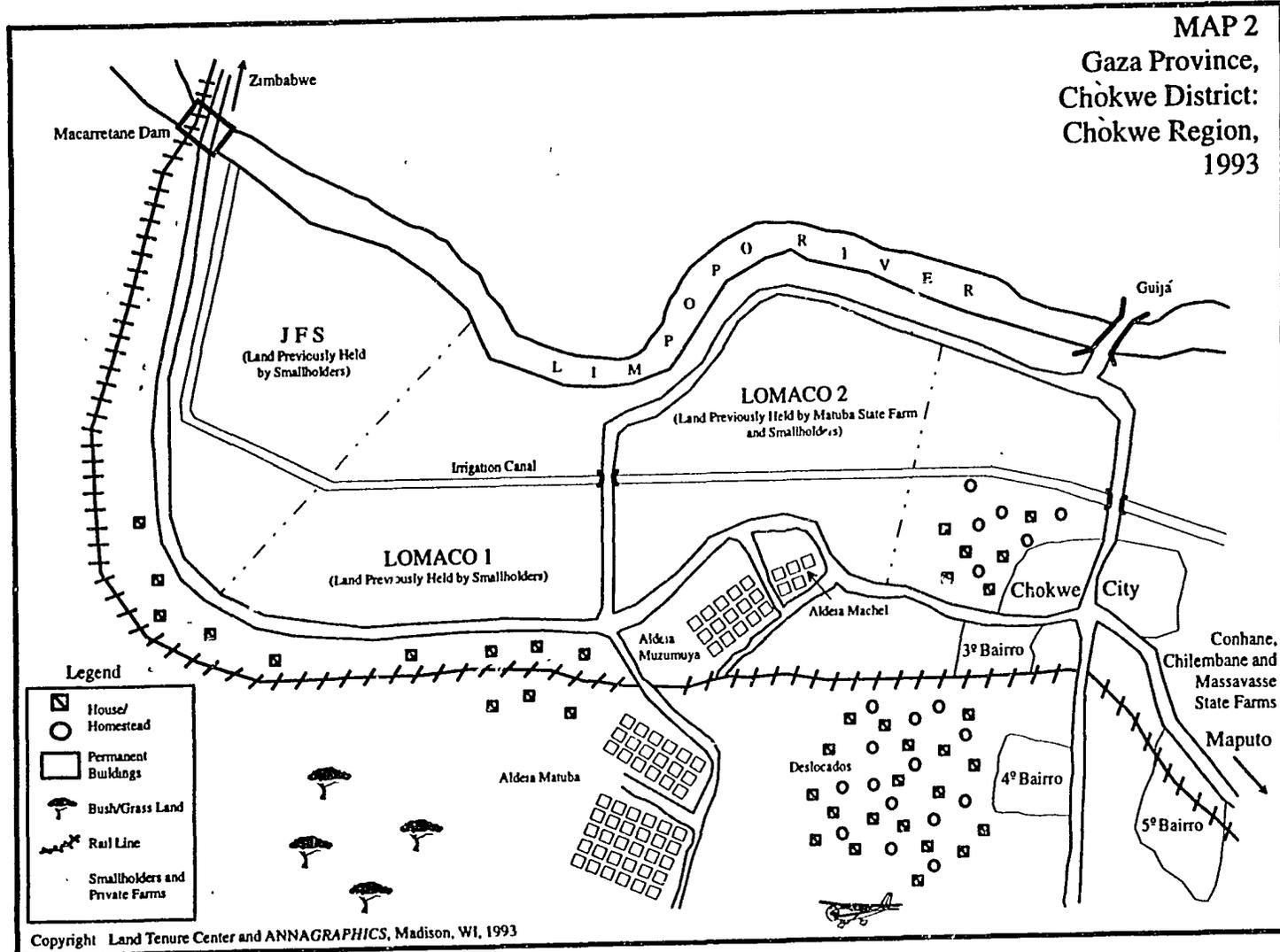
MAP 1
Gaza Province:
Field Research Sites,
1993



ANNAGRAPHICS and Land Tenure Center,
Madison, WI, 1993

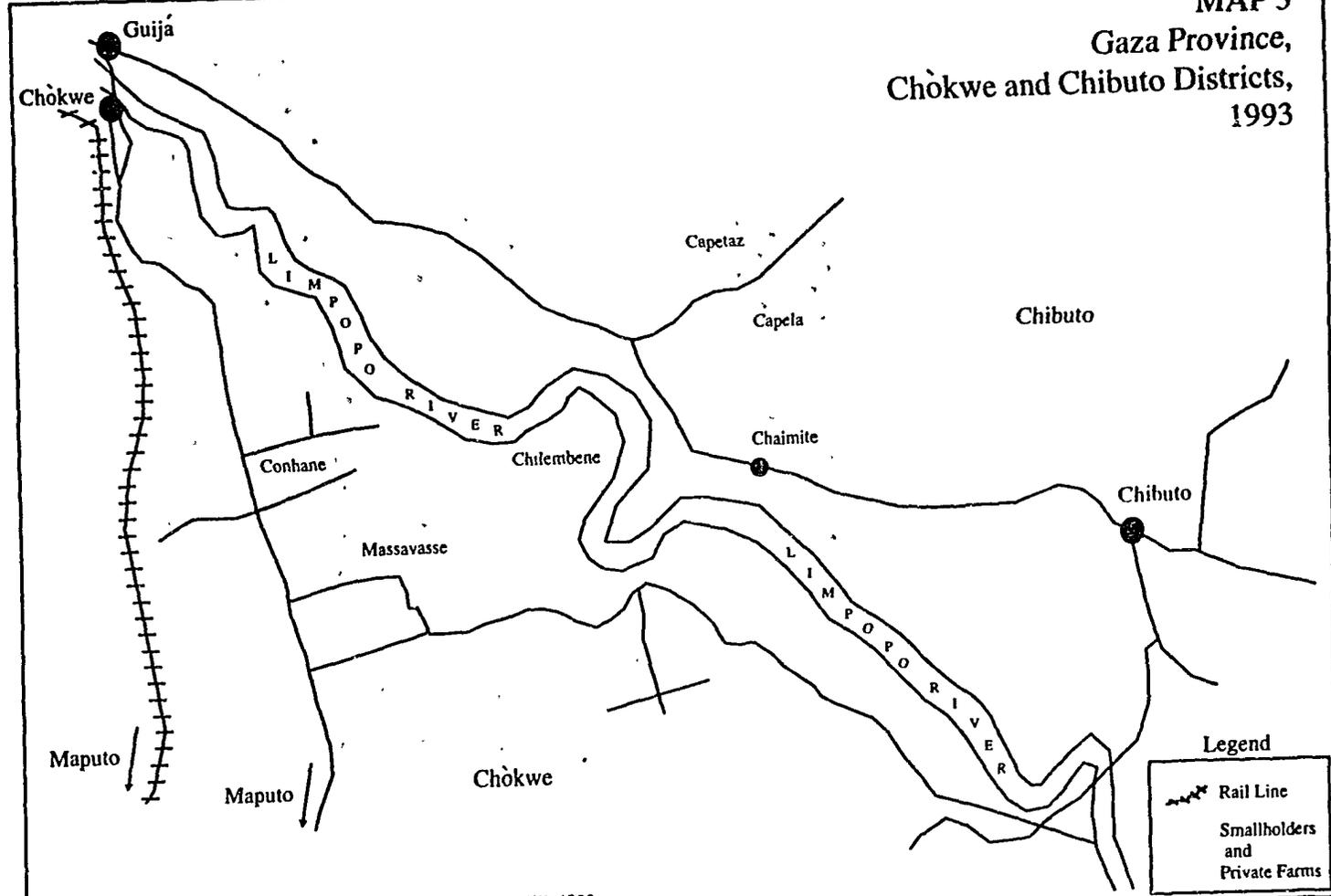
17

MAP 2
Gaza Province,
Chòkwe District:
Chòkwe Region,
1993



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MAP 3
Gaza Province,
Chòkwe and Chibuto Districts,
1993



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1. Research Sites and Objectives in Gaza Province

Two geographical locations were identified for investigation in Gaza Province. The first location was in the area around Chaimite and Chilembene administrative posts (Map 3), while the second was in the region of Chokwe City (Map 2). In the first location, sites were visited in Chilembene (Chokwe District) and across the river in Chaimite (Chibuto District). In the second location several sites were visited around Chokwe City and along the Maputo-Macarretane road northwest of the city.⁵³ Both locations are in the fertile Limpopo river valley. The districts were visited several times over a period of two and one-half years, ending in January 1994.

These two cases, Chaimite/Chilembene and Chokwe, are illustrative of the varied land tenure experiences of three communities in close proximity. While the sites visited have common cultural patterns and share similar historical experiences, land access and competition in each location have been driven by the varied effects of war and government policy during and after the war.

In the first location we sought to discover if the people displaced from Chaimite and other areas in Chibuto District to Chilembene had returned to their 'family' lands.⁵⁴ We attempted to learn more about the interactions between the people of Chaimite and Chilembene with regard to land and to determine what type of land rights returning farmers were securing. We wanted to know who was distributing land and resolving conflicts. We also sought to learn more about the private commercial farmers operating in the area, and determine if their activities were influencing the reintegration of displaced families. 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 which they had been displaced during the war and returned to their homesteads. We also focused on the private sector commercial farmers and joint venture enterprises operating in the area to determine how they were interacting with smallholder farmers, and if they were investing in their holdings.

The study begins with a brief review of land tenure relations in Chokwe and Chibuto Districts before independence, followed by a discussion of land tenure in the period between independence and the collapse of the state farm sector. This is followed by a discussion of tenure relations during the war and after the peace accord was implemented. The first and second sections cover the two districts generally, while the third and fourth sections focus

specifically on the research locations within the districts. We remind the reader that the first research location is near Chokwe city, Chokwe District, while the second research location is in Chaimite and Chilembene, which are contiguous localities but in different districts (i.e. Chibuto and Chokwe Districts respectively, see Map 3).

2. Land Tenure in Chokwe and Chibuto Districts before Independence

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 Shangaan. 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 brief, they share a common history from the colonial period to the present.⁵⁵

In several locations peasants in the Limpopo valley were displaced from their lands early in this century by private Portuguese farmers. Farmers who occupied the lowlands, close to the river, were particularly affected. In several places on both sides of the river, farmers were forced 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. Most of this scheme is located southeast of Chokwe city in Chokwe District. It includes land in Chilembene, Conhane and Massavasse (see Map 3).

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. For example, some families moved across the river to Chaimite or elsewhere in Chibuto District. Some remained to work as laborers 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 were denied admission by the *Colonato* administration. Others, were angered by the loss of land and the reportedly heavy-handed rule of the *Colonato's* administrators, abandoned land and moved away from the area. At the same time, farmers who had not previously had land around the scheme came seeking access to land. These aspiring landholders would later contribute to a complex picture of

overlapping land rights and competitive claims, as those who had abandoned land attempted to return after independence, as the war and drought forced displaced people into the area, and as government displaced some people while creating villages and granting concessions to others.⁵⁶

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* and the arrival of colonial political authorities. These changes also came about as a result of the imposition of colonial political authorities in the area. Renamed by the colonial government as *regulos*, some customary authorities maintained their positions, and carried out the directives of the colonial government. Many of these individuals quietly resisted and/or benefited from the colonial administration. Others, who chose not to collaborate, were replaced or had their powers superseded by colonially appointed *regulos*.⁵⁷

3. Land Access and Tenure after Independence

After independence many local families attempted to acquire land in the irrigation scheme and elsewhere in the Limpopo valley. For example, between 1974 and 1976 more than 6,000 families moved into the irrigated area south of the city of Chokwe (see Maps 2 and 3) with an even greater number were hoping to move into the territory. Many of these people were attempting to reclaim lost land rights; people from outside the area were hoping to capitalize on new opportunities created by Mozambican ownership of the irrigation scheme and infrastructure.⁵⁸

Most farmers were not successful in their efforts to acquire or reacquire land. However, the entire process 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. They joined other smallholders who were also being forced into government created villages.⁵⁹ Some of those displaced claim that they had had 'secure' land rights in the lowlands before they were dislodged and some have 'titles' or other documents supporting their land claims. Many communal villages (*aldeias comunais*) were established in both Chibuto and Chokwe districts, and countless smallholder families were displaced from their lands. The land available around the *aldeias* was often insufficient for the population and, in many cases, of poor quality.⁶⁰

Concurrent with the establishment of the villages and the forced resettlement of local families, the government nationalized the irrigation scheme and the *Colonato* farms in Chokwe. Administration of the scheme was taken over by the central government and the land was converted to the *Complexo Agro-Industrial do Vale do Limpopo* (CAIL), which operated as a massive state farm. Local displaced smallholders were 'invited' to work for the farm. Not all who came to work on the farm were historically from the area; that is, some had not held land in the area before the colonial government established the *Colonato*. This led to land conflicts when these laborers later claimed land rights to which they were not historically entitled, competing with historical claimants. At the same time, the independent government of Mozambique assumed control (by intervention or nationalization) of other private colonial farms, creating state farms. Some of these farms, such as Matuba, were located in the Limpopo valley, north of the irrigation scheme (see Map 2).⁶¹

The independent government created a new level of bureaucrats and party structure at the locality level, in many cases appointing officials who were not from the area. Reportedly, these new officials were usually not the former *regulos*, who were seen to have been collaborators with the colonial power.⁶² However, research conducted in 1992 showed that many of the lowest-level bureaucrats and some state farm officials were related to the precolonial chiefs and colonial *regulos*. It also revealed that many of the former *regulos* were related to the former customary authorities.⁶³ But research carried out in other villages after the peace accord found that this process was very uneven. In several areas visited in 1993, smallholders reported that they continued to consult lineage heads when they experienced family problems (including land disputes within the family), but that they relied on locality level government officials (especially rural agricultural extension agents) when they faced land problems between families or between smallholders and larger commercial interests. One older farmer interviewed in Chokwe District scoffed at the idea of consulting *regulos*, saying that they were colonial creations and things of the past. This uneven process may indicate the continuance or re-emergence of local struggles between families, and is an important topic for further exploration. It may also suggest that smallholders strategically select intermediaries (i.e. state or customary) depending on the nature of the dispute and the parties involved.

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 the old farms. This second wave of displaced persons in the period after independence angered local smallholders, and in many ways undermined the legitimacy and popularity of the new government.⁶⁴

Many local Mozambicans refused to work for the state farms, preferring to farm across the river in Chibuto or in the highlands. In some cases, men worked as laborers, while their wives maintained farms in the communal villages or elsewhere in the region. Some farmers became tenants elsewhere, acquiring land through the customary land tenure system by asking the head of a local family for use rights. The government was able to hire enough labor but was unable to manage the irrigation scheme successfully.⁶⁵

Some smallholders who were relocated to areas outside of the irrigation scheme managed to maintain access to land elsewhere in the district. Much of their 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, and 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 communal villages competed with local residents for land. The villagization program initially provided some benefits, including education, health care, and other social services. But it is unclear if these benefits ever outweighed the disadvantages of forced villagization. At any rate, these advantages were wiped out as the war progressed in the area.

Overall, land tenure and other social relations were transformed 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 territory and created dependent and unequal economic relationships.⁶⁶ 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.

4. Land Access and Tenure during the Civil War

A. Chokwe

Even before the war, Chokwe District was much richer than neighboring Chibuto. Chokwe has direct access to the rail line and roads leading to Maputo. In addition, the irrigation complex and most of the state farms in the province are situated in Chokwe District. After independence, the government invested heavily in these schemes and permitted the state farms to borrow substantial sums from Mozambican banks. As the war progressed, the government was forced to invest heavily in the defense of Chokwe. As a result of the infrastructure and relative security, many people fled to the district, bringing their cattle and other moveable resources with them.

War-displaced farmers inundated the city of Chokwe beginning in the late 1980s. The population and boundaries of the town expanded considerably. In addition, neighborhoods known as *bairros* were established on the fringe of the city to hold the displaced. Many people came from across the river or from the area northwest of Matuba, but others came from government-created communal and other villages that were no longer secure. Prior to the war, there were many settlements along the road from Chokwe to Macarretane. As the war intensified, people escaped to the relative safety of the city. Those displaced from these areas went to *Bairros Tres, Quatro and Cinco* (see Map 2).

As the civil 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 less fortunate, were forced to use land in the area south of the rail line, between *Matuba Aldeia* and *Bairro Quatro*. This land, however, was later taken over by the thousands who were displaced by the war and drought in the 1980s. The population of the *aldeias* grew considerably once they were established, and by the late 1980s the allocated land was no longer sufficient. In addition, the continued cultivation depleted soil quality.

In 1984 the irrigation scheme was 'restructured,' that is divided into 10 smaller production units of approximately 2,000 hectares each. These production units included Massavasse, Conhane, and Chilebene, three of the largest farms. In 1984 smallholders reportedly received 9,000 hectares of the 33,000-hectare scheme.⁶⁷ Rights to the best land were acquired by the

private sector,⁶⁸ which in many cases included state farm managers, district and provincial officials, and other government officials acting on their account.⁶⁹

Despite the new structure, the state farms continued to experience serious difficulties. They were unable to earn profits and produced minimal output. 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 population, let alone the thousands of displaced families in the territory.⁷⁰

Additional distributions of land were made within the irrigation scheme and north of the scheme in 1989, 1990, 1991 and 1992 as the state farms went bankrupt and closed. Again, most of this land was acquired by the private sector, especially large commercial interests such as JFS and joint-venture enterprises such as LOMACO and SEMOC.⁷¹ Some land was distributed to smallholder farmers and a few displaced people received temporary use rights. Despite these distributions, smallholders did not have tenure security, since the government has reacquired and redistributed land in many areas of the scheme several times in recent years. Tenure insecurity for smallholders remains a serious issue as government continues to consider new rounds of distribution of land rights. Provincial- and central-level government officials continue to argue that smallholders do not have the capacity to exploit either the land in the irrigation scheme or any lands near the river or state farms.⁷²

Research conducted in the district showed that during the same period a growing number of private commercial interests successfully acquired land in the area outside of the irrigation scheme. These interests obtained land through the formal state structure, both legally and extralegally, displacing local smallholders, some of whom had been uprooted several times already. Many of these allocations were apparently made for speculative purposes, since no utilization of the land followed. Sources working for NGOs in the area say that many farms in the scheme 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 near Chilembene.⁷³ Local residents claim that in 1990 or 1991, LOMACO got two additional parcels, which included part of the former Matuba State Farm. Both of these parcels are located between the road and the river northwest of the city (see areas marked as LOMACO-1 and LOMACO-2,

respectively, on Map 2). The two parcels in Matuba total at least 3,830 hectares of prime irrigated land.⁷⁴

Some farmers interviewed reported that they had once had land in the area where LOMACO-1 is located. They stated that they lost their rights many years ago, following independence, when the state took control of the irrigation scheme. Some of these farmers had tried to re-occupy their land, but were again forced to leave once the joint venture began operations.⁷⁵

The land designated as LOMACO-2 was identified as a problem area by many smallholders interviewed. 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 the families had houses, trees and fields in the area. They report that when they refused to leave, they were 'chased off' by LOMACO and their houses were destroyed. Some claimed that LOMACO cut down their trees to lay irrigation tubes. These farmers say that 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, the farmers contend, they have received neither new land nor compensation from either the government or the company. These smallholders filed a formal protest with the district government last year.⁷⁶

As a result, tension is high in the community, particularly in the LOMACO-2 area. Smallholders blame both the government and the company for displacing them from their lands. Many expressed anger and blamed the government administration for permitting LOMACO to take their lands. Two farmers declared that they want revenge on the company for expropriating 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 offered criticisms of JFS. In fact, smallholders commented that JFS assisted local farmers, whereas LOMACO would not even give them a greeting.⁷⁷

B. Chaimite and Chilembene

Chaimite was regularly attacked in the few years before the cease fire was initiated. Local residents reported that from 1989 to 1992, one area or another in Chibuto was assaulted weekly. RENAMO troops occupied or moved freely about many areas of the district. Interviewed in Chilembene before the peace accord, displaced smallholders from Chibuto said that most people in Chibuto, particularly those living along the river, were forced to flee to more secure zones and that security in nearby areas was also unreliable. People who fled from Chibuto were not immune to attacks, 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 thought less secure.

A large percentage of the people who fled Chaimite during the war moved across the river to Chilembene or elsewhere in Chokwe District. This movement occurred over a period of three to five years, intensifying in the last two years of the war as attacks increased and the drought continued. It appears that spatial relations and political structures were transplanted in the move from Chaimite to Chilembene. Displaced farmers reported that lineage groupings moved together from Chaimite and, apparently, tried to reproduce the location of their temporary homes vis-a-vis their neighbors and their lineage elders. Lineage heads had access to better land in the areas to which they were moved. In addition, customary political leaders who relocated with their communities attempted to maintain their political roles by negotiating on behalf of their people for access to land and other resources and for humanitarian food assistance. At the same time that some people were fleeing from Chaimite, others from less secure zones south and east of Chilembene also moved north into Chilembene. The new population of displaced families intensified land shortages, ecological degradation and social conflict among smallholders in Chilembene.⁷⁸

There was not enough land available in Chilembene to accommodate 'local' families, let alone all the new arrivals. Those who were fortunate enough to acquire temporary land rights usually had close kin ties in Chilembene. According to field interviews, most of the displaced people gained access to less than one-half hectare of land. This land was continually used throughout the last few years of the war and suffered serious ecological degradation. The fact that there were so many displaced people in Chokwe District, using available dry-land farms,

meant that smallholders who had access to land in the irrigation scheme were also forced to over-exploit their own holdings. They did this because they had earlier lost access to dry-land farms or because they were worried that if they did not continuously farm their parcels in the scheme they would be considered 'abandoned' and therefore confiscated by government authorities.⁷⁹

During the civil conflict few displaced people gained access to former state farm land (i.e. land distributed in the irrigation scheme by the farm management) in Chilembene, or elsewhere in the district. Those who obtained land did so on a temporary basis, usually as tenants of 'family sector' smallholders who had received land in one of the state farm distributions. Apparently, displaced families who arrived earlier were more likely to gain access to land somewhere in the district than those who arrived later. Individuals in the latter group were forced to survive 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 individuals migrated back and forth between Chilembene and other localities such as Chaimite, maintaining their farms in Chaimite and returning at night to temporary homesteads in Chilembene.⁸⁰ As fighting diminished in 1992 and the effects of the drought in Gaza Province became more severe, smallholders increasingly attempted to divide their time and resources between Chilembene and Chaimite. This strategy was relatively successful; however, many people reportedly lost their lives or were kidnapped by RENAMO in Chaimite. Those who divided their time between the two localities continued this strategy long after the peace accord was implemented and became the target of a new relocation campaign.

Customary rules for acquiring and securing rights to land in the irrigation scheme appear not to have helped local residents or those displaced from Chilembene. Most individuals interviewed before the cease-fire reported that local government officials had control over land distribution and conflict resolution. They said that if they wanted land, they had to ask the state farm director, locality executive council or district officials. They also claimed that the government could move them to another location and take away their land rights if it so desired. Smallholders frequently stated that the customary chiefs, including the *regulos*, no longer had power in the area.⁸¹

5. Land Tenure after the Peace Accord

The adverse effects of the war and the horrors that it created for the people of Mozambique have been documented in great detail.⁸² There is no question that the war caused great hardship, including economic and political disruption. Perhaps as many as one million lives were lost, while countless numbers were maimed or otherwise traumatized. It is also clear that the war opened political and economic opportunities in labor, land, markets and other forms of exchange for companies, individuals and government.⁸³ For example, government was able to 'capitalize' on 'available land,' which had been temporarily abandoned by war-displaced, and grant it to private interests and government officials. After the peace accord many companies and individuals acted quickly to capitalize on new opportunities. For example, companies have been able to acquire rights to large tracts of land and other natural resources, with little difficulty or cost.⁸⁴ Some smallholders also attempted to capitalize on the opportunities created by peace. In many ways, peace has created a new set of antagonisms between smallholders and commercial interests, which are, in addition to old (reemerging) antagonisms between the state and smallholders, and among smallholders themselves, creating a fertile environment for conflict.

A. Chokwe

Even before the cease-fire was signed many people were moving into and around both Chokwe and Chibuto Districts, but particularly around Chokwe city. In some cases, newly displaced families were coming into the area 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 (i.e., the 'private sector'), joint-venture enterprises (such as LOMACO and SEMOC), and some smallholders. Still others were entering the area to capitalize on opportunities created by the irrigation scheme, the private companies, the NGOs and the district government. For example, some smallholders in Chokwe city reported that they had moved into the city to take advantage of jobs, others stated they wanted access to the social services (schools and clinics), and still others wanted to receive food and other supplies from the NGO's. A larger group of respondents reported that they hoped to acquire or reacquire land in the scheme or near the city.⁸⁵

At the same time that people were entering the area around Chokwe seeking access to land, more people were being displaced by LOMACO (and probably JFS) northwest of the city, forming a new group of landless farmers. It appears that smallholder farmers, particularly displaced smallholders living in the city's *bairros*, were increasingly traveling great distances to farm their old plots or to borrow land during the day.

After the peace accord, an even greater number of people began to move around Chokwe, seeking access to land for homesteads and agriculture. However, the land available had diminished considerably as formerly displaced people returned to the area and as private-sector commercial interests and joint-venture enterprises acquired land concessions. There appeared to be many people who have historical land rights in the district, but who had no place to live and little or no land to farm.⁸⁶ Some farmers who previously lived and farmed in the area northwest of Matuba had returned to their farms and homesteads. However, the land in this area is of poor quality and will support only a small population.⁸⁷ Two of the most frequently reported problems by smallholders were land shortages (often as a result of land grabbing), and water shortages for irrigation. While there appeared to be a significant amount of competition among smallholders for land rights, smallholders more frequently stated that they had problems with the joint-venture enterprises.⁸⁸

A followup visit to Chokwe in January 1994 revealed that conditions had not changed much in seven months. While some people in the outer areas and *bairros* of the city had moved, many more had remained in the *bairros*, *aldeias* and in the city center. It is uncertain how many stayed because they had no place to go and how many remained because of the opportunities that exist in Chokwe; however, people frequently contended both reasons for not moving from their current locations in the camps. As in Chibuto District, smallholders also said that they were fearful or convinced that the war would resume in the near future.⁸⁹

Many farmers had also replanted their farms which run parallel to the road between Chokwe city and the dam at Macarretane; however, only a few smallholders had moved back permanently and reestablished homesteads. Respondents again complained about land grabbing in the area around the city and along the roadway. Displaced smallholders and some local smallholders without land had acquired use rights to marginal land between the rail line and the road (Map 2). It is obvious that these individuals, literally farming in the margins, have little or

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.

B. Chaimite and Chilembene

When the first round of field interviews was conducted in May 1993, farmers displaced to Chilembene had just begun to return to Chaimite. Most felt very insecure about their safety and often expected the war to resume. As a consequence, farmers were investing minimal time and resources in agricultural production. More time was spent on renegotiating land rights and land access with other returning farmers and displaced families. Farmers returning to Chaimite were not always certain where they should farm, given the government relocation and villagization programs. Some farmers in Chaimite expressed concern that they would be forced to move again.

Most of the farmers interviewed in Chaimite were women, who reported several different land use strategies. Some 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. In other cases, older wives remained with children while husbands and senior sons moved back to Chaimite. Those who remained in Chilembene did so because they wanted to maximize their access to resources and government services and minimize risks involved in a move away from these relatively secure resources. Some women in Chilembene continued to work as farm laborers rather than returning immediately to Chaimite. Other women reported that they stayed in Chilembene to protect their houses, which the government was destroying or threatening to destroy if they appeared to be abandoned.⁹⁰ Others, displaced from greater distances, were attempting to farm in Chaimite temporarily, until they could move on or return to their family lands.

A majority of the people interviewed in the centers for displaced people were women. Many reported that they were waiting for their husbands to return from South Africa before leaving the camps. In some cases, the women were forced to remain in the camps in Chilembene because they lacked the financial resources to move.

There were at least two categories of individuals who were not historically from the area but were attempting to farm in the locality: those families arriving from RENAMO-administered areas, and families from Chokwe District who had been displaced by the state farms and new land concessions. Hence, not only were smallholders returning to Chaimite, but newly displaced and other landless smallholders from Chokwe were moving across the river to Chibuto district seeking land rights. This movement, of course, was the reverse of what had occurred during the civil conflict.

In addition, many smallholders seeking land in Chaimite reported that they were from Chaimite and had lost land to new commercial interests. While noted as a problem by smallholders, new land concessions in Chibuto did not appear to be as significant a threat to smallholders as the land grants being made in Chokwe. Farmers reported that the lowlands, close to the river, were difficult to recover since they were most often occupied or claimed by private commercial interests. Farmers and locality officials confirmed that the latter, occasionally 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.

Conditions were somewhat different across the river in Chilembene. There was less land available for 'returning' farmers. By the end of the war all of the land in the irrigation scheme and around Chilembene was claimed by private sector or smallholder farmers.⁹¹ At the same time, there was a large number of displaced people still in the locality. Some of these displaced were not from Chilembene.

In May 1993 accommodation centers and camps for the displaced continued to exist, but the number of occupants had decreased. Those who remained were afraid to leave the relative security of the area because they had no place to go or because of the opportunities that existed in Chilembene such as education and other social services, irrigated land, markets and better transport.

There were some people living in the camps who were effectively displaced from their own land. These people asserted that they or their families were from Chilembene, and that they had lost land to colonial farmers, to the state after independence, or to new private or smallholder farmers. They now were either laborers or squatters on their land. They said that they were

hoping to reacquire rights to land somewhere in the locality, and some had spoken with district officials about their needs.

Individuals from Chilembene who professed historical rights to land reported that they would like the displaced families to return to their 'areas of origin.' It is a common opinion among smallholders 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 smallholders and displaced persons in Chilembene. For example, local residents have been able to benefit from the relatively cheap labor afforded by the large pool of displaced people. The displaced have worked in construction, building huts and houses, and in agriculture; some have established trading enterprises, while others have specialized in services.⁹² In addition, many young men married women in Chilembene and have no intention of moving away from the territory.

The locality government officials also said that they would also like the displaced people to return to their areas of origin. They claim that the displaced are a drain on financial resources and administrative capacity. Displaced people in Chilembene revealed that they were being forced to leave, to return to their areas of origin or simply to move across the river. Some claimed that the locality government was destroying or threatening to destroy their houses in the camps. Those who were trying to divide their residences were apparently targeted more than those who were attempting to remain in Chilembene. Smallholders responded to this perceived threat by leaving their schoolchildren 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.⁹³ However, district officials reported that displaced farmers had not understood their instructions, no houses had been destroyed and that smallholders were not being forced to leave.⁹⁴

Conditions had changed in both Chilembene and Chaimite seven months later when another round of research was conducted in January 1994. More displaced farmers had moved back across the river to Chaimite and to other locations south of Chilembene. However, many still remained in Chilembene. The reasons for staying were frequently the same as those noted during the first round of research. Some women said that they were waiting for their husbands to return from South Africa, while others explained that they did not have the financial resources to support a move. Certain individuals declared that they were not sure the war was over and

did not want to risk moving at this time. Finally, some people said that they simply had no place to go.

In Chaimite several farmers who were interviewed had returned from Chilembene or other areas in the irrigation scheme. These farmers reported that they were now farming on land that they had possessed before being displaced by the war. Upon closer examination it became apparent that these farmers had actually been relocated during the villagization program of the late 1970s, although some had managed to continue farming until the war drove them across the river to Chilembene. These farmers contended that before the villagization program they had had larger tracts of land which were taken by the government and redistributed to other members of the communal village. Although they had returned to the land to which they claimed historical rights, in reality, those rights had been superseded by a government-created village. In fact, their rights were now conditional upon the state.

Interviews revealed that many newly established farms north of Chaimite, between Chaimite and Guija (see Map 3) were occupied by returning farmers. However, these smallholders did not feel that they were physically secure. Consequently, the farms were being maintained by 'week farmers.' These individuals plant and maintain their crops during the week and return to Chaimite city, Chilembene or one of the communal villages for the weekend or at night. They do this to keep their households intact in areas that they perceive to be relatively secure, while opening up available farm land less subject to competition. It is uncertain whether these 'week farmers' have tenure security or whether they are all historically from this area. Many that we interviewed were initially given land by the government after 1977, when they were displaced from their customary villages and moved into communal villages. It is presumed that competition will emerge between smallholders who claim historical rights, smallholders who were given rights after 1977, and smallholders entering the area from Chokwe and Chilembene seeking land rights. It is also uncertain what the economic costs are for a population that must continue to invest time and resources in maintaining two homesteads.

6. Concerns Raised by the Cases in Gaza Province

Research in Chilembene/Chaimite and Chokwe has illuminated several issues of concern. It is the impression of government officials that many of the landless 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 have no other place to which to return. Essentially these smallholders are trapped in the *aldeias* or *bairros*. The problem is exacerbated by government officials who continue to grant land concessions in the territory or who permit the expansion of private-sector commercial and joint-venture enterprises. This suggests another concern: government believes that it knows where free land is located and that it has the capacity and authority to distribute it. Ongoing concessions are creating a new category of post-war displaced, who are extremely frustrated with government.

Another concern is the official view that displaced people who have begun to farm have settled permanently. Indeed, this is far from true. Smallholders will continue to move as new opportunities or constraints arise. Government officials fail to recognize that smallholders are influenced by the same economic factors as the larger commercial interests—they 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 landholders are not currently farming their lands (i.e., are speculating), are underutilizing the land, or are unable to exploit their concessions profitably, then this justification is flawed and requires re-evaluation. It is naive to assume that concessions are being granted simply on a 'capacity-to-farm' basis. Other factors, including personal accumulation and corruption, are fueling the process of endowing land concessions.

The case of LOMACO's land acquisition is of particular concern. After the government granted LOMACO permission to expand in the area described as LOMACO-2, it is unclear whether the government itself or LOMACO failed to find new land or compensate farmers for their losses. Locality government officials in Chokwe reported that they had not favored the expansion of the enterprise in the area and had tried to prevent it.⁹⁵ In any case, it is particularly worrisome that the government permitted the dislocation of smallholders in favor of a joint-

venture enterprise, particularly one that by its own records, has had several unprofitable years.⁹⁶ Further, LOMACO's expansion has clearly led to great tenure insecurity in the area, as local smallholders and small private commercial farmers fear the enterprise will soon assume control over all the land in its vicinity. This situation can only inhibit smallholder and private investment. Since smallholders and other private interests are not sure of their tenure security, they will not be inclined to make long-term investments, focusing instead on short-term gains. This strategy often results in poor resource management and ecological degradation.⁹⁷

As part of our analysis, it would be helpful to determine if LOMACO has satisfied the terms of its contractual arrangement. However, up to the present, neither LOMACO nor the government has officially disclosed these terms. Additionally, the enterprise has not been forthcoming regarding its profitability or losses in Chokwe or elsewhere in the country.

That the government is frequently cited as a central antagonist in the area indicates that smallholders in the area are well aware of the government's role in LOMACO. For example, a group of farmers who participated in a group interview reported that 'party' (i.e., FRELIMO) representatives had visited them before LOMACO expanded operations in 1991, thereby facilitating the theft of the lands.

It is unfortunate that the enterprise is seen by the local population as an adversary rather than a partner as LOMACO's involvement in the region could potentially be constructive. The enterprise has the capacity to open undeveloped lands, develop infrastructure (roads and transport), train manpower and serve as a distribution point for agricultural inputs. However, the company seems destined to fail in this endeavor since it has established an antagonistic relationship with the local community.⁹⁸

Smallholders also complained that government facilitated the theft of their land for other commercial interests.⁹⁹ They asserted that government representatives accompanied private and large commercial interests who wished to acquire land in the area. The officials asked the local farmers to assist them by giving these visitors land for farms. In return, the officials said, the local farmers would 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 these enterprises took much more land than the areas agreed to by the local farmers. These farmers also expressed dismay with government

officials who facilitated 'land theft,' since key central government authorities (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 been expected to be more sympathetic to their local situation. In short, these farmers did not speak positively about government, and some also spoke with anger about FRELIMO.

Investment in the area is also adversely affected by the pervasive fear that war will resume soon. As in other parts of the country, smallholders claim that the war is not finished. Consequently, they do not wish to invest in building permanent homesteads or clearing new fields, planting trees, and the like.¹⁰⁰ Another factor affecting investment for both smallholders and private commercial interests is the unproductive use of significant amounts of money and other resources to acquire and secure rights to land. In addition, some commercial interests appear to be speculating on a future land market, since they have acquired land and have not begun production and apparently do not intend to do so.

Above all else, it is evident that tension between official authorities 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, and specifically around the irrigation scheme. It is uncertain how local farmers are resolving land disputes south of the Limpopo river, 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. Further research is necessary.

VI Conclusions

This study reveals that current land law and land administration policies should be re-evaluated. These laws contain many contradictions, and do not confer secure rights on private and smallholder farmers. The process for acquiring land rights is not transparent and our research indicates that the law is misunderstood by individual producers, companies and government officials charged with its administration. Government does not have the necessary resources to administer the land law.

Evidence indicates that the 'official' land tenure system is weak, leading to conflict and insecurity. This circumstance is undermining economic investment and agricultural production, and creating a fertile environment for unproductive land speculation. It is adversely affecting the reintegration of the more than five million displaced families and refugees, and it is contributing to the creation of a new category of post-war displaced persons.

Government officials continue to view customary authorities, laws and institutions as 'backward,' 'tribal' and inefficient. Particularly with regard to land distribution and administration, and adjudication of disputes, tension exists between many government officials and smallholders because of the way they view each other.

The study also reveals that a large segment of the population in Gaza Province does not have secure tenure rights. Although the war has been over for more than 20 months, many people are still moving and not resettled. This is due to many factors. First, smallholders are naturally attempting to optimize their opportunities and reduce any risks that they face. As noted, smallholders moved to, or remained in, areas they perceived to have greater advantages. These areas may not be necessarily their 'home areas,' or areas that have an abundance of land. Second, and more troubling, smallholders increasingly compete with private and commercial interests that have acquired land concessions. These concessions affect land availability not only in their locations, but also in other areas as displaced smallholders are forced to move and compete with smallholders elsewhere who themselves are returning to their family lands or attempting to secure rights on a temporary basis. Rather than an orderly return to 'their villages,' as predicted by government, there is a chaotic movement of people competing with one another for resources. This competition is exacerbated by the lingering effects of earlier government policy and historical tensions within smallholder communities. For example, smallholders expressed confusion over the ownership of land in the government-created villages. This has led to conflicting land claims and disputes between smallholders who claim historical rights and those who were relocated by government. The end of the war has therefore neither resolved struggles over resources nor, more importantly, been accompanied by a process in which land laws are clarified, made transparent, and effectively administered by a capable state apparatus. This is disconcerting because these failures will only increase the risk that people will once again

participate in and support a return to civil conflict. Indeed, given its current configuration, the state itself presents the greatest threat to smallholder producers in Mozambique.

While mistakes have been made, the consequences are not irreversible. Government and civil society need to identify priority areas and address their most acute problems. At the same time, government needs to initiate an open dialogue with all segments of Mozambican society, focusing on land law reform and land administration. Government particularly 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 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 national discussion and, where appropriate, should be pursued.¹⁰¹ Above all, government must work with smallholders in an open, transparent and cooperative manner. Government and civil society must recognize that smallholders, rather than being helpless, unproductive, 'backward' members of 'tribal' society who must be protected by the state, instead have tremendous potential and can contribute to the long-term growth and political stability of the country.

1. This has not been a smooth process. Demobilization and incorporation of the two armed parties is significantly behind schedule and it is also likely that many of the weapons still held by both parties have not been accounted for or surrendered at the United Nations/Mozambique demobilization camps. In July 1994, troops claiming to be part of RENAMO attacked a police station, killing at least one individual and stole weapons. These troops then took approximately 500 individuals and many vehicles captive along the Beira Corridor, running through Manica and Sofala Provinces. They took control of the road and hijacked vehicles entering the area. When UN troops were dispatched to the corridor to negotiate for the release of the captives some of them were also taken hostage. A week later, FRELIMO troops performed a similar operation in Boane, Maputo Province. Both sides are claiming that the demobilization process is too slow and that troops have been sitting in the camps, in some cases, for more than two months. Both sides are demanding faster repatriation to their home areas and/or greater financial assistance (see also *Independent*, 19 July 1994). Additional confrontations elsewhere in the country have been reported (see *Daily Telegraph*, 2 August 1994; *Guardian* 1 August 1994; British Broadcasting Corporation 4 August, 5 August and 6 August 1994).

2. See for example, *Noticias* (Maputo), 10 April 1993, 3 May 1993, 9 December 1993; *MediaFax* (Maputo), 3 May 1993, 30 September 1993, and 27 October 1993; *Domingo* (Maputo), 13 March 1994; and *Savana* (Maputo), 20 May 1994. In the period between January and June 1994 there have also been numerous reports of land disputes and other land-related issues broadcasted on *Radio Mozambique* and the two national television stations.

3. See R. Weiss and G. Myers (eds), 'Conference Proceedings: Second National Land Conference in Mozambique, 1994' (University of Wisconsin-Madison, Land Tenure Center, forthcoming). In particular, see comments by Srs. Timotio, Macuacua, Tembe, Jambo, Mugavo and Muchanga. Also, see interviews with smallholder farmers reported in G. Myers, J. Eliseu and E. Nhachungue, 'Security and Conflict in Mozambique: Case Studies of Land Access in the Post-War Period' (University of Wisconsin-Madison, Land Tenure Center Research Paper, 1994).

4. National and expatriate staff working for several non-governmental organizations reported numerous cases of land grabbing and disputes at the local level. These organizations include CARE-Mozambique, Food for the Hungry International, World Lutheran Federation, OXFAM, World Vision, and the Mozambican NGO, KULIMA. In addition, staff from the United Nations High Commission for Refugees have reported land conflicts and disputes. Mozambican church groups, the National General Union for Cooperatives and other local social organizations have also reported land-related problems. Representatives of the National General Union for Cooperatives stated that 'We have very serious problems with high-ranking government officials in Maputo Province over land,' and that government officials are refusing to resolve disputes involving smallholder farmers. They suggested that some of these officials were responsible for several of the worst land disputes. A representative of KULIMA recently stated that large joint-venture enterprises were, with government complicity, taking land from smallholder farmers. See Weiss and Myers (eds), 'Conference Proceedings'.

5. See Republic of Mozambique and United Nations, 'Mozambique: A Strategy for the Transition from Emergency to Reconstruction, Priority Needs for 1994-5' (New York, 1993).

6. Ministry of Agriculture, Maputo, 25-29 March 1994. This meeting was held to develop agricultural strategies for the next five years.

7. The nature of the boundaries between the state and civil society is the subject of vigorous academic debate and should be viewed as problematic rather than as a given (see R. LeMarchand, 'Uncivil States and Civil Societies: How Illusion Became Reality', *Journal of Modern African Studies*, 30,2 (1992), pp. 177-91). In this paper, however, the term 'civil society' is used broadly in reference to social, economic, political, cultural, and religious organizations outside the 'formal' and 'customary' governmental structures. This includes educational, trade and credit organizations not directly tied to government. This definition of civil society includes customary social and economic organizations that are not necessarily part of customary governance, and in fact may be antagonistic to customary authority. For a more complete discussion of the concept of civil society, see for example, M. Bratton, 'Beyond the Civil State: Civil Society and Associational Life in Africa', *World Politics*, 41,3 (1989), pp. 407-30; G. Hyden and M. Bratton (eds), *Governance and Politics in Africa* (Boulder, CO, 1992); R. LeMarchand, 'Uncivil States and Civil Societies: How Illusion Became Reality', *Journal of Modern African Studies*, 30,2 (1992), pp. 177-91; J. Migdal, *Strong Societies and Weak States: State-Society Relations and State Capabilities in the Third World* (Princeton, 1988); J. Harbeson, D. Rothchild and N. Chazan, *Civil Society and the State in Africa* (London, 1994); and P. Molutsi, 'Developing Democracy when Civil Society is Weak: The Case of Botswana', *African Affairs*, 89 (1991), pp. 323-40.

8. In this project we were interested in gathering a broad, historical picture 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 transformations experienced as a result of the economic and political changes of the last 18 months since the peace accord was initiated. A secondary objective was to develop a baseline description of land tenure relations that are emerging in the post-war period. In this project we interviewed more than 425 smallholders, private farmers, and government officials in four provinces. See Myers, Eliseu and Nhachungue, 'Security and Conflict in Mozambique'.

9. See J. Bruce, 'Land Tenure Issues in Project Design and Strategies for Agricultural Development in Sub-Saharan Africa' (University of Wisconsin-Madison, Land Tenure Center Research Paper No. 128, 1986); A. Seidman and R.B. Seidman, 'The Political Economy of Customary Law in the Former British Territories of Africa', *Journal of African Law*, 28, 1-2 (1984), pp. 44-55; S. Roberts, 'Introduction: Some Notes on 'African Customary Law'', *Journal of African Law*, 28, 1-2 (1984), pp. 1-5; M. Chanock, *Law, Custom and Social Order: The Colonial Experience in Malawi and Zambia* (New York, 1985); T. O. Ranger and E.J. Hobsbawm (eds), *The Invention of Tradition* (New York, 1983); J. Comaroff, 'Class and Culture in a Peasant Economy: The Transformation of Land Tenure in Barolong', *Journal of African Law*, 24,1 (1980), pp. 85-113; F. Snyder, 'Colonialism and Legal Form: The Creation of 'Customary Law' in Senegal' in C. Sumner (ed), *Crime, Justice and Underdevelopment* (London, 1981), pp.90-121; F. Snyder, 'Customary Law and the Economy', *Journal of African Law*, 28, 1-2 (1984), pp. 34-43; H. West and G. Myers, 'Legitimidade política a nível local e segurança de posse da terra', *Extra* (Maputo, Centro de Formação Agrária) 10 (1992), pp. 34-9.

10. For a partial discussion of the transformation of 'customary institutions' during and after the colonial period see A. Isaacman and B. Isaacman, *Mozambique: From Colonialism to Revolution, 1900-1982* (Boulder, CO, 1983); C. Geffray, *La Cause des Armes au Mozambique* (Paris, 1990); J. Hanlon, *Mozambique: The Revolution Under Fire* (London 1984); J. D. Sidaway, 'Mozambique: Destabilization, State, Society, and Space,' *Political Geography*, 11.3 (1992), pp. 239-58; J. Coehlo, 'Protected Villages and Communal Villages in the Mozambican Province of Tete (1968-82)', D. Phil. Thesis, University of Bradford, England, 1993; I. B. Lundin, 'Algumas Considerações sobre a Sociedade Amakhuwa: Aspectos Basicos de Sua Organização Social—Diferentes Politicas Implementadas na Zona', Unpublished paper, Mozambique Ministry of State Administration (Maputo, August 1992); I.B. Lundin, 'Relatorio de Trabalho de Campo nas Provincias de Sofala e Manica', Unpublished paper, Mozambique Ministry of State Administration (Maputo, October 1992); I.B. Lundin, 'A Reforma dos Orgãos Locais e o Papel da Autoridade Tradicional no Processo de Decentralização', Unpublished paper, Mozambique Ministry of State Administration (Maputo, April 1993); J. Carilho, 'Acesso e Uso da Terra: Conflicts entre a Tradicao, a Lei e a Realidade', *Extra*, 4 (1990), pp. 14-15; S. Arnfred, 'Women in Mozambique: Gender Struggle and Gender Politics', *Review of African Political Economy*, 41 (1988), pp. 5-16; J.S.F. Bossa, 'O Regime de Concessão de Terras aos Indigenas nas Colonias de Africa', *Boletim Geral das Colonias*, 117 (1935), pp. 3-27; and N. Coissoro, 'The Customary Laws of Succession in Central Africa', *Estudos de Ciencias Politicas e Sociais*, 78 (1966); and N. Coissoro, 'O Direito Costumeiro Africano na Legislação Portuguesa (1954-1975)', *Revista de Estudos Politicos e Sociais* 15 (1987), pp. 27-37.

11. West and Myers, 'Legitimidade política a nível local'.

12. See Weiss & Myers (eds), 'Conference Proceedings', especially the comments of Sr. Cadmiel Mutemba, Governor of Tete Province; Sr. Francisco Pateguana, Governor of Inhambane Province; and Sr. Lemos Chalulo, District Director of Agriculture, Manica Province.

13. *Ibid*

14. See Geffray, *La Cause des Armes au Mozambique*; Hanlon, *The Revolution Under Fire*; Sidaway, 'Mozambique'; and G. Myers, H. West and J. Eliseu, 'Land Tenure Security and State Farm Divestiture in Mozambique: Case Studies in Nhamatanda, Manica and Montepuez Districts' (University of Wisconsin-Madison, Land Tenure Center Research Paper, No. 110, 1993).

15. Government identified four categories of producers. In addition to private and family sectors, it also identified state farm and cooperative sectors.

16. These concepts were articulated at the FRELIMO Fourth Party Congress, and have been enshrined in the 1990 Constitution, the 1979 Land Law, and the 1987 Land Regulations.

17. See also C. Tanner, G. Myers and R. Oad, 'Land Disputes and Ecological Degradation in an Irrigation Scheme: A Case Study of State Farm Divestiture in Chokwe, Mozambique', (University of Wisconsin-Madison, Land Tenure Research Paper No. 111, 1993); and Myers, West and Eliseu, 'Land Tenure Security'.

18. It is beyond the scope of this paper to discuss the evolution of the terms 'family' and 'private' sector farmers. The development of this terminology in Mozambique has profound implications that require deeper exploration. For example, it is likely that the creation of the 'private sector' category was an attempt to satisfy the economic demands of an elite class in Mozambique after independence. These elite individuals greatly capitalized on the divestiture of the state farm sector, acquiring the best lands that were safely available before the peace accord (see Tanner, Myers and Oad, 'Land Disputes and Ecological Degradation'; and Myers, West and Eliseu, 'Land Tenure Security'). It is also likely that specific class interests are in part driving the debate about producer categories, customary authorities and land access in Mozambique.

19. Technically, according to the Constitution (1975 and 1990), the Land Law (1979) and the Land Regulations (1986), all land is the property of the state. These laws wiped out freehold property rights and reduced them and any other existing rights to state leaseholds (for a succinct review of these laws see G. Myers, 'Land Tenure Issues in Post-War Mozambique: Constraints and Conflicts' (University of Wisconsin-Madison, Land Tenure Center Paper, 1993); and Myers, Eliseu and Nhachungue, 'Security and Conflict in Mozambique'). Consequently, the state is distributing 'use rights': however, recipients of these 'use rights' frequently behave as though they have absolute (freehold) rights to the land (see J. Bruce, 'Land Policy and State Farm Divestiture in Mozambique' (University of Wisconsin-Madison, Land Tenure Center, 1990); Myers, Eliseu and Nhachungue, 'Security and Conflict in Mozambique'; J. Garvey, 'Mozambique's Land Law: Contradictions with the Legislative Framework' in R. Weiss and G. Myers (eds), *Second National Land Conference in Mozambique: Briefing Book*, (University of Wisconsin-Madison, Land Tenure Center, 1994); and M. Martins, 'Presentation to the National Seminar on Land in Mozambique Organized by the Ministry of Agriculture and the Land Tenure Center,' in Weiss and Myers (eds), *Briefing Book*. These laws are not without significant contradictions. For example, the Constitution and the Land Law recognize occupancy as proof of 'ownership'; yet the same laws permit the state to distribute land that is occupied, frequently by smallholders, to other private interests (*ibid.*)

20. We know of only three locations in the country where smallholders have been able to participate in the process of acquiring land rights, and even then they competed as 'second class' citizens. These locations are in Chokwe (Gaza Province), Buzi (Sofala Province) and Marracuene (Maputo Province). In one other scheme in Manica Province, the Italian development agency, Italian Cooperation, has worked with the provincial government to create 'reserve areas' for smallholder producers (see Myers, West and Eliseu, 'Land Tenure Security').

21. This position became crystal clear in a series of debates which included government officials and smallholder farmers during the Second National Land Conference in Maputo (see Weiss and Myers (eds), 'Conference Proceedings', particularly the comments by Sr. Cadmiel Mutemba, Governor of Tete Province; Sr. Francisco Pateguana, Governor of Inhambane Province; and Sr. Lemos Chalulo, District Director of Agriculture, Manica Province).

22. For example, sources wishing to remain anonymous in Gaza Province reported that many 'big men' (*homem de peso*) from Maputo and Xai-Xai come to Chokwe to acquire land, and in the process displace smallholders. These sources say that the land is often abandoned and allowed

to revert to bush. If smallholders try to reclaim the land they are evicted by the new owners (Tanner, Myers and Oad, 'Land Disputes and Ecological Degradation'; and Myers, Eliseu and Nhachungue, 'Security and Conflict in Mozambique'). The paper *Domingo* (13 March 1993) recently reported another case in which a former military general acquired rights to land held by smallholders, forcibly evicted them, and then abandoned part of the land. See also Garvey, 'Mozambique's Land Law'.

23. One of these concessions, to the organization *Heaven on Earth* for 20 million hectares, has been highly debated and disputed in Mozambique (compared to other concessions made). Government representatives claim that this concession was not approved by government; however, the Minister of Finance has signed a document granting *Heaven on Earth* this land. Other representatives state that the investment package negotiated between *Heaven on Earth* and the government was rejected and that the land concession was confirmed (confidential interviews, Maputo, April 1994. See also *Savana*, 20 May 1994 and *New York Times*, 19 February 1994; and 10 February 1994). Excluding this concession, the total area transferred could be lower as many of the concessions overlap, which by itself is a serious problem that may lead to land disputes and conflict. However, we repeat that we have only partial data for a number of districts in five provinces. The area granted in concessions could potentially be significantly greater.

24. See Myers, West and Eliseu, 'Land Tenure Security'; and Tanner, Myers and Oad, 'Land Disputes and Ecological Degradation'.

25. 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 600,000 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.

26. As reported in Myers, West and Eliseu, 'Land Tenure Security', most of the farms divested land before the legal status of the farm was clarified. In many cases the farms had not been nationalized by the state, only 'intervened.' It is questionable, therefore, if the state had the right to divest these lands. It is very probable and likely that these divestitures may be challenged in court as the previous owners return to Mozambique and reassert rights.

27. Virgilio Ferrão, DINAGECA, Maputo, personal communication, August 1993. This is in contrast to the few thousand titles reportedly issued since independence. See Garvey, 'Mozambique's Land Law'.

28. J. Alexander, 'Land and Political Authority in Post-War Mozambique: Notes from Manica Province', (University of Wisconsin-Madison, Land Tenure Center, 1994); and Myers, Eliseu and Nhachungue, 'Security and Conflict in Mozambique'.

29. For a more complete discussion of land conflicts in Mozambique, with illustrative maps, see Myers, Eliseu and Nhachungue, 'Security and Conflict in Mozambique'; and G. Myers, 'Confusion, Contradiction and Conflict: Land Access in Mozambique in the Post-Peace Period', (University of Wisconsin-Madison, Land Tenure Center, 1993).

30. Unpublished data, Ad Hoc Land Commission, Ministry of Agriculture, Maputo; see also World Bank, 'Mozambique: Restoring Rural Production and Trade', (Washington D.C., Report No. 8370-Moz, 1990).

31. See Myers, Eliseu and Nhachungue, 'Security and Conflict in Mozambique'; Garvey, 'Mozambique's Land Law'; and Weiss and Myers (eds), 'Conference Proceedings'.

32. *Ibid*

33. See Garvey, 'Mozambique Land Law'; Myers, Eliseu and Nhachungue, 'Land Security and Conflict in Mozambique'; S. Boucher, et al., 'Legal Uncertainty and Land Disputes in the Periurban Areas of Mozambique: Land Markets in Transition' (University of Wisconsin-Madison, Land Tenure Center, 1993); S. Boucher, et al., 'Legal Uncertainty, Land Conflicts, and Tenure Insecurity in the Periurban Areas of Maputo', in Weiss and Myers (eds), *Briefing Book*; and Roth, et. al. 'Emerging Land Markets and Land Conflicts in the Peri-Urban Green Zones of Maputo: The Discord Between Law and Practice', in Weiss and Myers (eds), *Briefing Book*.

34. Garvey reports several interesting cases in Maputo Province where smallholders have been displaced by other interests who have acquired titles, licenses or other 'documents', supporting their claims. She further discusses the contradictions and weaknesses within the land laws and administrative procedures which allow these displacements to occur; see 'Mozambique's Land Law'. Similar cases have been reported in Manica, Sofala, Tete and Gaza Provinces (see Myers, Eliseu and Nhachungue, 'Security and Conflict in Mozambique'; and Alexander, 'Land and Political Authority in Post-War Mozambique').

35. See Myers, Eliseu and Nhachungue, 'Security and Conflict in Mozambique'; Boucher, et al. 'Legal Uncertainty and Land Disputes'; Boucher, et al. 'Legal Uncertainty, Land Conflicts and Tenure Insecurity'; and Roth, et al., 'Emerging Land Markets and Land Conflicts'. See also reported cases in *Noticias*, 10 April 1993, 3 May 1993, 9 December 1993, 20 December 1993; *Mediofax*, 3 May 1993, 9 September 1993, 30 September 1993, 27 October 1993, 29 October 1993, and *Domingo*, 13 March 1994.

36. For example, many district governments, let alone the lower government localities, do not have vehicles or even bicycles to transport agricultural officials to and from the district capital to the outlying areas. These districts lack basic equipment, including typewriters, paper and other office supplies, in addition to lacking basic cartography and demarcation equipment.

37. See for example the interview with the Minister of Agriculture in *Domingo*, 17 October 1993. This position was stated numerous times at the Second National Land Conference (see Weiss and

Myers (eds), 'Conference Proceedings').

38. See Myers, West and Eliseu, 'Land Tenure Security'; Myers, Eliseu and Nhachungue, 'Security and Conflict in Mozambique'; Boucher, et al., 'Legal Uncertainty and Land Disputes'; Garvey, 'Mozambique's Land Law'. An interesting case was reported in *Domingo* (13 March 1994) where an army general displaced smallholder farmers from two hundred hectares of land in Manica Province. This issue was also raised at the Second National Land Conference, where smallholder farmers from Gaza and Maputo Provinces charged that government officials were involved in illegal land grabbing or facilitating non-local commercial farmers in illegally acquiring land already held by smallholders. Similar cases involving government officials and military officers were reported to our investigators by NGOs operating in Manica, Gaza, Maputo, Sofala, Inhambane, and Tete provinces.

39. Although there are many areas of the country where overlapping concessions have been granted, perhaps one of the most dramatic is in the Limpopo River Valley. The Ministry of Agriculture and the Gaza provincial office of DINAGECA (*Direcção Nacional de Geografia e Cadastro*) have granted land concessions in excess of 170,000 hectares in the same area along the river. The Ministry of Agriculture has also granted a hunting concession that covers approximately 100,000 hectares in the same area. The Ministry of Mineral Resources has granted concessions totaling more than 4,000 hectares in the valley (see Table 2 for additional information). A national park is also contiguous to these lands.

40. The case material presented below illustrates an example of competing and complimentary smallholder rights in Gaza Province. This phenomenon was also presented succinctly at the Second National Land Conference in Mozambique by smallholder farmers from Homoine, Inhambane Province who argued that their lands had been distributed by government thrice over to ex-combatants of the war for independence, to displaced people during the past civil war, and to new private interests. This process created four layers of claimants to many of the same parcels (see Weiss and Myers (eds), 'Conference Proceedings'). Similar cases were reported by smallholders at other research sites (see Myers, Eliseu and Nhachungue, 'Security and Conflict in Mozambique').

41. This is a particularly serious problem in the more economically important areas, including near the urban centers, near remaining infrastructure, near roads, waterways and markets. Our research investigators interviewed newly (post-war) displaced smallholders in Homoine, Chokwe, Xai-Xai, Angonia, Maputo, Nhamatanda, and Vanduzi Districts. The case of Chokwe is particularly revealing, as discussed below.

42. See Myers, Eliseu and Nhachungue, 'Security and Conflict in Mozambique'; Myers, West and Eliseu, 'Land Tenure Security'; and J. Negrão, Unpublished PhD Thesis, University Eduardo Mondlane (1994).

43. For a discussion of the *co'onatos* and *aldeamentos* see A. Isaacman, 'The Mozambican Cotton Cooperative: The Creation of a Grassroots Alternative to Forced Commodity Production', *African Studies Review*, 25, 2-3 (1982), pp. 5-25; and A. Isaacman, 'Peasants, Work, and the Labor

Process: Forced Cotton Cultivation in Colonial Mozambique, 1938-1961', Paper presented at the 35th Annual Meeting of the African Studies Association, (Seattle, November 1992); Isaacman and Isaacman, *Mozambique*. For specific discussions of *colonato* schemes in Manica, Gaza and Zambezia Provinces see respectively Alexander, 'Land and Political Authority in Post-War Mozambique'; K. Hermele, 'Land Struggles and Social Differentiation in Southern Mozambique: A Case Study of Chokwe, Limpopo, 1950-1987', Scandanavian Institute of African Studies, Research Report No. 82, (Uppsala, Sweden, 1988); and Negrão, Unpublished PhD. Thesis.

44. The *aldeias comunais* were part of the state-created villagization program. For a complete discussion of this program see Hanlon, *The Revolution Under Fire*; Geffray, *La Cause des Armes au Mozambique*; S. Urdang, *And Still They Dance: Women, War and the Struggle for Change in Mozambique* (New York, 1989); B. Egero, *Moçambique: Os Primeiros des Anos de Construção da Democracia* (Maputo, Arquivo Historico de Moçambique, 1992); M.G.M. Araujo, 'As Aldeias Comunais e o Seu Papel na Distribuição Territorial da População Rural na República Popular de Moçambique', *Finisterra* 18,36 (1983), pp. 365-77; J. Coehlo, 'Protected Villages and Communal Villages'.

45. For a discussion of the state farm sector see Myers, West and Eliseu, 'Land Tenure Security'. Before the state farm sector collapsed in 1989-1990, it was reported that this sector once covered millions of hectares of the best land in the country. One scheme alone in Cabo Delgado and Niassa Provinces covered more than 400,000 hectares. In 1991 the Land Tenure Center was able to identify approximately 83 state farms covering more than 580,000 hectares.

46. See J. Eliseu, 'The Land Tenure Issue and Land Conflicts in Angonia' in Weiss and Myers (eds), *Briefing Book*; Boucher. et al., 'Legal Uncertainty and Land Disputes'; Myers, Eliseu and Nhachungue, 'Security and Conflict in Mozambique'; Alexander, 'Land and Political Authority in Post-War Mozambique'; and Ken Wilson, personal communications on Angonia, Tete Province, 1994. Smallholder farmers from Homoine, Inhambane Province recently presented oral evidence documenting disputes between returning smallholders and formerly-displaced families who choose to remain in their present locations at the Second National Land Conference (see Weiss and Myers (eds), 'Conference Proceedings').

47. Myers, Eliseu and Nhachungue, 'Security and Conflict in Mozambique'.

48. This was hotly debated at the Second National Land Conference in Mozambique. Government officials claimed that DINAGECA, the national cadastre and titling directorate within the Ministry of Agriculture was capable of monitoring concessions. Officials of DINAGECA at the conference reported that they lacked resources to carry out their duties. This was also reported by many provincial and district representatives of DINAGECA. The governor of Inhambane stated at the conference that he personally inspected every concession granted in his province. Representatives of the national department of DINAGECA reported that they had little knowledge of what concessions were being granted by other ministries or by the provincial governments (see Weiss and Myers (eds), 'Conference Proceedings'; Myers, Eliseu and Nhachungue, 'Security and Conflict in Mozambique'; and Virgilio Ferrão, DINAGECA, Maputo, personal communication, November 1993).

49. See Garvey, 'Mozambique Land Law'; Bruce, 'Land Policy and State Farm Divestiture in Mozambique'; and Myers, 'Confusion, Contradiction and Conflict' and 'Land Tenure Issues in Post-War Mozambique'.

50. The term 'area of origin' often defies definition in the context of Mozambique. This area may be one of numerous locations, including the land held by ones parents, land given as part of a colonial villagization scheme, land given as part of a government villagization or other agricultural scheme, or the land held before the most recent displacement. In addition, smallholders themselves often selectively determine these areas based upon economic and other opportunities.

51. Smallholder interviews in Chokwe, Gaza Province, May and November 1993; Nhamatanda, Sofala Province, July 1993; and Angonia, Tete Province, January and February 1994. Smallholders from Chokwe and Homoine recently emphasized this point at the Second National Land Conference in Mozambique (see Weiss and Myers (eds), 'Conference Proceedings').

52. Myers, Eliseu and Nhachungue, 'Security and Conflict in Mozambique'; Eliseu, 'The Land Tenure Issue and Land Conflicts'; G. Myers, 'Reintegration, Land Access and Land Tenure Security in Mozambique,' *Boletim Mensal CIS*, 15 (September 1993), Maputo, *Medecins Sans Frontieres-CIS Cehula Inter Seccões*; West and Myers, 'Legitimidade política a nível local'; Myers, West and Eliseu, 'Land Tenure Security'; C. Tanner, 'Customary Land Administration and 'Terroires' as a Model for Local Government: A Comparative View of Reform in Practice in Mozambique and Guinea Bissau' in Weiss and Myers (eds), *Briefing Book*; and Chris Tanner, personal communication, 1994.

53. In addition to government officials, more than 100 smallholders and displaced farmers were interviewed in 1993 and 1994. 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 1993, 'Land Disputes and Ecological Degradation'; G. Myers and C. Tanner, 'Direitos de propriedade conservação ecológica', *Extra* (Maputo, Centro de Formação Agrária) 10 (1992), pp. 26-33). This work built upon earlier research conducted in the area before war consumed the southern portion of Gaza Province (see M. Bowen, 'Peasant Agriculture in Mozambique: The Case of Chokwe, Gaza Province', in *Canadian Journal of African Studies*, 23,3 (1989), pp. 355-79; K. Hermele, 'Contemporary Land Struggles on the Limpopo: A Case Study of Chokwe, Mozambique, 1950-1985' Mimeographed, (Uppsala, Sweden, 1986) and 'Land Struggles and Social Differentiation'; O. Roesch, 'Rural Mozambique Since the Frelimo Party Fourth Congress: The Situation in the Baixo Limpopo', *Review of African Political Economy*, 41 (1988), pp. 73-91; J. Van den Berg, 'A Peasant Form of Production: Wage-Dependent Agriculture in Southern Mozambique', *Canadian Journal of African Studies*, 21,3 (1987), pp. 375-89; and A. Wardman, 'The Cooperative Movement in Chokwe, Mozambique', *Journal of Southern African Studies*, 11,2 (1985), pp. 295-304.

54. In this paper we use the term 'family lands' to mean the land that a family held before the war or before they were displaced by government policy. i.e., to a communal village. These 'lands' may be ancestral or they may have been acquired during the colonial period or after independence. Smallholders themselves use the term 'family land' loosely, and in interviews have used the term to defend rights to land that may not otherwise be secure.

55. See Roesch, 'Rural Mozambique Since the Frelimo Party Fourth Congress': O. Roesch, 'Renamo and the Peasantry in Southern Mozambique: A View from Gaza Province,' *Canadian Journal of African Studies*, 26,3 (1992), pp. 462-84; Bowen, 'Peasant Agriculture in Mozambique'; Hermele, 'Contemporary Land Struggles on the Limpopo', and 'Land Struggles and Social Differentiation in Southern Mozambique'; Tanner, Myers and Oad 1993, 'Land Disputes and Ecological Degradation'; and Wardman, 'The Cooperative Movement in Chokwe, Mozambique'.

56. See Roesch, 'Rural Mozambique Since the Frelimo Party Fourth Congress'; Hermele, 'Contemporary Land Struggles on the Limpopo'; Bowen, 'Peasant Agriculture in Mozambique'; and Tanner, Myers and Oad, 'Land Disputes and Ecological Degradation'.

57. *Ibid.*

58. *Ibid.*

59. It is estimated that perhaps 50 percent of the population of the province was affected by the government villagization program. See Isaacman and Isaacman, *Mozambique: M. Araújo, 'O Sistema das Aldeias Comuns em Moçambique: Transformações na Organização do Espaço Residencial e Produtivo'*, Ph.D. Thesis, University of Lisbon, 1988.

60. Tanner, Myers and Oad, 'Land Disputes and Ecological Degradation'; and Myers, Eliseu and Nhachungue, 'Security and Conflict in Mozambique'. See also Weiss and Myers (eds), 'Conference Proceedings'.

61. Myers, West and Eliseu, 'Land Tenure Security'.

62. Interviews with locality and district government officials, April 1992 and November 1993.

63. Tanner, Myers and Oad, 'Land Disputes and Ecological Degradation'.

64. João Carrilho, former Director, Ad Hoc Land Commission, Ministry of Agriculture, Maputo, personal communication 1993. See also Myers, West and Eliseu, 'Land Tenure Security'; and Tanner, Myers and Oad, 'Land Disputes and Ecological Degradation'.

65. Sr. João Mosca, former head of CAIL, personal communication, May 1992; Margarida Martins, formerly with the Department of Agrarian Economics, Ministry of Agriculture, personal communication, April 1992. See also Tanner, Myers and Oad, 'Land Disputes and Ecological Degradation'. This point is, of course, highly debated. Many officials at the central and provincial levels of government maintain that the centralized irrigation scheme was a success or

had the potential to become a success if the war or other external factors had not intervened. Sr. Fagilde, former manager of plant and equipment, CAIL, personal communication, May 1993; Sr. Nhocumbe, Director, Conhane State Farm, personal communication, May 1993; Sr. Taelane, Director, Chilembene State Farm, personal communication, May 1993.

66. Tanner, Myers and Oad, 'Land Disputes and Ecological Degradation'.

67. It is unclear how much of this land actually went to smallholders, as many private sector interests received land that was designated as family sector land and theoretically reserved for the family sector. See Tanner, Myers and Oad, 'Land Disputes and Ecological Degradation'; and Myers and Tanner, 'Direitos de propriedade conservação ecológica'.

68. Tanner, Myers and Oad 1993, 'Land Disputes and Ecological Degradation'; and Myers and Tanner, 'Direitos de propriedade conservação ecológica'.

69. Myers, West and Eliseu, 'Land Tenure Security'; Myers and Tanner, 'Direitos de propriedade conservação ecológica'; and Tanner, Myers and Oad, 'Land Disputes and Ecological Degradation'.

70. *Ibid.*

71. LOMACO and SEMOC are joint-venture enterprises, with LOMACO owned partly by Lonrho (UK) and the government of Mozambique. JFS (Joao Ferreira dos Santos) is a private commercial enterprise, which has also invested in joint-venture operations with the government in other locations as SODAM.

72. This point, made numerous times during the course of our research, was stated several times recently during the Second National Land Conference in Maputo (see Weiss and Myers (eds), 'Conference Proceedings'). Smallholders attending the conference took issue with this position, stating that they have both the capacity to farm and the desire to work the land. They argued that many 'big men' acquire land in Chokwe and then abandon it. They further noted that they work their own farms, but also they provide labor to the bigger farms in the same period. They claimed their only problems stemmed from land shortages, insufficient credit and the cost of pesticides and fertilizers.

73. Tanner, Myers and Oad 1993, 'Land Disputes and Ecological Degradation'; and Myers and Tanner, 'Direitos de propriedade conservação ecológica'.

74. These data are from the land registry, Provincial Office of DINAGECA, Xai-Xai, Gaza Province. The registrar reports that LOMACO has control over 3,830 hectares in Macarretane 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 in the irrigation scheme. Throughout the country, LOMACO has rights to approximately 500,000 hectares of land for agriculture and forestry. The company also has monopolistic rights in several areas covering more than 1 million hectares of smallholder farms (see Myers, West and Eliseu, 'Land Tenure Security'; and Myers, Eliseu and Nhachungue, 'Security and Conflict in Mozambique'). It is

difficult to determine exactly how much land these companies have and where their holdings are located because they are extremely secretive—despite the fact that all three are involved in joint-venture operations with the government of Mozambique.

75. Interviews with smallholders in Matuba August 1993; and smallholders in Chokwe November 1993.

76. Myers, Eliseu and Nhachungue. 'Security and Conflict in Mozambique'. At the Second National Land Conference in Maputo, Carlos Enriques, General Director of LOMACO disputed these claims, stating, 'LOMACO is not the enemy of the peasants as portrayed by the Land Tenure Center in its publications.' Smallholder farmers responded by saying 'We are not lying; LOMACO took our land and it takes all the water [from the irrigation canals].' See Weiss and Myers (eds), 'Conference Proceedings'.

77. Myers, West and Eliseu, 'Land Tenure Security'; see also Weiss and Myers (eds). 'Conference Proceedings'.

78. See Tanner, Myers and Oad 1993, 'Land Disputes and Ecological Degradation'; and Myers and Tanner, 'Direitos de propriedade conservação ecológica'.

79. *Ibid*.

80. Myers, West and Eliseu, 'Land Tenure Security'.

81. *Ibid*.

82. V. Bonga and K. Wilson, 'Repatriation of Mozambicans: the Current Situation'. Unpublished paper, (University of Oxford, Refugees Studies Program, 1993); A. Vines, *RENAMO Terrorism in Mozambique* (Bloomington IN, 1991); J. Drumtra, 'No Place Like Home: Mozambican Refugees Begin Africa's Largest Repatriation', (Washington DC, US Committee for Refugees, 1993); W. Minter, 'The Mozambican National Resistance (RENAMO) as Described by Ex-Participants', *Development Dialogue*, 1 (1989), pp. 89-112; M. Hall, 'The Mozambican National Resistance Movement (RENAMO): A Study in the Destruction of an African Country', *Africa*, 60 (1990), pp. 39-68; W. Finnegan, *A Complicated War: The Harrowing of Mozambique*, (Berkeley, 1992); Geffray, *La Cause des Armes au Mozambique*; R. Gersony, 'Summary of Refugee Accounts of Principally Conflict Related Experience in Mozambique', (Washington DC, Department of State, Bureau for Refugee Programs, 1988); Hanlon, *The Revolution Under Fire*; and K.B. Wilson, 'Cults of Violence and Counter-violence in Mozambique,' *Journal of Southern African Studies*, 18,3 (1992), pp. 527-80.

83. Obviously, the 'big winners' in this process are those who have gained access to land and other natural resources, most of whom are not smallholder farms but rather government officials and others with political connections.

84. Myers, West and Eliseu, 'Land Tenure Security'; and Myers, Eliseu and Nhachungue, 'Security and Conflict in Mozambique'.

85. Interviews with smallholders in Matuba August 1993; and smallholders in Chokwe November 1993.

86. *Ibid*.

87. Myers, Eliseu and Nhachungue, 'Security and Conflict in Mozambique'; and Weiss and Myers (eds), 'Conference Proceedings'.

88. Interviews with smallholders in Matuba August 1993; and smallholders in Chokwe November 1993; and Weiss and Myers (eds), 'Conference Proceedings'.

89. Myers, Eliseu and Nhachungue, 'Security and Conflict in Mozambique'; Myers, 'Land Tenure Issues in Post-War Mozambique'; and Myers, 'Reintegration, Land Access and Land Tenure Security in Mozambique'. This point, that the war would resume in the near future was voiced by smallholders and other Mozambicans throughout the country. Nina Berg, Norwegian Refugee Council, reported similar observations in Tete Province (personal communication February 1994). Harry West, University of Wisconsin-Madison, after conducting field research in Inhambane and Cabo Delgado provinces, also reported that smallholders thought the war would resume (personal communications, February and May 1994).

90. See Myers, Eliseu and Nhachungue, 'Security and Conflict in Mozambique'.

91. There is an important difference between 'claimed land' and 'occupied land.' There are many reported cases of individuals 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 (see Myers, Eliseu and Nhachungue, 'Security and Conflict in Mozambique'; and Weiss and Myers (eds), 'Conference Proceedings'.

92. See Tanner, Myers and Oad, 'Land Disputes and Ecological Degradation'.

93. See *Mozambique Peace Process Bulletin 6* (Amsterdam, European Parliamentarians for (Southern) Africa, 1993). A similar phenomenon was reported in Sofala Province, and unconfirmed cases have been reported by NGOs operating in rural Mozambique (see Myers, Eliseu and Nhachungue, 'Security and Conflict in Mozambique').

94. *Ibid*; Myers, 'Confusion, Contradiction, and Conflict'; and Myers, 'Land Tenure Issues in Post-War Mozambique'.

95. Myers, Eliseu and Nhachungue, 'Security and Conflict in Mozambique'.

96. Mozambican members of LOMACO's managing board of directors report that in several years between 1990 and 1994 the company has not been profitable. Another government 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 H. West and G. Myers, 'A Small Piece of Land in a Land of Peace?: Land Access and Tenure Security for Smallholders in Post-

Settlement Mozambique', (University of Wisconsin-Madison, Land Tenure Center, 1993). These sources requested to remain anonymous. LOMACO officials, in a series of debates with the Land Tenure Center (verbal and written communications) deny that the company is unprofitable, and assert that the company has brought 'development' to the region. LOMACO, despite the fact that it is a joint venture company with the government of Mozambique, refuses to open its books to financial scrutiny, consequently we are forced to rely on the comments of Mozambicans involved in the operations of LOMACO, without recourse to many of the actual documents in question. (Any documents that have been gathered by the Land Tenure Center Project in Mozambique, including written communications with LOMACO, are available through the Land Tenure Center, University of Wisconsin-Madison.)

97. See Myers and Tanner, 'Direitos de propriedade conservação ecológica'; and Tanner, Myers and Oad, 'Land Disputes and Ecological Degradation'.

98. Myers, Eliseu and Nhachungue, 'Security and Conflict in Mozambique'; and Weiss and Myers (eds), 'Conference Proceedings'.

99. In some instances, farmers specifically stated that FRELIMO representatives accompanied private commercial farmers. This distinction may not have been important in the past, but may become more crucial during and after elections.

100. The more time that passes without a resumption of hostilities apparently positively affects smallholders opinion about the continuation of peace. Smallholders from Gaza and Inhambane provinces at the Second National Land Conference in Mozambique seemed more hopeful about the prospects for peace than when they were last interviewed in Chokwe in January 1994. Many also stated that they were waiting until after elections before making long term commitments and investments in their new homesteads. Their concern about elections was heard throughout the country (Myers, Eliseu and Nhachungue, 'Security and Conflict in Mozambique'). However, there are also other factors that have adversely affected smallholders' views about the future. For example, the recent attacks by disgruntled RENAMO and FRELIMO soldiers has led to increased uncertainty about the future (see note 1).

101. These proposals, by themselves, have potentially serious consequences. The Ministry of Agriculture is currently considering a proposal that would create 'land reserves' for smallholder farmers. It is not clear how people will be classified as smallholders (i.e. family sector farmers), where this land is located, or how the decision will be made for selecting the land. It is not clear if smallholders will be forced to abandon land that is identified as 'reserve land,' nor is it clear if smallholders will be forced to move into these reserves. Most importantly, it is unclear if government has considered the economic consequences of such a move, particularly whether private firms will be willing to invest in agriculture and other economic sectors in these 'reserve' areas. creation of reserves could effectively create 'home lands', where smallholders become locked into a specified area and economic class with limited options.

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