

**PROCEEDINGS:
SECOND NATIONAL LAND CONFERENCE
IN MOZAMBIQUE**

by

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AND
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TENURE
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on Social Structure, Rural Institutions,
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Maputo May 25-27 1994

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I INTRODUCTION: CONFERENCE OBJECTIVES AND THEMES

The Second National Land Conference in Mozambique took place 25-27 May 1994 in Maputo. The conference, funded by USAID/Mozambique and the Ford Foundation, was the second organized and sponsored by the Ministry of Agriculture (MOA), the Government of Mozambique and the Land Tenure Center (LTC), University of Wisconsin-Madison.

This report, summarizing the work of the conference, has five parts. The first section discusses the objectives and themes of the conference. The second part highlights a few issues raised during the debate, while the third section presents the complete proceedings of the conference. The material for section three was summarized from the notes of four conference delegates (Rosemary Galli, Chris Tanner, Jocelyn Alexander, and Ricky Weiss). The fourth part of this report is a brief summary of each of the papers presented, and the last section is a list of the conference delegates.

The purpose of the conference was twofold. The organizers sought first to build an open environment in which all segments of civil society could participate and voice their opinions and concerns about land policy in Mozambique and second, to encourage academics, policy planners, and other Mozambicans to present research material relating to land law and agricultural policy reform. It is hoped that the presentation of empirical findings will inform government of the current problems with the land tenure system and land laws, and illuminate possible policy options. Several of the research papers presented were drawn from the work of the collaborative LTC/MOA research project on land tenure. Other papers came from academics at the Eduardo Mondlane University and other interested professionals in government, including the Land Commission and the Ministry of Mineral Resources. In addition, many delegates presented lengthy commentaries. Although not based on empirical research, many of these latter interventions were exciting and revealing.

The conference was attended by approximately 250 people, although the number of delegates at any one of the six sessions did not exceed 180. Attendees included representatives from the private sector, government, university, church groups and other civil institutions. Approximately

one half of the delegates in each session were from outside of Maputo, many of whom represented rural districts far from the metropolitan center. Significantly, approximately 25 smallholder farmers from Maputo, Gaza, and Inhambane provinces attended. Many of these delegates spoke only Shagaan. In addition, guests from several international and national nongovernmental organizations attended. Representatives from many of the international donors, including the World Bank, and from the United Nations agencies working in Mozambique also participated. While officials from the district and provincial governments attended the conference, many other high ranking officials from central government did not participate.

The Land Tenure Center prepared a conference briefing book,* containing 14 papers presented at the conference. This book, in English and Portuguese, was given to the delegates prior to the conference. In addition, approximately six other papers not included in the book were photocopied and distributed prior to presentation.

Initially, the conference organizers hoped to structure debate around four central themes: (1) land access and land conflicts, (2) customary and statutory law, (3) land tenure and investment, and (4) land tenure and the environment. In practice, however, the conference focused on three slightly different themes, including: (a) customary authorities and land tenure, (b) land tenure security, property rights, and land law reform, and (c) food security. Only one paper was presented on the topic of the environment, and one on investment and taxation.

As one objective of the conference was to include many representatives from civil society, there was a large mix of people with various land-related experiences. The quality of the discussion ranged from specific to general. Not all delegates had the same experiences and level of knowledge when they entered the conference. These differences proved useful because many of the delegates had first-hand knowledge of land tenure problems or land administration and were, therefore, able to provide specific examples. On the other hand, some delegates did not fully understand some of the concepts being discussed. At the same time, not all delegates had the same objectives; some came to listen, others came to present research results or personal experiences, and others came to influence the direction of the debate.

* Myers, Gregory and Ricky Weiss, 1994. *Second National Land Conference in Mozambique: Briefing Book* (Land Tenure Center: University of Wisconsin-Madison). This document is available through the Land Tenure Center, University of Wisconsin-Madison, and the Land Tenure Center Project, Maputo.

II. CONFERENCE ISSUES AND POINTS OF DEBATE

This section highlights several issues discussed during the conference. These points have been selected by the authors, and may not necessarily reflect the views of all conference participants.

Throughout the conference, the delegates debated the role and application of the land laws. Several presentations illustrated weaknesses in the laws. Many delegates agreed that there were problems with the laws and their administration; however, few agreed on policy alternatives. Much of this disagreement came more from the participants' personal views rather than any empirical findings. This is clearly a topic for further discussion.

Several delegates assumed incorrectly that the presenters suggested a suspension of the land laws until a new law could be developed. In fact, none of the presenters suggested that the law should be suspended and many encouraged the delegates to consider revisions of the current law rather than the development of new laws.

One of the first issues discussed during the conference was the role of 'traditional authorities' and customary law in land administration. Several delegates presented papers regarding the role of customary authorities and suggested that customary rules should be made a part of the discussion and considered crucial in any reform. Several other delegates responded by saying that customary authorities were incapable of managing land in the modern context. Some delegates argued that customary authorities were 'backward,' 'tribal,' and 'undemocratic.' Other delegates responded by stating that rural Mozambicans rely on these authorities and use customary rules to manage their lives. They argued that, while these customary institutions have their weaknesses, they are efficient, dynamic and capable of functioning in the modern context.

It appears that there was a misunderstanding among several of the conference delegates regarding this subject. Many of the delegates knew very little about customary institutions, and many believed that customary authorities and customary institutions were inseparable subjects. This misunderstanding led people to conclude 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. None of the participants who presented papers suggested this scenario. We believe that customary institutions, especially customary law and institutions for land administration and dispute resolution, can operate in a modern context in cooperation with statutory law and local government administration. Customary institutions give meaning to, shape, and regulate people's 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. While these institutions tend to break down under certain economic pressures and have some inherent inequalities, they should be considered when discussing reform of land policy and administration. Many countries in Africa have incorporated aspects of customary law and institutions in their national land laws and administration, and others have passed statutory laws

to regulate some of the inherent weaknesses of customary system, i.e. the tendency to discriminate against women rightsholders vis-a-vis other male farmers.

The delegates debated the differences between private property and state leasehold rights. In the first case, some delegates argued that private property systems, complete with functioning land markets, were more efficient and granted greater security of tenure. Other delegates feared that private property with a system of land markets would lead to uncontrolled land sales and landlessness among smallholder farmers. They argued that much of the best land in Mozambique would go to foreign interests.

We believe that the delegates overlooked a very serious issue. The land tenure system in Mozambique does not protect smallholder (family sector) farmers from landlessness. Although the land law contains provisions protecting occupancy rights, administration of land in Mozambique often leads to a transfer of property rights from smallholders to private commercial interests. This transfer often occurs without the consent or participation of smallholder farmers. The land law does not protect smallholders if the government wishes to distribute land to other interested parties. The government can (and often does) give or sell land that is claimed or occupied by smallholder farmers to other commercial interests. Much of the land that has been granted in concessions in the last three years (estimated between 20 and 40 million hectares nationwide) has been granted to domestic and foreign interests by the government, with very little of this land going to smallholder farmers.

These facts were ignored during the conference by those delegates who suggested that the government must protect smallholders from private (foreign) commercial interests. In fact, several delegates appeared to blame smallholders for the situation, stating that they were incapable of understanding modern law, the land tenure system, and the judiciary. The land tenure system does not enhance security of rights for smallholders *and* larger commercial producers, which leads to underinvestment, unproductive speculation, and natural resource degradation. These are all undesirable outcomes given Mozambique's fragile economy and agricultural sector.

At the basis of this discussion are profound issues regarding the relationship between government and civil society in the management and control of land and property. Delegates must ask themselves, whether government should control all land in the country or are private individuals capable of managing their own resources? Particularly with regard to rural Mozambicans, we must question the assumption that they are unable to manage their own resources and hence their own lives. Models exist which permit a collaboration between government and society of the management and use of natural resources. Examples from Guinea Bissau, Botswana, Nicaragua and El Salvador were discussed.

The subject of land law reform, especially the debate over private property rights and state leasehold deserves much more attention than it received at the conference; there are numerous land tenure models that combine aspects of freehold and leasehold systems, which confirm greater security of tenure and enhance the efficient allocation of resources. Some of these models

include protection against the rapid transfer of land from one social class to another, or from nationals to foreign interests.

We are sensitive to the concerns that delegates had about land markets and private property rights. We acknowledge that land markets have some negative impacts; however private property rights are most consistent with a market economy -- which is the path that Mozambique has been following in the last few years. Regarding the potential negative impacts of land markets, these may be limited through some restrictions on the right of sale and purchase. These restrictions could be amended as the economy changes and grows. In the end, an economy with a land market is preferable to continued state ownership of land.

If Mozambicans decided that full private ownership is not desirable at this time, we would recommend a system which vests land in the local community and allows the local community to determine land rights, subject to any restrictions established by government policy (such as restrictions or limitations on land sales). Transferring decision-making to the community level will limit abuses of power and corruption. Abuses at the local level can be dealt with through statutory guarantees and the right of appeal to the established judiciary system. We recommend against the continuation of a state leasehold system as the government does not have the resources to manage it, and because state leasehold tends to encourage corruption and the abuse of power. If Mozambicans choose a leasehold system, we recommend long term leases. Leases that are longer than fifty years, renewable, inheritable, transferable and issued by district or locality government are preferable.

Another issue raised during the conference, but not fully discussed, was a proposal to create 'smallholder reserves.' Under the current proposal, government would demarcate a specific land area and reserve it for use by local smallholders. Theoretically, the area would be protected and commercial farmers would not be permitted to gain title to the land in the reserve. It is not clear how people will be classified as smallholders (i.e. family sector farmers), where the land is located, or how the decision will be made for selecting this 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 the 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. The creation of reserves could effectively create 'homelands,' where smallholders become locked into a specified area and economic class with limited options.

Several presenters and delegates discussed their concerns about the growing number of land concessions and the weak land administration system that permits these concessions. Some commented that many concessions overlap with each other, leading to confusion and conflict among smallholders and larger commercial farmers. Some delegates expressed dismay and incredulity about the number of land concessions granted. Government officials, during and after the conference, did not respond to these allegations.

Finally, we wish to note our concerns raised by the smallholder farmers from Gaza, Maputo, and Inhambane. Approximately 30 delegates were smallholder farmers, many of whom only spoke Shangaan. These delegates presented a number of arguments about land security, distribution and management of land and water, land conflicts, and access to other resources, including credit and tools. They presented concrete examples of land concessions that have stripped them of land and trees, disputes over water, confusion of land rights, and the exploitation of child labor. They discussed the fact that returning refugees and displaced families were competing for access to land with other smallholders and commercial farmers, and that much of this was due to government policy. We believe that these delegates raised many important issues, several of which illustrated that we still know very little about land tenure and other socioeconomic relations in rural Mozambique. These issues should certainly be considered as Mozambique moves forward with a review of its land laws. Beyond this, we were concerned that government officials and other delegates attending the conference apparently did not consider the comments made by smallholder farmers. One delegate commented that there was a serious gulf between the smallholders and government officials, and that officials present did not attempt to address the concerns raised by the smallholders attending the conference. We are concerned that government officials and other urban members of civil society are not listening to rural Mozambicans and drawing them into a cooperative relationship regarding resource management and local governance. This is a serious issue given Mozambique's fragile political climate and its history of political instability.

III. PROCEEDINGS

Session I: Land Tenure, Access and Conflict

Moderated by Dr. Isabel Casimiro, Eduardo Mondlane University

Presentations were made by Mr. Virgilio Ferrao, DINAGECA and Ad Hoc Land Tenure Commission; Governor Cadmiel Mutemba, Governor of Tete Province; and Dr. Chris Tanner, SEPR Associates.

Mr. Ferrao's paper was entitled "State Land Apparatus in Mozambique." It provided an historical overview of the development of land administration in Mozambique. Mr. Ferrao's assumption was that reform of state institutions is essential for efficient administration of land problems and thus he recommended that a single mandate be given to the appropriate agencies to work on land issues.

Governor Mutemba's paper was entitled "Land Access, Tenure, and Conflicts in Tete Province." The Governor gave an historical and current overview of the land situation in Tete Province, citing inefficient application and monitoring compliance of the land law as the source of most conflicts. He stressed the importance of decentralization and the role of local entities in land management and conflict resolution.

Dr. Tanner's paper was entitled "Customary Land Administration and Terroires as Model for Local Government: A Comparative View of Reform in Practice in Mozambique and Guinea Bissau." In it, Dr. Tanner described the current land legal and administrative system in Mozambique as a source of conflict rather than a source of protection. He emphasized the importance of incorporating customary land systems into the design of rural development programs and decision-making regarding land allotment.

Discussion during this session covered issues such as the definition of key concepts, the role of clans and tribalism in land allocation, and definition of traditional structures.

The question was raised as to the importance of clarifying the concept of "place of origin" in terms of land distribution, thus determining whether speakers were referring to peoples' origins prior to independence or prior to the war. Governor Mutemba indicated that he was referring to pre-war origins in his remarks. The Governor pointed out that the process of returning is not always linear. Different areas face different problems and issues regarding land distribution. Returnees in Tete, for instance, are not always originally from the province. Dr. Tanner pointed out that family origins must also be taken into account, as the movement of families will continue for some time to come.

Questions were raised regarding the role of clans and tribalism in land claims. It was pointed out that a returnee may be from a local clan and thus receive land in a community. However, problems may arise when an "outsider," someone not originally from the community, arrives in

search of land; although land is available, s/he may not receive any. Mr. Raul Varela pointed out the importance of involving the community in the handing over of land and raised the notion of respecting natural boundaries or ethnic borders. The question was also raised as to whether recognizing traditional boundaries was tantamount to rebuilding the tribal past. Dr. Casimiro questioned whether the traditional system was capable of absorbing returnees, pointing out the relationship between capacity and absorption. Governor Mutemba pointed out that people may be refused land when it is in short supply.

The issue of defining traditional structures was raised. It was pointed out that traditional structures represent divisions among social classes. Local structures exist within the family sector to address management of natural resources, however there is not always a structure to address issues on an inter-community level. The law should incorporate not replace local structures. It was pointed that "traditional" is a poor term, implying a disjuncture between present and past in which anything traditional cannot deal with modern situations; these are social and economic formations that are managing communities not separate from modern events. It was also pointed out that traditional structures do not have to revolve around traditional leaders.

Discussion also covered the issue of ethnic groups and border and land conflicts. Smallholder farmers from Homoine in Gaza Province outlined problems they face in their communities. Displaced people arrive in a community and move onto apparently unoccupied land. As those claiming historical rights return, they find others living on and working their land. One farmer described land conflict as a major problem, indicating that most of those who currently live in Homoine are not natives to the community.

Inhambane Governor Lumbela pointed out that land conflicts have different causes. He referred to the problems created by uncertainties over state farms and old colonial properties being reactivated, producing competing layers of land claims (pre-colonial occupants, colonial land holders, post-1975 occupants, and former combatants/cooperatives). The Governor pointed out that land is normally linked to a family or ethnic group, which would mean consulting the "regulo" or "cabo de terra" regarding distribution of any land. He also discussed the problems created by the timing of returnees, that is, those returning to their land often find people farming there who had come to the area earlier and moved onto seemingly unclaimed land.

The question was raised as to whether data exists showing where land conflicts exist. It was pointed out that conflicts generally appear where investment is present. Governor Mutemba indicated that the conflicts in Tete Province, which are sporadic and localized, are linked more with settlement patterns and population density than with development projects and infrastructure. These have occurred primarily in three densely populated districts (Moatize, Angonia and Tsangano), probably due to better soil conditions. Dr. Gregory Myers added that conflicts often occur in areas that are of strategic economic importance and therefore are more densely populated. Many conflicts occur in the family sector, among refugees, and the private sector and state.

Session II: Land Access and Food Security

Moderated by Mr. Virgilio Ferrao, DINAGECA and Ad Hoc Land Commission

Presentations were made by smallholder farmers from the Green Zones and Chokwe; Mr. Marcos Freire, Eduardo Mondlane University; and Mr. Raul Varela and Mr. Chris Hill, Ministry of Agriculture

The smallholder farmers spoke primarily about the concerns and problems they face as a result of government and private sector involvement in their communities.

Mr. Freire's paper was entitled "Land Use, Tenure and Conflict in Monapo and Ribaue Districts in Nampula Province and in Montepuez in Cabo Delgado Province." Mr. Freire and his colleagues found minimal land conflicts in these districts and recommended only that the land title issue be dealt with now in order to avoid future problems.

Mr. Varela's paper was entitled "Patterns of Land Distribution in the Family Sector in Mozambique: The Similarity Between Two Different Surveys and the Implications for Policy Definition." Both surveys found extreme inequities in terms of land distribution among the different groups in the family sector as well as a shortage of land suitable for farming, which has serious implications for food security in the rural areas.

Mr. Hill's paper was entitled "A Preliminary Analysis of the Size of Land Holdings in the Family Sector in Mozambique." This analysis, conducted by the Statistics Department in the Ministry of Agriculture, also identified a pattern of unequal land distribution and land shortages in the family sector.

The session opened with a brief presentation by two representatives from the Green Zones. They stated that some of the problems farmers face in the Green Zones stem from an unresponsive Executive Council. They described a number of occasions when smallholder farmers submitted complaints to the government and city council, which were never acted upon. They spoke about the problem of government evictions of farmers from "machambas" because they do not hold formal title to the land, which farmers have been unable to acquire. They also indicated that at least one agricultural project has been thwarted due to this lack of formal title.

Several smallholders from Chokwe spoke in Shangaan about their problems regarding land use and water rights in their district and the government's inability to resolve these problems. They described a situation in which their complaints get bounced from SIREMO (water authority) to the District Administrator to Maputo and still remain unresolved. To date they have not received any help promised by the Ministry of Agriculture. The farmers also described problems with Lomaco and Joao Santos Freire, who they charged are diverting water for their projects and have expropriated land earmarked for farmers. This has left farmers without land and those with land, without water. They described Lomaco as the main culprit. They criticized Lomaco's policy of hiring their children, who pick cotton for Lomaco rather than attend school. They also

described the problems they have in terms of access to resources, such as fertilizer, pesticide and tools, since they have small plots and little money.

Delegates did not question the smallholders at the end of their presentations. Discussion then moved to the academic presentations, focussing on land distribution and food security and clarification of certain concepts.

Mr. Freire was questioned as to the discrepancies between his findings and those of most of the other presenters. It was pointed out that according to the data presented, the smallholders should at least feel as if they have problems. Mr. Freire's response reiterated his study's findings. Mr. Hill suggested that the difference may lie more in the interpretation than in the statistics themselves. All three studies covered approximately the same area and had similar statistics.

Mr. Varela was questioned as to whether land scarcity was the result of lack of land or inequitable distribution. Mr. Varela felt that inequitable distribution was the stronger factor. He was also questioned as to the validity of the indicators used in the food security studies. These assume that women consume about 60% less calories than men, yet it was pointed out that this is inconsistent with the effort women expend in work and childbearing. Mr. Varela indicated that indicators were based on energy and consumption and agreed that more research was needed on their validity.

Clarification was requested of two concepts used by Mr. Freire, that of occupied land and lack of workforce in a country with more workers than work. Occupied land was defined as cultivated land and lack of workforce was defined as lack of workforce within a family.

The problem was raised of title registration. It was pointed out that movements of displaced persons complicate the question of where to assign land title. Should title be granted in the place of origin or in the new location, if a person is unable or has chosen not to return to their place of origin? When someone who has been allotted land dies, can that land be inherited or does it revert to the government? If the government grants land to large-scale investors to develop, but smallholder farmers are living there without title, who has the right to that land? These questions were raised but left unanswered.

It was pointed out that there is a correlation between size and consumption. The three studies, for instance, showed an average increase in the size of small landholdings, representing a clear response to the market by smallholders as new market forces. It was also pointed out that large-scale investors should not be blamed for all problems.

The point was raised that the land tenure question hinges on feelings of security in ownership, that is, whether people can buy and sell land and whether they will make investments on it. The smallholder farmers responded briefly regarding their feelings of security, or rather lack of it, toward the land they work. They described the confusion that exists vis a vis "owners": those claiming historical rights and those who have been displaced unto the land. Those working the

land do not feel secure with their tenure. They reiterated their view, which holds the government responsible for resolving the problem at the provincial or district level.

The District Administrator from Homoine spoke in favor of revising the land law, but warned against the potential for creating problems in the future. He indicated that land tenure should be granted by way of application, particularly for those not born in a particular zone. He felt that granting land to former combatants would not resolve the problem; rather, titles in a particular zone should go to combatants born there. He also pointed out the need to clearly define the concept of "traditional authority" and "traditional organization" when dealing with land issues. He supported the idea of the law taking into account certain aspects of traditional authorities when talking about land administration.

Mr. Simeon Cuamba of the political party FUMO emphasized the need for a political solution to the problem, pointing out that any solution has political-economic connotations. He also indicated the need to clarify whether delegates are referring to land tenure titles now or after the elections.

Session III: Land Law

Moderated by Mr. Felix Mandlate, National Institute of Agricultural Development

Presentations were made by Dr. Jennifer Garvey, Ministry of Mineral Resources; Ms. Margarida Martins, Ministry of Agriculture and INDE; Dr. Gregory Myers, Land Tenure Center Project/Mozambique; and Ms. Julieta Eliseu, Land Tenure Center Project/Mozambique.

Dr. Garvey's paper was entitled "Mozambique's Land Law: Contradictions Within the Legislative Framework." Dr. Garvey discussed the negative impact legal contradictions have on the family farm sector, its inability to protect smallholders and the need for legal reform. She spoke in favor of freezing further land grants until the land law can be adequately revised.

Ms. Martins' paper, "Presentation to the Second National Land Tenure Conference in Mozambique," also addressed the land law and its perceived inadequacies. She approached the land law as a means originally developed by the state to legitimize land ownership rather than to manage it and spoke in favor of a transition period, during which land concessions would be frozen and after which the law would be replaced.

Dr. Myers' paper was entitled "Land in Mozambique: Is There Enough for Everyone?" Dr. Myers addressed a number of issues regarding development of a new land policy in Mozambique, including the granting of land concessions to large commercial enterprises, the shortage of arable land for smallholder farmers, and overlapping land claims. He emphasized the political basis of the problem, that is, the lack of effective representation for smallholders and the lack of integration of their leaders into decision-making processes.

Ms. Eliseu's paper was entitled "The Land Tenure Issue and Land Conflicts in Angonia." Ms. Eliseu presented the results of research done in the district of Angonia, comparing traditional systems of land management under the colonial system, during the war and today. She stressed the importance of recognizing the role of traditional authorities in land management and conflict resolution and of decentralizing the decision-making process.

Discussion during this session focussed primarily on the land law, reflecting what the delegates perceived to be its adequacies and inadequacies. A question was raised regarding the law's applicability, that is, whether the problem was its applicability or the fact that no one had ever really tried to apply it.

Mr. Cuamba disagreed with the assertion that the courts and attorneys are not prepared to resolve land conflicts. Rather, he suggested that people are not prepared to take cases to court. They do not have either the financial capability or the legal culture to use the court system. He pointed out that land conflicts are a civil matter, not a criminal matter, and that people tend to resort to the courts for the latter. In response to Dr. Garvey's description of a land eviction (see briefing book), Mr. Cuamba suggested it could have been avoided if the case had been brought before the appropriate authority. In terms of the applicability of the law, Mr. Cuamba spoke in favor of written law prevailing over customary law. However, he noted that the law should take into account tradition and reflect the country's social context.

Dr. Garvey agreed with the point that small farmers often do not have money to pay court fees and that many judges will obviously not work unless they are paid. She pointed out that every district and province does not have all the necessary legal resources to resolve conflicts. Manica Province, for example, has no provincial/district courts and cases must be heard in Beira or Maputo.

Dr. Garvey also reiterated her position that decision-making and control should be decentralized, that is, returned to the local level, although not necessarily to traditional authorities. These, she pointed out, are very complex institutions. She agreed that the law should not have just political considerations, but should be based on the country's reality.

It was suggested that the courts serve to resolve conflicts between companies and small farmers, but not between small farmers themselves.

The point was raised that relying on traditional authorities at the local level may pose a disadvantage to certain sub-groups in society as traditional authorities operate in an inegalitarian manner.

It was pointed out that development of a new law would take time. The questions of "what until then? what about now?" are the logical extension of that observation. Dr. Martins suggested there be a temporary consolidation period, that is, a set of rules to deal with the current situation and overcome the immediate crisis. After elections, a longer-term solution could be

developed. She favored a new law that recognizes without judging traditional authorities since, regardless of whether they are good or bad, they do work.

In response to the statement that the state was neither ready nor able to implement the law, the point was raised that until structural adjustment, it had never been necessary to implement it. Land only had value if the economic system assigned it so that the real volume of conflict began after the turn toward structural adjustment. Dr. Tanner pointed out that within the socialist government, the objective of the state was to end peasant production (by turning them into salaried workers on state farms), thus absolving the State from any responsibility to protect land security for small farmers.

Manica District Administrator Chalulo disputed Dr. Garvey's account of a dispossession described in Noticias (see briefing book). He maintained that the land shortage is artificial and exists only in densely populated areas. He felt it will be solved by the development of new policies that will encourage people to move to new locations and build new infrastructure. He again raised the question of definition of the concept "place of origin," questioning whether it referred to those evicted during the colonial period or those displaced by the war. The Administrator spoke against reverting power to traditional authorities, citing the possibility of reviving tribal conflict. He indicated that traditional systems are not capable of facing the development challenge of the country, that the country needs international forces and models. In terms of state ownership of land, he indicated he would like the state to create mechanisms to more effectively manage the land.

The question "development for whom?" was posed by Dr. Tanner. He noted that the real issue was not the difference between traditional and modern systems, but rather, allowing people to have a say in their own development, control their own resources and participate fully in economic growth.

The point was again raised regarding the government's lack of capacity to manage the country's land stock. It was pointed out that financial and human constraints have made it impossible for DINAGECA to work effectively. The opinion was expressed that the land law as it stands could be effectively administered but is not because of the existing gap between the law and its applicability (that is, people not applying the law).

The importance of clarifying the meaning behind "point of origin" was also raised again. Potential conflicts raised here included conflicts between the claims of those born in a zone and those displaced there and between clans connected to a particular zone and displaced families who have no connection to local clans.

Disagreement was voiced with the recommendation to suspend the current land law or any of its articles. The position was stated that there is no shortage of land, but rather, poor distribution of land in certain areas and poor choice of crops for planting. Disagreement was also stated with the statement that there is no mechanism to administer land, citing the existence of DINAGECA (although the speaker agreed it functioned inefficiently). It was also pointed out

that problems in land management are exacerbated by a shortage of trained topographers and surveyors.

Governor Mutemba responded to the presentation by Ms. Eliseu, describing her research and recommendations as useful. He warned against relying on traditional authorities as a panacea to land conflict, pointing out that these authorities would have no qualms about evicting people from an area where they had not been born, thus violating the most basic human rights, that of freedom to settle where one chooses. The Governor acknowledged problems with the land law and the need for clarification and improvement. He recalled that its original intent was to protect the interests of smallholder farmers and recognized that this may have been hindered by gaps in the law. He pointed out that freezing enforcement of the law and land concessions would discourage people from home building; revoking the law or any of its articles would bring a halt to the construction of houses and infrastructure. The Governor cited the war as the culprit for inefficiency in administering the law, particularly with regard to the issuance of provisional land titles. He charged that the issue is being made into an election issue.

Drs. Garvey and Myers pointed out that no one was suggesting a suspension of the law or a return to traditional or colonial system. Rather, they were emphasizing the importance of using both the traditional and modern systems together. Their recommendations included freezing concessions at the national level and encouraging decentralization with regard to decision-making. There seemed to be consensus on the idea that the law is out of date.

Inhambane Governor Pateguana spoke in defense of the land law, which he helped draft, as a means of protecting family farmers. He pointed out that its provisions recognize the use of land by smallholders without title, prevent the forced removal of any small farmer, etc. He recognized existing gaps in the law, mainly for conjunctural reasons (for instance, there was no private sector when the law was drafted, thus the law does not adequately cover the "private" farmer). The Governor asserted that problems with the law are more the result of poor application and the lack of legal culture among smallholders. He pointed out that discussion on how to return land to people has been going on since 1975. The Governor disagreed with any recommendation to suspend the law or to give too much control to traditional authorities, pointing out the often undemocratic and anti-feminist aspects of customary law. He pointed out that Governors and other leaders today have their roots in the traditional system and understand both the traditional and modern systems. He stated that he can, and does, personally adjudicate land conflicts in his province. New leaders, he pointed out, often feel more responsible to the population. The Governor also criticized the vagueness of researchers who speak about loopholes in the law without specifying what they are and who call for the suspension or freezing of legal provisions without specifying what these would be.

Ms. Eliseu spoke about the idea of creating areas in which family farmers are protected. She pointed out that conflicts often occur in fertile lands close to infrastructure, which is precisely where government also has to work. She agreed with the notion that traditional authorities have their limitations, but underscored the fact that these structures do function and that they should be taken into consideration in the current political context.

It was suggested that creating protected areas for small farmers, or reserves, inevitably limits the expansion of their production.

Session IV: Land Tenure and Security, State Administration, and the Environment

Moderated by Mr. Felix Mandlate, National Institute of Agricultural Development

Papers were presented by Mr. Eugenio Moaine, Ministry of State Administration; Dr. Rosa White, Ministry of Justice; Dr. Conceicao Quadros, Eduardo Mondlane University; and Ms. Ann Myles, Swedesurvey.

Mr. Eugenio Moaine's paper was entitled "Consuetudinary and Statutory Land Law and Administration in Mozambique." It provided an historical overview of Mozambican land legislation, thus explaining the origin of many of the concepts and approaches to the law today. Mr. Moaine spoke of the need for reform and the importance of decentralization and integration of traditional authorities in land administration.

Dr. White's paper was entitled "Land Tenure and Security for Refugees and Returnees in Tete." Dr. White discussed the legal problems of refugees returning from Malawi and presenting land claims. She emphasized the need to improve administration of the law, decentralize the granting of concessions and integrate the local population in decision-making.

Dr. Cuadros' paper, which was the only one addressing environmental issues, was entitled "Nature Protection Areas." In it, Dr. Cuadros reviewed environmental protection legislation and discussed the need to strengthen government involvement in this area. She emphasized the importance of decentralizing resources while maintaining central government support and integrating local structures into environmental efforts.

Ms. Myles distributed a paper entitled "Local Cadastre Systems to be Developed in Mozambique: Analysis of the Pilot Project in Boane" by Klas Ernard Borges. It reviewed the assistance by Swedesurvey to DINAGECA to implement a cadastre system as part of an effort to legalize land titles. She discussed an aerial mapping and land registration methodology that may be introduced throughout the country.

Discussion during this session included the presentations as well as comments from the smallholder farmers. A question was raised regarding the new decentralization law and how it would affect management of land by new municipalities at the district level. Mr. Moaine indicated that any new municipalities will basically inherit the functions of the existing districts with regard to land administration. He also pointed out that details of the regulations of the new law were still up for discussion. The question of the importance of defining traditional authorities was again brought up.

A comment was again made concerning the inadequacy of the current land law. Dr. White noted that the government lacks the means to implement the law. It was pointed out that a law cannot be applied without regulations and that it was six years from the approval of the land law until the approval of the regulations.

Dr. Cuadros noted that the state is marked by (economic) fragility as opposed to incapacity. She also pointed out that the country has changed considerably since the nature protection zones were established, particularly in terms of population. She reiterated her support for decentralizing resources.

Smallholder farmers then spoke again. They restated their complaints against Lomaco and Joao Freire Santos in terms of child labor practices, land occupation and diversion of water. A representative from JFS attending the conference responded, citing surprise at the farmers' charges. He described the conditions under which JFS has developed projects (the lack of infrastructure, water, etc.) and the efforts they have made to work with the smallholder farmers in the area (clearing land, supplying water, fertilizer and seeds). One smallholder agreed that JFS has generally kept its promises and that Lomaco has been the main culprit.

Comments were then made about the Swedesurvey work. Ms. Myles indicated that their aerial mapping survey was accurate within two meters and that they could produce plans for about 50 farms per day; using traditional methods, this could take up to one month. She estimated the number of parcels in Mozambique at about 3 million. Ms. Myles noted that Mozambique may have to sacrifice a certain degree of accuracy in order to have the work done quickly and relatively inexpensively. The expense of surveying land for titles was pointed out to be approximately 335,000 meticais per hectare. However, it was also pointed out that it is too early to calculate the real costs of registering family sector titles because the pilot project is so heavily dependent on foreign assistance.

The concern was raised that this high-tech system may not be able to address certain characteristics of the land stock in Mozambique. For instance, farms often lack physical demarcations and often consist of several plots in different areas. One solution presented was to have the aerial mapping delineate large areas and then allow occupants inside these areas to determine ownership of individual parcels.

Section V: Land Markets, Gender Issues and Political Authority

Moderated by Mr. Felix Mandlate, National Institute of Agricultural Development

Papers were presented by Mr. Jaffar Mussa, DINAGECA; Dr. Jocelyn Alexander, Oxford University; Dr. Isabel Casimiro, Eduardo Mondlane University; and Dr. Antonio Francisco, Eduardo Mondlane University.

Mr. Mussa presented a paper on DINAGECA, copies of which were not distributed. It discussed the physical and financial limitations DINAGECA faces in surveying and registering land. Mr. Mussa outlined three rural development and capacity building projects funded by the Swedish Development Agency and the World Bank.

Dr. Alexander's paper was entitled "Land and Political Authority in Post-War Mozambique: Notes from Manica Province." Dr. Alexander discussed the impact of war and government intervention on land access in Manica Province, addressing conflicting and overlapping layers of land claims, insecure tenure and the inability of current law to resolve these issues.

Dr. Casimiro's paper was entitled "Gender and Land in Mozambique." Dr. Casimiro discussed the position of women with regard to the development of agriculture in Mozambique, describing their historical and current participation in society and the need for them to be seen as an integral part of society and thus be included in the land issues debate.

Dr. Francisco's paper was entitled "Emerging Land Markets and Land Conflicts in the Peri-Urban Green Zones of Maputo: The Discord Between Law and Practice." In it, Dr. Francisco examined the structure and operation of the land market and its negative impact on land tenure security, access and investment. He stressed the need for privatization of the currently distorted land market as the basis for new growth and development.

This session opened with a statement regarding Lomaco's policies by Carlos Henriques, representative of Lomaco. He refuted all charges by the smallholder farmers, claiming that Lomaco works successfully with family farmers in five provinces and has extension workers in 150 villages. He asserted that Lomaco has granted land to farmers, helped them increase their yields, and provided them with seeds, fertilizers, and other inputs, contributing to a tripling of family sector incomes in recent years. Mr. Henriques denied that Lomaco exploits children, but rather hires them outside of school hours to help out local families. He asserted that Lomaco has offered compensation for any land it has occupied. Mr. Henriques also denied accusations regarding the size of land concessions granted to Lomaco and their alleged cotton monopoly, stating that numbers have been exaggerated.

Smallholder farmers responded to the statement by holding fast to their accusations regarding water diversion and land occupation by the company. They agreed that Lomaco was not forcing children to work but repeated their unhappiness with the hiring policy and requested the government to intercede and prohibit Lomaco from hiring minors. A delegate from CENACARTA pointed out that it was time to resolve the problem as both parties had now been heard. He suggested that the problem should be resolved at the local level and that smallholders and Lomaco get together in Chokwe to do so.

A representative from Kulima presented their view of the situation with Lomaco. He ascribed the current shortage of food and use of child labor directly to Lomaco's taking over of land. He charged that Lomaco had also illegally expropriated land and animals from smallholder farmers and was now selling them back. He indicated that small farmers have established an association,

of which the Ministry of Agriculture is aware, in order to address their problems with the company.

A statement was made by Mr. Carlos Neves of FUNDAC, calling for the government to publicly deny the seriousness of a report that a 20 million hectare concession had been made to the Heaven on Earth Association. He questioned why this issue had so far not been raised in a conference of this nature; no one responded to his remarks.

The academic presentations were made following these statements.

A CENACARTA delegate pointed out that DINAGECA's main problem is scarcity of resources--material, financial and human. He recommended that any revision of the land law address resources for this agency, as it will have a key role in the resolution of most land issues. He urged that resources be made available at every level, not only at the central level. He also supported Dr. Casimiro's observations on the unequitable situation of women.

Manica District Administrator Chalulo described the concern over land as one of productivity and not of size, and asserted that small farmers are not as productive as large farmers. He argued against giving larger parcels to small farmers, but rather for increasing the productivity of the land they already have. He cited the need for technical improvements. He also discussed the situation of mining companies that exhaust large tracts of land, resulting in their becoming unproductive. The Administrator suggested that large companies, especially the mining companies, should make some contribution to local infrastructure in the form of wells, schools, health posts, etc. to ensure that the local population gains something from the process.

It was pointed out that in order to increase productivity and investment, people need to feel secure in their ownership of land. People will generally not invest even the most minimal resources (labor, seeds) unless they have secure tenure. The objective should be to create value that can be sold or inherited.

Mossurize District Administrator Mabela noted that local information should be taken into account when making concessions, and not just grant concessions at the central level. He pointed out the need to make resources available at the local level.

A DINAGECA worker from Nampula restated the point that DINAGECA's lack of resources hinders implementation of land law regulations. He proposed identifying an association or groups of producers in blocks and then allowing these blocks to determine their own land access. This would simplify and streamline DINAGECA's work, and would result in land rights based on local legitimacy and existing social relations.

A representative from the Green Zones noted that the government is often more concerned with its policies than its policy beneficiaries, that is, family farmers. He also spoke in favor of smallholders forming groups to address their needs, suggesting that individuals would receive greater benefit from global assistance.

Regarding women's participation, the point was made that in certain parts of the country, women are still receiving land from their families, a fact the government was urged to recognize.

The point was raised by a delegate as to the importance of unity between Frelimo and Renamo for the successful resolution of land issues. This was followed by a question as to how this will be achieved. Dr. Alexander responded, agreeing to the importance of involving traditional authorities and the local levels. It was again pointed out that traditional authorities should not be viewed as a panacea to the situation. It was noted that they are extremely complex systems --politically, economically, and socially.

Dr. Francisco talked about the land market in Mozambique and the need for privatization. He discussed the implications for election and suggested that each party include its land program in its platform. He pointed out the existing divergence between law and practice. He noted that people are selling land rights they do not really have under the law. He also noted that the law must provide security of ownership in order for the current land market to develop.

Dr. Tanner described a similar distortion in the land market in Guinea Bissau. He pointed out that in a market economy where land has an acquired value, the continuing assertion that it belongs to the state distorts the market, allowing small groups to get land at state subsidized prices. This injures the state, which needs revenues to support its obligations in health, education, etc.

Governor Simbine of Cabo Delgado noted that the problems of small farmers is universal and warned against simple solutions. He pointed out that while giving small farmers the possibility of becoming landowners is a good idea, once implemented there is no effective mechanism to protect them. He asserted that the state has an obligation to maintain a structure that protects smallholders. He cited the example of Brazil, where small farmers have the right to own land, but have been dispossessed of virtually everything. He suggested that in the long-term, privatization could lead to a similar situation here because smallholders would then be subject to market forces and outside pressures and would eventually be forced to sell. He spoke in favor of amending the current land law as opposed to discarding it, recognizing that the country's social context has changed since the law was drafted. He cited capacity building as an important task and spoke in support of decentralization of authority. In terms of traditional authorities, the Governor noted that in the resolution of land issues people are generally more comfortable working with those who know them and are familiar with their customs and traditions, such as the "regulos." However, he noted that the democratic process will resolve this question of authority by allowing the people to choose their leadership. He described as too extreme the position that the state does not protect small farmers.

One of the smallholder farmers made a plea for the government to work with the smallholders, coordinating efforts with the companies. He noted that everyone relies on farmers for land, labor and production, yet they are the ones who suffer under most kinds of government. He pointed out that farmers are responsible for most production and are therefore very necessary to the country.

Session VI: Investment

Moderated by Mr. Virgilio Ferrao, DINAGECA and Ad Hoc Land Commission

One paper was presented by Dr. John Strasma, University of Wisconsin, entitled "Land Tenure Security, Investment and the Future." Dr. Strasma provided a political economic perspective on the land question. He focussed on the types of mechanisms used in other developing countries to gain recognition of land titles, obtain credit, frustrate secret land concessions, etc, emphasizing the importance of secure tenure in a country's search to increase investment, production and productivity.

Dr. Strasma pointed out that secret concessions lead to low prices, corruption, and loss of respect for government. He noted that privatization often leads to greater transparency which in turn helps minimize corruption and enables the most efficient producer to come out on top. He disagreed with the argument that granting ownership of land to small farmers will ultimately lead to their impoverishment as they will be pressured to sell, pointing out that land ties are quite strong in Africa. He also noted that an organized peasantry can exert more pressure on a government than can individual farmers. He argued that when a state acts paternalistically toward small farmers there is generally an ulterior motive, often leading to expropriation or loss of rights.

The point was raised by a delegate that resources are distributed in Mozambique according to family and other social lines as distinct from a technically based system. It was also suggested that ideas such as providing credit to farmers would not work because smallholders generally have family and ceremonial obligations which make it difficult to apply concepts of repayment and returns. The speaker agreed with the position that establishing a market economy would ultimately lead to a landless peasantry as the concept runs counter to the fabric of this society. The speaker noted that the concept of land as communal property which belongs to those who work it is a long-established concept here and therefore, the state must retain a strong role in the protection and management of these systems.

Dr. Strasma noted that the fact that smallholder organizations and associations already exist would probably facilitate their ability to meet new challenges, such as the formation of credit associations.

In the closing session, the delegates decided not to submit conference recommendations and agreed that proceedings of the conference would best reflect the tenor of the conference discussions. The delegates agreed that further discussion on land tenure issues was necessary. The conference was closed by Eduardo Mondlane University Vice Rector Antonio Saraivo.

IV. SUMMARY OF PAPERS PRESENTED

1. 'State Land Apparatus in Mozambique.'

By Mr. Virgilio Ferrao, DINAGECA/Land Commission

This paper discusses the need for a more adequate land and cartography system in Mozambique. The author presents an historical overview of the development of land management in Mozambique. Mr. Ferrao maintains that the country today lacks the capacity to efficiently administer the current land tenure and management systems. No single government agency has a global mandate over land issues and the relationships among those working in these areas, including the Ministries of State Administration and Agriculture, is poor. Provincial and district level agencies charged with land administration lack the technical and financial capacity to do so. Mr. Ferrao calls for a global mandate on land administration and allocation to be given to various agencies, including the National Land Commission, DINAGECA, CENACARTA, the National Physical Planning Institute, the Ministry of State Administration, and the Executive Councils of the city and province of Maputo.

2. 'Land Access, Tenure and Conflict in Tete Province.'

By Governor Cadmiel Mutemba, Tete Province

This paper gives an historical and current overview of the land situation in Tete Province. The Governor cites ineffective application and monitoring compliance of the land law as the source of most conflict. He discusses the importance of decentralization and the role of local entities in land management and conflict resolution. Although conflicts are now only sporadic, smallholder farmers are returning en masse to their areas of origin and thus the potential for conflict exists. Governor Mutemba concludes that legislation should be updated, stressing the importance of decentralization and the role of local entities in land management and conflict resolution.

3. 'Customary Land Administration and Terroires as a Model for Local Government: A Comparative View of Reform in Practice in Mozambique and Guinea Bissau.'

By Dr. Christopher Tanner, SEPR Associates

This paper compares land administration practices in Mozambique and Guinea Bissau. Dr. Tanner presents the land legal and administrative system in Mozambique as inadequate, serving as a source of conflict rather than of protection for family farmers and favoring the interests of large landholders. He discusses the competing economic interests in this country that should be taken into account in the development of land policy reforms. The current rush for land, for example, is being fueled by economic interests rather than a weak land law. Customary land systems have a positive impact on socioeconomic development and thus the government should integrate these systems within its reform of the legal framework. Dr. Tanner emphasizes the importance of incorporating customary land systems in the design of rural development programs and decision-making regarding land allotment.

4. "Land Use, Tenure and Conflict in Monapo and Ribaué Districts in Nampula Province and in Montepuez in Cabo Delgado Province."

By Marcos Freire, Eduardo Mondlane University; Lorenzo Raffi, Cooptecnital; and Paulo Fernandes, Ministry of Agriculture

This paper discusses the results of a survey administered during November-December 1993 in Monapo and Ribaué districts in Nampula Province and Montepuez District in Cabo Delgado Provinces to examine land use, tenure and conflicts in those areas. The authors found that land conflict in these areas is infrequent and should not be taken as a priority issue. Virtually no one in these areas holds land titles yet land use rights are clear and land availability is not an issue. Smallholder farmers generally produce to feed their families and turn to cash crops as their situation allows. The authors recommend dealing with the land title issue immediately only in order to avoid future problems and to involve extension and traditional authorities as well as government in the process of regularizing titles.

5. "Patterns of Land Distribution in the Family Sector in Mozambique: The Similarity Between Two Different Surveys and the Implications for Policy Definition."

**By the Ministry of Agriculture/Michigan State University Food Security Project
Presented by Dr. Raul Varela, MSU**

This paper presents the results of two surveys, one administered in 1991 in three districts in Nampula Province and the other administered in 1993 in twenty districts located throughout the ten provinces. Both surveys found extreme inequities in terms of land distribution among the different groups in the family sector as well as a shortage of land suitable for farming. As land is one of the main factors determining the level of consumption and savings, this has serious implications for food security in the rural areas. The authors recommend several areas for further research, including the processes of land accumulation and distribution in the family sector; the relationship between land concession policies, the growth of agro-industry and the family sector; and the contradictions between formal and traditional authorities.

6. "A Preliminary Analysis of the Size of Land Holdings in the Family Sector in Mozambique Using Information from the 1993 Ministry of Agriculture Survey of the Family Sector."

**By the Ministry of Agriculture Department of Statistics
Presented by Dr. Chris Hill**

This paper presents a preliminary analysis of data on the area of agricultural holdings taken from the Ministry of Agriculture family sector survey in 1993 that covered two districts from all ten provinces. Among the analysis's findings were that land is unequally distributed in the family sector; that some families lack access to sufficient land; and certain sub-groups, such as women-headed households and *deslocados*, were relatively disadvantaged in terms of landholdings. The paper recommends areas for further research, including identifying advantaged and disadvantaged groups; geographic the dimension of land availability; and land area, yield and production capacity of families.

7. 'Mozambique's Land Law: Contradictions Within the Legislative Framework.'

By Dr. Jennifer Garvey, Ministry of Mine Resources

This paper discusses contradictions within the legal framework for land in Mozambique and the negative impact of these contradictions on the family farm sector. Dr. Garvey maintains that the structure of the current land law results in less security and more conflict for small landholders. The government lacks the capacity to implement the current law, which is marked by inconsistencies that result in smallholders being regularly dispossessed of their land. The government also lacks the mechanisms and resources to resolve land disputes. Dr. Garvey's recommendations include decentralizing land administration; establishing uniform standards in issuance of titles; establishing legal presumption in favor of land occupants over written title holders; and revising the land tenure framework.

8. 'Presentation to the Second National Land Conference in Mozambique.'

By Ms. Margarida Martins

This paper discusses the current land law and its perceived inadequacies. Ms. Martins presents criticisms of the law, including tenure insecurity, lack of government agency coordination, and allocation patterns favoring large commercial interests. The author's assumption is that the current land law was not conceived for implementation but rather as a means to justify state ownership of land. The country is now in a transitional stage, whose success hinges upon the resolution of land access and tenure security issues. The government thus needs reliable information on land allocation and distribution patterns. Dr. Martins recommends freezing land grants to commercial interests, decentralizing and involving traditional authorities in decision making and respecting land rights of settled populations.

9. 'Land in Mozambique: Is There Enough for Everyone?'

By Dr. Gregory Myers, Director Land Tenure Center Project Mozambique

This paper addresses issues affecting the development of a new land policy in Mozambique. It presents the results of empirical research on land access and tenure security conducted in seven provinces over a period of three years. Dr. Myers discusses land distribution in the post-war period, competitive and overlapping land claims and presents land policy recommendations. Dr. Myers maintains that the current government has been granting land concessions to large commercial enterprises at the expense of the family sector farmers, operating under the assumption that smallholder farmers do not have the capacity to exploit the land profitably. The government also lacks mechanisms to monitor land concessions and occupation, which results in conflictive and overlapping land claims. Dr. Myers concludes that the government should reevaluate current land policies and develop a more adequate land law. Recommendations include suspending current land concessions by the government and Renamo, establishing open dialogue regarding the reform of property rights, decentralizing land management and integrating smallholders and their representatives into the decision-making process.

**10. 'The Land Tenure Issue and Land Conflicts in Angonia.'
By Ms. Julieta Eliseu, Land Tenure Center Project/Mozambique**

This paper discusses the results of research done in the district of Angonia on land tenure and land conflicts, with special reference to the smallholder sector. During the war, lands abandoned by the former CAIA and some smallholder families in the district of Angonia were distributed to private individuals and displaced people for temporary use. However, the rights of tenure of the lands handed over were not duly clarified, resulting in land conflicts as those with historical claims returned. The author describes land conflicts involving peasant and private farmers and peasants and displaced peoples, as well as the attempts by formal and informal structures to solve these problems. The author recommends that the role of traditional authorities be recognized and incorporated into conflict resolution and decision-making processes and that the program for creating and titling occupied areas be analyzed.

**11. 'Consuetudinary and Statutory Land Law and Administration in Mozambique.'
By Mr. Eugenio Moaine, Ministry of State Administration**

This paper discusses consuetudinary and statutory land law and its administration in Mozambique. The author presents an historical overview of indigenous land rights and the lack thereof during the colonial period, as well as an historical overview of statutory land legislation in the country prior to and following independence. Provincial seminars organized by the Interministerial Commission in 1992 found that the proliferation of such legislation and lack of familiarity with it was the result of the incorrect implementation of the law. Mr. Moaine concludes that the current land administration systems is cumbersome and in need of reform, stressing the need for decentralization and inclusion of traditional authorities in decision-making.

**12. 'Land Tenure and Security for Refugees and Returnees in Tete Province.'
By Dr. Rosa White, Ministry of Justice**

This paper presents the results of research undertaken in the districts of Moatize, Angonia, Tsangano and Domuwe in Tete Province on the security and tenure of land claims by Mozambican refugees returning from Malawi and the urban areas in Tete to their lands of origin. The research was based on an analysis of requests for land, legal proceedings, data from DINAGECA and interviews with smallholder returnees and formal and traditional local authorities. This study found that 219 concessions and 45 titles were issued out of a total 465 claims in the province. Dr. White found that most conflicts are the result of returnees' ignorance of their rights and the ineffectiveness of government authorities. Most successful conflict resolution is handled by traditional authorities. Dr. White maintains that this study alone does not reflect the dimension of the problems existing between the family sector and private largeholder farmers in the country. She emphasizes the need to improve administration of the law, decentralize the granting of concessions and integrate the local population in decision-making.

13. 'Nature Protection Areas.'

By Ms. Conceicao Quadros, Eduardo Mondlane University

This paper discusses nature protection areas, their place in the public domain and the relevant legislative framework. Current land policy provides for the protection of their areas, including national parks and reserves. As a result of the recent war, the government lost control over much of these areas, which today and increasingly threatened by the government's financial inability to restore management and monitoring systems in those areas. In order to adhere to established policies, the government should take steps to create a financial basis to increase and train staff, heighten public awareness, conduct research and maintain these areas. Dr. Quadros stresses the importance of decentralizing resources while maintaining central government support and integrating local structures into environmental efforts.

14. 'Local Cadastre Systems To Be Developed in Mozambique: Analysis of the Pilot Project in Boane.'

By Klas Ernard Borges, Swedesurvey

This paper reviews the experience of a cadastral pilot project implemented in Boane district in Maputo Province using a methodology of aerial mapping and land registration. During the first phase of the project in 1991, some 15,000 hectares were photographed at a scale of 1:10,000. Using a digitizing technique, cadastral plans for 50 farms a day could be developed at a great savings of resources such as time and transportation. At this point in the pilot, however, the technique was not implemented. Working with the SPGC in Maputo, as of April 1993, 257 machambas had been surveyed and demarcated. The author emphasizes that any new campaign for a new cadastre system cannot simply seek to replace an existing one. There must be collaboration with those working the land (cooperatives, private farmers, regulos, etc.). The challenge of setting up a new cadastre system is to establish an adequate way to include them into an official system.

15. 'Land and Political Authority in Post-War Mozambique: Notes from Manica Province.'
By Dr. Jocelyn Alexander, Oxford University

This paper explores the impact of war and government intervention for land access and local authority in several districts in Manica Province. Over the years, there have been various levels of cooperation in this province between traditional and government authorities, creating a range of overlapping land claims. Today, this situation is exacerbated by a lack of clear government policy regarding land rights, which heightens uncertainty, inhibits investment and creates potential conflict. The state role should be to clarify the legal structure, which should allow local populations and structures to manage the land issue in accordance with their needs. The paper also discusses the debate over the role of rural political authority, particularly "traditional" authority, historically and in terms of the current political reconstruction. There must be an alliance between official and traditional authority in order to create a political framework that will allow for successful conflict resolution and represent diverse constituencies.

16. 'Gender and Land in Mozambique.'
By Dr. Isabel Casimiro, Eduardo Mondlane University

This paper discusses the position of women with regard to land rights and the development of agriculture in Mozambique, describing their historical and current participation in society. Women constitute more than 50% of the total population and represent the majority of the agricultural work force, expending 75% of their day in agricultural subsistence activities. Dr. Casimiro maintains that despite heightened awareness, over the past 20 years, women have made little progress in improving their situation in the rural areas. In terms of land access, for example, women have lost ground. At one time, ownership and control of land was matrilineal among most ethnic groups; this has been replaced by a patrilineal tradition. The land crisis today is marked by general non-compliance with the law, favoring those with influence and large producers at the expense of the family sector and those who are the main producers within that sector -- women.

17. 'Emerging Land Markets and Land Conflicts in the Peri-Urban Green Zones of Maputo: The Discord Between Law and Practice.'
By Antonio Francisco, Eduardo Mondlane University; Michael Roth, University of Wisconsin-Madison; and Steven Boucher, University of Wisconsin-Madison

This paper examines the structure and operation of the land market in the Maputo peri-urban area and the performance of the land tenure system in terms of tenure security, land access and resource use. The authors find that land rights are limited and uncertain, land transaction costs high, state involvement proliferate and land disputes widespread. The current land registration system does not service the needs of smallholders, but rather favors those well established and with influence. This, combined with limited land management capacity, is constraining commercial activity. The authors conclude that property reforms, which should be geared toward serving private interests, are necessary.

18. 'Land Tenure Security, Investment and the Future.'
By Dr. John Strasma, University of Wisconsin

This paper maintains that security of land possession is essential if a government seeks to stimulate investment, effort, increased production and increased productivity. Insecure arrangements cause farmers to plant quick maturing crops and deter everyone from building productive urban and rural investments. The author states that resolution of land conflicts and effective protection of property rights are not only a basic human right, but also the single most essential step for stimulating productive investment, increased food supply and economic and social development. The author links efficient production by farmers with their need for personal safety and tenure security.

V. CONFERENCE DELEGATES

Presenters

Jocelyn Alexander	Oxford University
Isabel Casimiro	Eduardo Mondlane University
Julieta Eliseu	Land Tenure Center
Virgilio Ferrao	DINAGECA/Ad Hoc Land Commission
Antonio Francisco	Australian National University
Marcos Freire	Eduardo Mondlane University
Chris Hill	Ministry of Agriculture
Jennifer Garvey	Ministry of Mineral Resources
Margarida Martins	INDE, Portugal
Eugenio Moiane	Ministry of State Administration
Jaffar Mussa	DINAGECA
Cadmiel Mutembe	Governor, Tete Province
Gregory Myers	Land Tenure Center
Conceicao Quadros	Ministry of Agriculture
John Strasma	University of Wisconsin-Madison
Chris Tanner	SEPR Associates
Raul Varela	Michigan State University
Rosa White	Ministry of Justice

Central Government

Eduardo Bacho	Environment
Oldemiro Baloi	Ministry of Cooperation
Fernanda Cabanas	C.D.A.
Milagro Ceserilo	DNFFB
Elias Cossa	IPS
Camila de Sousa	DNFFB
Domingos Diogo	Ministry of Agriculture
Carlos Felner	Sabie-Incom. Project
Manuel Ferrao	CENACARTAA
Sergio S. Ferreira	Meteorology
Irene Galamba	Environment
Rosemary Galli	INDER
Abilio Gune	Ministry of Planning
Alan Harding	CPI
Dalila Ibraimo	Ministry of Cooperation
Gilead Imlay	Eduardo Mondlane University
Ana Locke	INAA

Loiro Machava	PRDSA
Nuno Mafosse	CPI
Ismael Magueira	Integrated Projects
Felix Mandlate	National Institute of Rural Development
Narciso Matos	Eduardo Mondlane University
Feliciano Mazuze	INIA
Salvador Mondlane	Eduardo Mondlane University
Custodio dos Mucudos	Rural Rehabilitation Project
Machatine Munguambe	National Commission of Territorial Administration
Modehai Nhgbanga	State Council
Eduardo Oliveira	Agricultural Development Fund
Jose Pacheco	National Institute of Rural Development
Fernando Resende	Integrated Projects
Anabel Rodriguez	Ministry of Agriculture
Tomas Salomao	Ministry of Planning
Fernando Paulo Songane	D.N.A.P.
Simbine	ARPAC
Mario Souto	C.F.A.
Anastacio Tamele	DINA
Gabriel Tembe	INDER
Paulo Zucula	Ministry of Agriculture

Provincial and District Government

Carlos Almeida	Citrinos Timanguene
Junaide Amade	DINAGECA, Maputo
Francisco Ananias	Agricultural Head, Vanduzi
Raimundo Bila	Governor, Maputo Province
Vicente Cachaco	D.D.A., Marracuene District
Artur Canana	Governor, Manica Province
Carlos Catamissa	DINAGECA, Niassa Province
Lemos Antonio Chalulo	D.D.A., Manica District
Agostinho Chiau	Administrator, Chokwe
Raimundo Cossa	D.P.A., Gaza Province
Antonio Cumbane	DINAGECA, Gaza Province
Roberto da Silva	D.P.A., Zambezia Province
Jose de Azevedo	DINAGECA, Inhambane Province
Elias Dioue	DINAGECA, Tete Province
Santos Frijone	Prorural
Alfredo Gamito	Governor, Nampula Province
Benjamin Gemo	DINAGECA, Manica Province
Manuel Inacio	D.P.A., Niassa Province
Silva Joao	DINAGECA, Nampula Province

Tomas Jofrisse	DINAGECA, Sofala Province
Antonio Lobo	D.D.A., Meconta District
Roberto Arao Lumbela	D.P.A., Inhambane Province
Cesar Maluana	Green Zones Office
Cosme Mandu Mabela	D.D.A., Mossurize
Francisco Masquil	Governor, Sofala Province
Betuel Matavel	D.P.A., Cabo del Gado Province
Juliao Matsinhe	D.P.A., Tete Province
Albino Meneses	DINAGECA, Zambezia Province
Assumbugy Meragy	DINAGECA, Cabo del Gado Province
Benjamin Muchanga	D.D.A., Chibuto District
Tiotoneo Muchangos	D.P.A., Sofala Province
Matias Isaac Mugabe	D.P.A., Nampula Province
Elias Mula	
Mamad Mussa	D.D.A., Gurue District
Aguinaldo Neves	D.D.A., Montepuez District
Julio N'Tchola	Governor, Niassa Province
Eugenio Numaio	Governor, Gaza Province
Zacarias Passulane	D.D.A., Angonia District
Francisco Pateguana	Governor, Inhambane Province
Pedro Paulino	D.P.A., Manica Province
Sousa Pinto	D.P.A., Maputo Province
Raul Qualquer	D.D.A., Nicoadala District
Samuel Rovicene	DINAGECA, Maputo Province
Luciano Sambane	Zonas Verdes Office
Antonio Simbine	Governor, Cabo del Gado Province
Felipe Lucas Siteo	Administrator, Homoine District
Caetano Vitorino Sousa	DINAGECA, Maputo Province
Quisito Trabuco	D.D.A., Nhamatanda
Armindo Xavier	D.D.A., Mueda District

Donors and Non-Governmental Organizations

Oliveira Amino	USAID
Nina Berg	Norwegian Refugee Council
Juliet Born	USAID
Luisa Capelao	USAID
Roberto Chavez	World Bank
Veronique Dan	Caisse Francaise
Daninge Danielson	Swedesurvey
Rod de Vletter	World Bank
Christine de Vorst	World Bank
Lourenco Duvane	Baptist Church

Lars Ekman	Economia Agraria
Lars Herthelius	ASDI
Christopher Jamu	Center for Strategic and International Studies
Limo Janisse	Canadian Aid
Alexandra Jaze	Care Mozambique
Domencio Liuzz	KULIMA
Humberto Macie	Action Aid
Robin Mason	USAID
Claire Melamed	ONUMOZ
Ben Merson	UNICEF
Darrell McIntyre	USAID
Ann Myles	Swedesurvey
Pal Ness	Link
Carvalho Neves	FUNDAC
Charles North	USAID
Edite Orlando	AMRU
Felix Paixao	USAID
Nick Rosevearse	Oxfam
L.A. Schoof	Embassy of the Netherlands
Ursula Semin-Panzer	Terre des Hommes/Harare
Simbine	Anglican Church
Valente Sionas	O.A.H.
Gerrit ten Velde	Lutheran World Federation
Michael Turner	USAID
Thomas Van Beekum	Embassy of the Netherlands
Ricky Weiss	Land Tenure Center
Ken Wilson	Ford Foundation
John Yale	World Vision

Private Sector

Pedro Calheiro	Joao Ferreira dos Santos
Paulo Certoio	Entreposto/SAMO
Joaquim Correia	Entreposto/SAMO
Abel David	Private attorney
Carlos Henrique	LOMACO
Maria Luisa Natividade	Private Business Owner
Rui Ribeiro	SEMOC
Joaquim Santo	Entreposto/SAMO
Pedro Walters	Banco Popular do Desenvolvimento

Smallholder Farmers-Maputo Province

Joana Gertrudes Carlos	Zonas Verdes
Rafael Filimao Chiluvane	Zonas Verdes
Ana Fernando	Zonas Verdes
Angelica Fortunato Novela	Zonas Verdes
Aurora Mavie	Zonas Verdes

Smallholder Farmers-Gaza Province

Alzira	Extension worker-Jangamo
Raimundo Cossa	Gaza
Papaseco Cuna	Chokwe
Jacinto Dlamine	Chokwe
Velasco Fernando	Extension worker-Chokwe
Alfredo Macuacua	Chokwe
Gaspar Muchanga	Chokwe
Joao Muchanga	Siremo
Fabiao Mulhovo	Chokwe
Roberto Timoteo Tembe	Chokwe
Justino Toelane	Chokwe
Azarias Utui	Siremo

Smallholder Farmers-Inhambane Province

Jamesco Amone	Homoine
Watch Calone	Homoine
Gandi Fumo Chibange	Extension worker-Homoine
Janeiro Guilengue	Homoine
Teodorio Matsintu	Homoine
Benjamin Muchanga	Chibuto
Celisto Mucholo	Homoine
Ernesto Jambo	Homoine

Political Parties

Simeao Cuambo	FUMO
Salvador Elias	PPPM
Mario Gabriel	Monamo
Helena Rosa	UNAMO
Germano Siweia	Sol