

**On the Threshold of Reconstruction:
The Development and Implications of Land Tenure Security in
Mozambique**

**A Review to Date of the Work of the Land Tenure Center
1991-1996**

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March 1996

Executive Statement

On-going and evolving assessment of land issues over the last four years has emphasized that Mozambique has significant land problems. The most serious of these problems is the extreme lack of transparency in the distribution of land resources. This has created disincentives to investment by both domestic and foreign capital, resulting in missed opportunities for local producers, and domestic and international investors. The Land Tenure Center has brought the existence of these problems and their impacts to light, and has stimulated an open discussion of these problems. This discussion has included civil society, donors, and the Government. When problems such as these are widely known and discussed there is a direct mitigating impact on the magnitude of, and propensity for, clandestine, corrupt, rent-seeking behavior. This impact can be difficult to measure both in terms of changed behavior (less attempts at corruption in a more open and transparent environment) and behavior prevented (less opportunity for corruption in the same environment).

The Land Tenure Center has also highlighted that there are competing factions over the land issue within government at the central level, and among different levels of government: central, provincial and district. This exposes the contentious and political nature of the issue, and the extreme difficulty in dealing with it. This is especially relevant given the history of centralized governance and management of resources, and the training of bureaucrats in socialist thinking. The contentious and political nature also presents opportunities for the donors and civil society to focus political pressure on selected factions to achieve desired results. These have been the central functions of the Land Tenure Center in Mozambique: to provide information, reveal problems, and make recommendations so that donors, civil society and government can bring their respective political objectives and comparative advantages to bear on problems.

It is the position of the Land Tenure Center that economic cooperation between smallholder and more commercial farming interests is the best way to increase both the aggregate and individual income of the majority of the population in a country like Mozambique. This view has also been very clearly articulated by USAID Director Brian Atwood. It is within this framework that the Land Tenure Center has pursued objectives that lead to an environment in which this cooperation may take place. Issues like these are often imbedded in complex political and economic relations, which require constant and extended attention before wide-scale and concrete impacts are visible. Consequently, activities that facilitate the development of an enabling economic environment at the local level are as important as national-level policy reform.

Lack of transparency in the way resources are distributed, creating opportunities for rent-seeking, undermines the likelihood of cooperation between smallholder and commercial farmers. The present problematic situation exists, in part, because the land law and policies are out-of-step with the current economic and political reality in Mozambique. In reforming the law and policy, care must be taken so as not to create new opportunities for rent-seeking by again

being out- of-step, hence preventing opportunities for cooperation. It is important to consider the possible consequences of not including smallholders in land policy reform. If smallholders are not part of policy reform and, therefore, suffer increased landlessness, the international community is then faced with the prospect of ever increasing food-relief needs by Mozambique.

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I. Introduction

This paper reviews the work, accomplishments, and impacts of the Land Tenure Center Project in Mozambique from 1991 to the present. The paper:

- 1) Serves as the basis for an internal review of the current work plan (June 1995-May 1996), which will be conducted by USAID/Mozambique (USAID) and the Land Tenure Center (LTC), University of Wisconsin-Madison.
- 2) Discusses past and present activities, noting outputs and results of each phase of work.
- 3) Outlines the opportunities for future work and accomplishments.
- 4) Suggests results and impacts as part of future activities that will advance the goals of development efforts in Mozambique.

Following the introduction, the report is divided into four parts, each focusing on a phase of work: 1) state farm divestiture, 2) land access in the post-war period, 3) land conflicts and institutional research capacity, and 4) future resource tenure opportunities. Each of these sections are further subdivided into smaller units covering the respective work plans, outputs and results of each phase. The last section, focusing on future opportunities, includes comments on projected results and accomplishments.

II. Background

In 1981, beginning with the Fourth Party Congress, the Government of Mozambique (GOM) agreed to modify some of its economic and political policies: it liberalized market policies and began discussions on decentralizing certain administrative and fiscal controls to the provincial governments. It also restructured the agricultural sector, which at that time was the largest sector in the state-led economy. There were more than 100 state farms, which consumed the lion's share of the agricultural budget, and a significant proportion of the overall budget.¹ The state farms were difficult to manage because of their size and structure. In addition, the civil war had the impact of drawing important managerial skills and human resources away from productive activities for the defense of society, the economy, and, particularly, the state farms.² As part of its plan to restructure the agricultural sector, the GOM also decided to restructure the farms, which led to a debate within government about the means for changing the sector, as well as other fundamental questions pertaining to property rights and land tenure reform. At the center of this debate were profound questions pertaining to the role and composition of the state in civil society.

Given the economic importance of the state agricultural sector, the GOM and USAID agreed to focus assistance on divestiture and privatization of the state farms. Following this, USAID/Mozambique requested the assistance of LTC to conduct this work. In 1989-1990, senior LTC staff visited Mozambique to help define land problems specifically associated with state farm divestiture, develop a proposal for assistance to the government that would enable policy planners to more fully understand the problems associated with the state farms and their divestiture, and propose a range of technical solutions.³ Beginning in 1991, LTC, through USAID/Mozambique's Private Sector Support Technical Assistance Project (656-0218), assisted the GOM to understand land related problems, and review and modify land policies and law under the "Program of Applied Research: Land and State Farm Divestiture in Mozambique."

The Land Tenure Center Project-Mozambique was established as a two-year collaborative project between the LTC and the Ministry of Agriculture. The first institutional affiliation was with the Center for Agrarian Training (CFA), within the Ministry of Agriculture. The initial phase of work focused on state farm divestiture, but also included policy work designed to move the GOM forward

¹ This is particularly notable when the amount spent on the defense of the farms during the war is added to the budget for state farm expenditures.

² See West, Harry and Gregory Myers. 1995. "A Piece of Land in A Land of Peace? State Agriculture, Land Access and Tenure Security in Post-War Mozambique." *Journal of Moderns African Studies*.

³ Bruce, John. 1989. "Options For State Divestiture and The Creation of Secure Tenure: A Report to USAID Mozambique," LTC Paper, Madison: Land Tenure Center, University of Wisconsin; and Bruce, John, Donald Jackson, and Antonio Francisco, 1991, "A Research Proposal: Land Policy and Divestiture in Mozambique," LTC Paper, Madison: Land Tenure Center, University of Wisconsin.

with regard to land tenure reform, as well as other activities. LTC assisted USAID/Mozambique to define its strategic objectives with regard to land and resource tenure issues, and welcomes the opportunity to do so in the future.

With the implementation of the Peace Accord in October 1992, LTC, after negotiations with the Land Commission and USAID, shifted emphasis for the second half of the program and focused on questions pertaining to land access for displaced refugees, dislocated internal populations and demobilized soldiers, and agricultural recovery. Given the trauma inflicted on the population and the concomitant ravaging of the agricultural sector, LTC believed that a more thorough understanding of land access in the post-war period would help the government and the donors to target resources in the appropriate areas. The Project continued to focus on policy reform. Institutional affiliation moved from CFA to the Ad Hoc Land Commission, also within the Ministry of Agriculture. It continued past its expiration date in December 1993, with additional funds from USAID/Mozambique. It ran an additional six months so the Project could complete its new work and produce a national-level land conference. This phase ended June 1994.

Prior to the national conference, LTC began negotiations with USAID for a new scope of work to focus on issues and policy questions raised by the earlier work. These negotiations were delayed while GOM was occupied with elections and the mission reviewed its own objectives. During this time the LTC Project funding was exhausted, research and policy work ended, and only a small staff of investigators and an administrator were retained to maintain the position of the project within the Ministry.⁴

Following discussion within the mission, the mission Director asked LTC to re-submit an interim one-year scope of work to continue activities until the mission completed its own internal reorganization. In August 1994 LTC submitted the proposal, "A Project to Build Land Tenure Research Capacity, Enhance National Awareness of Land Tenure and Local Governance Issues and Recommend Land Tenure Reform in Mozambique." (This Proposal is attached as Appendix 1). It proposed a modest one year scope of work, pending resolution of ongoing discussions within the mission regarding its priorities in the post-war period. The proposal was not approved until May 1995 (with funding coming in August), resulting in a one-year delay of work, which did not begin until September 1995. Under this interim proposal, LTC has conducted ongoing policy work with the Land Commission to achieve reconsideration and revision of the national land laws, developed a database on land conflicts among smallholder and commercial farmers, continued to monitor land concessions, and developed linkages between the University Eduardo Mondlane and the Ministry of Agriculture. This interim proposal expires May 1996.

Part of this review process will include a discussion of collaborative opportunities in the future among USAID, LTC and the GOM with regard to land and resource tenure issues in Mozambique.

⁴These activities were funded from another LTC source.

III. Focus on state farm divestiture

A. Description

The initial scope of work negotiated between the GOM, USAID, and LTC focused on the state farm sector. A large portion of the state agricultural sector was made up of land assets, which included more than 600,000 hectares of the best, most productive agricultural land in the country. This land was frequently situated near markets and infrastructure, roads, water, and urban areas. The central government in Maputo had little information about these farms; in some cases it was unsure exactly where they were located, their labor force, economic status, and productive capacity. The government was also unaware of their operational status in many cases. Before the LTC project began, the government initiated a debate about which farms should be divested and the best means to do so. This debate was never concluded, and, while policies and laws addressed the alienation of some state held assets, none of them dealt specifically with land assets. Unconfirmed reports in Maputo suggested that many of the farms had closed and had begun to divest their resources and land.

From November 1991 to December 1992, LTC conducted an extensive study of the state farm sector and, where security conditions permitted, made field visits.⁵ It became clear to LTC, early in the study that divestiture was proceeding largely without the direction, transparency or equitable competition for these resources. As a result of the divestitures, LTC shifted its focus to include the processes and consequences of divestiture, particularly as it impacted smallholder farmers. LTC sought to understand the overall economic and political impacts of divestiture and the repercussions of these on sound investment strategies that would include smallholder, small capital and larger capital interests.

The research resulted in several case studies, reports, and publications.⁶ In addition, the project

⁵ The majority of this work was conducted during the war. Field research was limited to areas that were deemed relatively safe; nonetheless, sites were visited in five provinces.

⁶ Myers, Gregory. 1992. "Land Tenure and Resettlement in Post-War Mozambique: Capacity and Individual Choice." LTC Paper. Madison: Land Tenure Center, University of Wisconsin [Available in Portuguese]; Myers, Gregory. 1992. *Proceedings: Seminario Internacional de Politicas de Terra em Africa*, Maputo, February, 1992. Maputo: Republic of Mozambique and Land Tenure Center, University of Wisconsin-Madison [Available in English]; Myers, Gregory. 1992. *Seminario Internacional de Politicas de Terra na Africa: Briefing Book*. Editor. Maputo, February, 1992. Maputo: Republic of Mozambique and Land Tenure Center, University of Wisconsin-Madison [Available in English]; Myers, Gregory. 1992. "A Questao de Terras." Editor. *Extra*, Special Edition, June. Maputo: Center for Agrarian Formation [Available in English]; Myers, Gregory. 1992. "Reforma da Posse da Terra da Politica de Terras em Africa." *Extra*, Special Edition, June. Maputo: Center for Agrarian Formation [Available in English]; Myers, Gregory. 1992. "A Falacia da Reforma da Terra na Nigeria: Nacionalizacao ou Racionalizacao?" *Extra*, Special Edition, June. Maputo: Center for Agrarian Formation [Available in English]; Myers, Gregory. 1992. "Posse de Terra, Agricultura e Divestiture das Machambas

researchers made several presentations and produced a national seminar.⁷ This seminar, the first in Mozambique of its kind, brought together over 100 Mozambicans from all over the country, many from provincial capitals. It focused on the land tenure experiences of other countries in Africa, particularly in the southern Africa region. Specialists and academics were brought from these countries to present papers and discuss issues with Mozambicans. The conference generated a wide public discussion and resulted in separate publications which were distributed throughout the country.⁸

Many of the LTC papers contained policy recommendations which flowed directly from the research to the local situation and later made directly to the Government of Mozambique, AID and other donors, NGOs, and civil society.⁹ The research also resulted in a deeper theoretical and empirical understanding of the processes and economic impacts of privatization of state assets in formerly centrally planned economies. The discoveries of this research relating divestiture of state assets are already proving useful to policy planners in other countries in Africa, Europe, and Asia where LTC is working. Importantly, the work has led to a better understanding of the possible economic linkages that might

Estatais em Mocambique." *Extra*, No. 9. Maputo: Center for Agrarian Formation [Available in English]; Myers, Gregory and Chris Tanner. 1992. "Property Rights and Ecological Conservation: The Case of State Farm Divestiture in the Chokwe Irrigation Scheme." LTC Paper. Madison: Land Tenure Center, University of Wisconsin; Myers, Gregory and Chris Tanner. 1992. "Direitos de Propriedade e Conservação Ecológica: o Caso do Desinvestimento das Explorações Agrícolas Estatais no Sistema de Regadio do Chokwè," *Extra*, No. 10, Maputo: Center for Agrarian Formation; Myers, Gregory and Harry West. 1993. "Land Tenure Security and State Farm Divestiture in Mozambique: Case Studies in Nhamatanda, Manica and Montepuez Districts." LTC Research Paper, No. 110. Madison: Land Tenure Center, University of Wisconsin [Available in Portuguese]; Tanner, Chris, Gregory Myers, and Ramchand Oad. 1993. "Land Disputes and Ecological Degradation in an Irrigation Scheme: A Case Study of State Farm Divestiture in Chokwe, Mozambique." LTC Research Paper, No. 111. Madison: Land Tenure Center, University of Wisconsin; West, Harry and Gregory Myers. 1992. "Local-Level Political Legitimacy and Security of Tenure in Mozambique." LTC Paper. Madison: Land Tenure Center, University of Wisconsin; West, Harry and Gregory Myers. 1995. "A Piece of Land in a Land of Peace? State Agriculture, Land Access and Tenure Security in Post-War Mozambique." *Journal of Modern African Studies*.

⁷ In addition to the presentations made for USAID/Mozambique, USAID/Washington, and the World Bank, additional presentations included "Land, Land Tenure and Resettlement in Post-War Mozambique," USAID/Mozambique, Maputo, Mozambique, November 1992; "Land Tenure and Local Political Legitimacy in Post-War Mozambique," Food and Agricultural Organization (FAO), Rome, February 1993; and, "Divestiture and Privatization of State Farms: Lessons from Mozambique," IDR/LTC Workshop, funded by the Ford Foundation, ILCA, Addis Ababa University, Ethiopia, August 1993.

⁸ Op cit., footnote number 4.

⁹ For example see, Tanner, Myers and Oad 1993; and Myers and West 1993, op cit., number 4.

emerge between smallholder and commercial farmers in Mozambique as the country recapitalizes and moves from recovery to reconstruction.

The state farm research revealed fundamental problems in the statutory land tenure system, including weaknesses in the land laws and in administration of the law. It revealed that most state farms were closed and the provinces and districts were divesting state assets, including land assets, outside the scope of the few policies and laws enacted by the government and without the knowledge or approval of the central government. The state recovered little of the financial resources it had invested in these assets. An important consideration at the time, because donors were discussing debt relief. Many of the objectives of privatization were not achieved; however, the financial drain created by the state operation of the farms was substantially reduced and control of much of the lands was effectively shifted away from the central government. Research further revealed that the state has limited capacity to administer land or to implement the land laws. It lacks labor, trained administrators, financial resources, and technical expertise.

The application of the laws is neither uniform nor transparent; this demonstrably permits well-placed individuals or foreign interests to acquire state farm land at the expense of smallholder and small private Mozambican interests. The research revealed that tenure security was weak for all agricultural producers and investors, but particularly for smallholders. It also documented the existence of land conflicts among smallholders, between smallholders and the state, and between smallholders and the new recipients of state farm land. One enormous problem which research revealed was that overlapping rights to land were granted, causing confusion and conflict. The results of this research allowed LTC and USAID/Mozambique to launch a public discussion on a number of issues surrounding state farm divestiture and land policy, including land tenure reform, management of natural resources, and decentralization of control over natural resources.

Although a great deal was discovered about state farm divestiture and property rights within the state farm sector, LTC also learned that uncertainties about property rights were affecting land outside the state farm sector, and having an impact on investment, productivity, and social relations throughout the country. LTC learned that very little was known about customary land tenure relations, local political institutions, and relations within the household, specifically with regard to gender-differentiated control over natural resources.

B. Outputs

1. Information and transparency

- * Documented information about 109 state farms; including their location, financial status and productive data. Emphasized inappropriate role of state farm sector in emerging market economy. Generated data about use and liquidation of more than 600,00 hectares of state farm land and associated infrastructural assets, particularly discovered that the assets from liquidation were not applied to state farm debt as proposed by government and assumed by donors.

- * Documented environmental degradation on state farm lands, and developed data regarding the relationship between state farm management and ecological deterioration. Specific data was gathered in Gaza Province, focusing on the Chokwe Irrigation Scheme, in which significant areas have been made agriculturally unusable. Also documented impacts of deforestation. Deforestation lowered field capacity of the soils and enhanced erosion. Documented negative impacts of this and other state farms regarding smallholder economic potential.

2. Policy dialogue and reform

- * Communicated all data to the Ministry of Agriculture, USAID, and other donors. Made recommendations for streamlining divestiture and enhancing security of land tenure for all producer categories, including smallholders and commercial investors. Recommended ways to enhance environmental security and better resource management.
- * Produced first ever national land conference, attended by more than 100 delegates from eight provincial capitals and many districts. Conference was attended by government representatives, donors and NGOs, and members of civil society. This gave government and civil society its first opportunity to discuss land and local political issues.
- * Produced more than twenty reports, papers, and publications, for use in policy discussion on land law reform.¹⁰ Revitalized and contributed to *Extra* publication series, a Mozambican agricultural journal.

3. Training and capacity building

- * Trained four Mozambican research staff in qualitative research methodology, data synthesis, and report preparation, and trained several others in Rapid Rural Appraisal (RRA)/Participatory Rural Appraisal (PRA). Trained three administrative support staff to manage research project, disseminate information and support development of public dialogue.
- * Developed land tenure library at the Land Commission, containing over 850 items on land and resource tenure, land law and administration, and other related topics in English (70%) and Portuguese (30%).

¹⁰ See Footnote 4 for partial list.

C. Results

1. Information and transparency

- ** Assisted government and donors to be better aware of smallholder tenure status and landlessness as a result of state farm sector and other agricultural policies, and the repercussions of these on political stability, ecological management, agricultural productivity.
- ** Contributed to government decision to denationalize state-controlled survey profession, creating greater transparency and efficiency.
- ** Articulated weaknesses of poorly-defined joint venture enterprises (particularly those with monopsony rights), in which resources are acquired below market value and without transparency. This was accomplished at meetings with GOM, donors and UEM, in newspaper reports, and publications.

2. Policy dialogue and reform

- ** Contributed to development of Ad Hoc Land Commission, within the Ministry of Agriculture. The Commission was designed to advance policy dialogue within government, develop recommendations for land policy reform, and collaborate with the Land Tenure Project. This Commission now spearheads the work on land law reform, including the development of the Land Policy, the draft land law and regulations, and manages the newly elaborated national Land Program.
- ** Contributed to government decision to begin discussions about reform of national land laws and policy. This reform process is now underway.
- ** Produced greater coordination between donors on land tenure issues, particularly among the World Bank, FAO, USAID, and several other bilateral donors.
- ** Assisted GOM in making more informed decisions with regard to liquidation of remaining state farm assets, and particularly with regard to land assets. Caused GOM to make more informed decisions about the advantages of distribution of state farm land to smallholder farmers and other economic groups that are better able to manage agronomic and ecological resources.
- ** Contributed to the development of public dialogue between government and civil society regarding processes and impacts of state farm divestiture and privatization, illustrating more viable political and economic structures for the management of critical agroeconomic resources necessary for achieving greater food security and greater income opportunities. Caused greater public participation in debates on land

policy reform, which was not taking place before the initiation of the LTC project. This discussion utilized data from LTC and took place in newspapers, meetings, seminars, conferences and other public forums.

3. Training and capacity building

- ** Promoted national capacity to conduct land tenure research, which broadens participation of civil society and encourages independent skills to analyze and understand the importance of land and resource issues.

IV. Focus on land access in the post war period

A. Description

In October 1992, the two major combatants in the civil war agreed to a cease fire and a peace accord. With few exceptions, open hostilities ceased, although there have been sporadic outbursts since the signing. United Nations forces arrived to supervise the process of demobilization and multiparty elections. After many delays, an election law was passed and elections were held in October 1994, with the ruling Frelimo party remaining in control of the government.

During this time many positive changes took place. Improved security brought improved access to markets and transport. In some rural areas markets have reemerged, while in other areas new markets are emerging as a result of new investment by both smallholders and commercial producers. Transport industries, though still underdeveloped and constrained by land mines, poor roads and bridges, are moving goods between cities and between rural areas and urban areas. Significantly, many individuals displaced by war, drought, and government policy have resumed agricultural production. Hundreds of thousands of refugees left camps and returned to Mozambique, while several million internally displaced people moved to new locations or old homesteads within Mozambique. Numerous aspects of this transformation have been good, creating economic opportunities for individuals and leading to greater food security and a better, more secure way of life for many. Economic opportunities have increased, with fewer government restrictions, signaling a movement toward a more open market economy. This has not been an easy task for a country that adopted extremely strong socialist policies after independence and intervened in many aspects of the economy and social life. The institutionalization of these policies has great implications on the current reform process because: 1) there is a long history of centralized governance and management of resources, which is difficult to penetrate in a short period of time, and 2) the widespread training of bureaucrats in socialist management inhibits the understanding and adoption of new ideas.

As a result of the movement of thousands of Mozambicans and partial resettlement of the more than six million displaced people following the peace process and elections, new issues and problems were identified by the Land Tenure Center Project. These questions related to land access and

recovery of agricultural production processes for smallholder farmers and land access and investment opportunities for commercial investors. The Land Tenure Center Project acted on opportunities to develop a better understanding of Mozambican tenure systems, analyze the impacts of population movements, and answer some of the many questions raised by the first phase of work, including the evolution of property rights and political institutions through the war period. The objectives of this work included understanding: (1) how individuals, families, communities, and companies were gaining access to land; (2) who was distributing land (which institutions at which level of government); (3) how resources being distributed were used; (4) what types of rights were distributed by either the government or customary authorities; (5) what types of market or exchange transactions were developing and what kind of investment or speculation was occurring in the smallholder and commercial agricultural areas; and (6) what role customary authorities were playing in the process of distribution and the nature of their relationship with other elements of local and national governance. The new phase of work paralleled and complemented the earlier research conducted on the state farm sector. This second phase gave LTC another opportunity to help policy planners and international donors by providing valuable new information about resource issues and recommendations for policy reform.

Again, because of the nature of the war and continuing insecurity in many areas the second phase of work, though broader than the first, was restricted. Despite these limitations, LTC made several discoveries with regard to land access and investment in the post-war period, and the evolution of political institutions at the local level. The research revealed that local-level political institutions have been changing through a process of resistance and adaptation during the last twenty years of centrally-planned government, and that local-level customary authorities are reemerging and reasserting control in many areas over local-level social relations and resource allocation. At the same time, in some areas individuals without linkages to either customary or government institutions have emerged in authority positions. The research also suggested that household relations, particularly gender, have an impact on land access, land tenure security, and production strategies. The work contributed to an understanding of the effectiveness and efficiency of the state with regard to land administration, particularly regarding those functions it is able to perform and the ones that it has limited capacity to accomplish. For example, the government is unable to track data regarding the concessions that are made at the provincial and district levels; it is also unable to register concessions in a timely manner, or consistently verify land availability before granting concessions to applicants.

The performance of the existing statutory tenure system was further analyzed, particularly the impacts of state-administered land concessions on investment, speculation, and land conflicts. The research supported earlier conclusions regarding the uneven application of the land laws. It illustrated again that processes for acquiring rights to land, property, and other productive resources are not transparent or competitive but rather determined by informal relations between applicants and the state bureaucracy. This results in speculation, unproductive investments, and unnecessary transaction costs, as well as opportunities for enrichment, which reduce the value of productive investment. It also results in poor resource use and ecological degradation as investors seek to secure short-run profits. Above all, the work supported earlier hypotheses uncovering a complex

patchwork of overlapping and competitive land concessions that lead to numerous, and often acrimonious, land disputes between smallholders and commercial farmers, among smallholders, and between all producers and the state.

The research resulted in several case studies, reports, and publications.¹¹ In addition, the project made several presentations¹² and produced a second national seminar. This conference, "The Second National Land Conference in Mozambique," drew an audience of more than 250 delegates from all over the country. It was the first of its kind as it focused exclusively on land tenure and natural resource issues as well as questions pertaining to the economy, traditional authorities, and governance. Delegates came from all of the provinces and many of the district capitals. In addition, more than 25 smallholder farmers attended.¹³ This conference drew an even wider audience than the first and generated a more open and transparent debate among different elements of civil society and government. Input from participants in the conference included the delivery of papers and commentaries on specific topics, and discussion among conference delegates. This was subsequently reported on in the newspapers, radio and television. It resulted in publications that were distributed throughout the country.¹⁴ Many of the project papers contained policy

¹¹ Myers, Gregory. 1993. "Confusion, Contradiction and Conflict: Land Access in Mozambique in the Post-Peace Period." LTC Paper. Madison: Land Tenure Center, University of Wisconsin; Myers, Gregory. 1993. "Reintegration, Land Access and Land Tenure Security in Mozambique." *Boletim Mensal CIS* (Medecins Sans Frontieres - CIS Celula Inter Seccoes), No. 15. September. Maputo, Mozambique; Myers, Gregory. 1993. "Land Tenure Issues in Post-War Mozambique: Constraints and Conflicts." LTC Paper. Madison: Land Tenure Center, University of Wisconsin; Myers, Gregory; Julieta Eliseu and Erasmo Nhachungue. 1994. "Security, Conflict and Reintegration in Mozambique: Case Studies of Land Access in the Post-War Period." LTC Research Paper no 119. Madison: Land Tenure Center, University of Wisconsin-Madison; Myers, Gregory. 1994. "Competitive Rights, Competitive Claims: Land Access in Post-War Mozambique," *Journal of Southern African Studies*, 20(4): 603-32; Myers, Gregory. 1995. "Land Tenure Development in Mozambique: Implications for Economic Transformation." Land Tenure Center Paper. Land Tenure Center, University of Wisconsin-Madison.

¹² "Land Tenure Issues in Post-War Mozambique: Constraints and Conflicts." World Bank, Washington, D.C. April 1993; "Land and Agriculture in Mozambique: Conflict and Compromise." LINK - NGO Coordinating Committee, sponsored by the Norwegian Refugee Council. Maputo, Mozambique. June 1993; "Land Tenure Conflicts and Access to Land for Small Scale Farmers in Mozambique." *Land Tenure Issues for Small Scale Farmers*. Seminar, LINK - NGO Coordinating Committee, sponsored by the Norwegian Refugee Council. Maputo, Mozambique. November 1993; "What is Land Tenure: Definitions and Key Related Issues" *Land Tenure Issues for Small Scale Farmers*. Seminar, LINK - NGO Coordinating Committee, sponsored by the Norwegian Refugee Council. Maputo, Mozambique. November 1993.

¹³ Language translation in English, Portuguese, and Shangan was made available for delegates.

¹⁴ See Weiss, Ricky and Gregory Myers. 1994. "Second National Land Conference in Mozambique: Briefing Book." Land Tenure Center, University of Wisconsin-Madison. This document contained several short papers that were presented at the conference. See also Myers, Gregory and Ricky

recommendations that were later made directly to GOM, AID and other donors, NGOs, and civil society.¹⁵

The research also resulted in a deeper theoretical and empirical understanding of the processes and economic impacts of land access for displaced populations in a post-civil conflict scenario. The discoveries of this research are already proving useful to USAID and policy planners in other countries in Africa, Europe, and Asia where the Land Tenure Center is working. Importantly, the work has led to knowledge about the relationships between resource access and, conflict and conflict resolution. This information has led LTC to develop new models for these relationships and alternative scenarios to sustainable reconstruction following civil conflict.¹⁶ In many ways, the work in Mozambique has provided remarkable opportunities to develop many new ideas and solutions that will be useful in countries experiencing similar social disruptions. At the end of this phase, many problems were identified relating to land and resource access, agricultural productivity, and processes of democratization.¹⁷

B. Outputs

1. Information and transparency

- * Documented information and performed analysis of land laws and other relevant legislation, which generated greater transparency and provided the basis for development of new legislation and policy.
- * Documented information about land concessions, their number, location, and processes of acquisition. Recorded more than 20 million hectares granted in concessions at the central and provincial levels of government, many of which are overlapping and competitive with each other and smallholder rights.

Weiss. 1994. "Proceedings: Second National Land Conference in Mozambique." Land Tenure Center, University of Wisconsin-Madison.

¹⁵ See Myers 1993; Myers, et al. 1994, Myers 1994.

¹⁶ See Myers, Gregory. 1995. "Democracy, Conflict and Resource Security." Land Tenure Center Paper. Land Tenure Center, University of Wisconsin-Madison; and Hendrix, Steve, et al. 1995. "Beyond Early Warning to Conflict Resolution: Peacemaking and Land Tenure." Land Tenure Center Paper. Land Tenure Center, University of Wisconsin-Madison.

¹⁷ See Myers, Gregory. 1994. "Property Rights, Agricultural Productivity, and the Transformation of Civil Society in Mozambique: A Project of Applied Research and Policy Development on Land Tenure Reform." Land Tenure Center Paper. Land Tenure Center, University of Wisconsin-Madison.

- * Developed information about the role of customary authorities in the allocation of land rights and leadership roles following government policies of suppression after independence. Developed information about these authorities during the civil conflict and their re-emergence following peace. This is important for decentralization and the potential role of these authorities in income-generating resource management.

2. Policy dialogue and reform

- * Spearheaded discussion among donors, GOM and civil society concerning land concessions, overlapping land claims, land conflicts, and post-war displacement of smallholder farmers. Focused discussion on the impact of concessions on farmer production.
- * Produced the “Second National Land Conference in Mozambique,” the first to exclusively focus on land, resource and customary authority issues in Mozambique. The conference drew more than 250 delegates from the throughout the entire country, including 25 smallholders. The conference was presented in three languages, which facilitated greater dialogue.
- * Presented research results and policy recommendations to donor and NGO organizations to coordinate policy discussions. Assisted LINK to focus on land tenure issues through presentations made at LINK seminars.

3. Training and capacity building

- * Continued training of Mozambican research staff in Mozambique and Madison. Trained project research staff in the LTC short-course: “Tenure and Management of Natural Resources in Sub-Saharan Africa” in Madison.
- * Trained three Mozambican government officials in East Africa. Designed comparative study program in Kenya and Uganda focusing on land tenure systems and policies, which gave them a comparative understanding of alternate tenure systems. One of these individuals is the governor of Tete Province.

C. Results

1. Information and transparency

- ** Caused greater transparency in the allocation of land concessions, potentially discouraging under use and misuse of resources, and extra-legal ways of gaining

access to resources. Coordinated donor and NGO position on land concessions, discouraging an uncoordinated approach to land issues.

- ** Stimulated greater awareness about relationships between land tenure security, resource access, agricultural productivity and processes of democratization. Encouraged government discussion of these issues in public forums at central and provincial levels of society.

2. Policy dialogue and reform

- ** Contributed to revitalization of the Ad Hoc Land Commission. This body was given a new mandate within the Ministry of Agriculture in 1995 as the National Land Commission and given wider responsibilities, including the review of the national land laws and the development of a national land program.
- ** Coordinated donor and UNOMOZ positions on resettlement of refugee and displaced persons, particularly focusing on the potential repercussions of the government policy of forced resettlement. This resulted in discouraging a government program to forcibly resettle populations.
- ** Facilitated the issue of land tenure to be raised at the Consultative Group meeting in Paris. This encouraged GOM to give renewed importance to land issues and move forward with land policy reform.
- ** Assisted Government to make more informed decisions regarding concessions, which in some cases discouraged large, unproductive land concessions such as the religious organization, Heaven on Earth. In recent months, LTC contributed to greater scrutiny of other large land concession deals, such as Mosaflorestal, Blanchard Enterprises, and Socimo.

3. Training and capacity building

- ** Created greater Mozambican capacity at UEM to conduct land tenure related research, and synthesize and present research results.

V. Focus on land conflict and institution building

A. Description

The current phase of work under the interim proposal is “A Project to Build Independent Research Capacity and Enhance National Awareness of Land Tenure and Local Governance in Mozambique.” This phase began July 1995 and will end June 1996. Because of funding delays the work did not start until September 1995. The primary goals of this project are: (1) build national capacity for independent research at the University Eduardo Mondlane (UEM); and (2) pursue new avenues of research that have arisen out of the conclusions drawn from previous activities. This latter goal was to be determined jointly between UEM, LTC, USAID, and the Land Commission (discussed below). Secondary goals are: (1) policy dialogue with the Government and international donors regarding the need for land tenure, land administration, and land law reform; (2) tracking of land concessions and their impacts on investment and the ecology; (3) coordination of donor and NGO activities regarding land tenure issues; and (4) training of Mozambican research and administrative staff. A Work Plan was developed for this interim phase, which added to these goals and modified the original proposal to meet new opportunities (see attached document in Appendix Two).

Discussion with host institutions and USAID revealed that the national university lacked sufficient capacity to launch wide-scale and systematic research focusing on land and resource tenure related issues. Further, due to a number of historical circumstances, the UEM did not have sound linkages to the government in order to provide data and recommendations, particularly with regard to agriculture, land tenure, and other socioeconomic policy.

As a result of earlier work, LTC documented the emergence of many overlapping and competitive land claims. This is a product of colonial and post-independence policy regarding land concessions for a variety of uses including commercial agriculture, forestry, mining and mineral exploration, ecotourism, hunting, and game viewing, and a product of the treatment of customary tenure rules. These claims are leading to new rounds of displacement of smallholders, insecurity for both smallholder and commercial producers, and, significantly, land conflicts among smallholders, between smallholders and commercial interests, and between many landholders and the state. There are currently no mechanisms for resolving these overlapping claims, or adjudicating conflicts. Worse still, the GOM has not considered the need for dispute resolution, or considered a means to stop the problem from growing.

The potential cost for resolving these competitive claims and conflicts, in human and financial resources, is staggering. Further, the potential lost income, underutilization or abuse of productive resources because of unclear or competitive rights is likely to become significant. In addition, overlapping claims are politically sensitive and potentially destabilizing as competitors attempt to assert their rights, a troubling prospect for a country with a history of violent confrontation rather than negotiation, and that has recently concluded a peace accord. Because of this discovery, the Land Tenure Center Project focused its current scope of work on the question of land conflict and conflict resolution, specifically focusing on understanding the way in which conflicts are resolved

among smallholder farmers, and between smallholders and commercial farmers or other commercial interests. It was determined that this knowledge will be gathered and used to develop a methodology for resolving conflicts between smallholders and commercial interests in a transparent way--a daunting task that the Project has set out to achieve in the scope of a one-year interim proposal. It is unclear if this methodology will be implemented by the end of the one-year Work Plan given government delays in addressing land tenure reform; however, substantial progress has been made in developing this knowledge and in presenting the issues to the National Land Commission.

Developing more transparent means for access and dispute resolution is critical because conflict resolution will be instrumental to re-engaging populations in familiar land uses; leading to agricultural production and food security, economic recovery, and the re-establishment of associated trade opportunities. When dispute resolution is not allowed to take place, or is not transparent and is unfamiliar or not seen as legitimate to large segments of the population, disenfranchisement will occur, leading to instability and resource degradation. This, in turn, negatively impacts investment and commerce for all producer categories, as well as potentially leading to new rounds of violence.

Based on the above considerations, the LTC Work Plan focused on the following themes and objectives. This work is in process, and analysis, dissemination and further recommendations for implementation will follow over the next few months.

Because some of this work is in progress the discussion closely follows the outline of the Work Plan and is divided into themes.

Theme I: Tenure conflict resolution

A. Objectives

1. Develop methodology for smallholder conflict resolution, involving aspects of customary law and procedures that are viewed legitimate by local communities. This should be included in a revised land law, regulations, policy or other implementing procedures.
2. Create transparent discussion about smallholder participation in conflict resolution.

B. Current and anticipated outputs

- * Developed a database derived from a stratified random sample of 522 households in 21 villages in six districts in Nampula and Cabo Delgado. This focuses on frequency and severity of conflicts, land areas involved, persons and organizations involved, and conflict outcomes. This data will enhance our understanding about the relationship between conflicts and land concessions, complementing the information gathered under the previous scopes of work.

- * Generated discussion about smallholder customary rights, conflict resolution problems, market and transaction restraints within National Land Commission.

C. Current and anticipated results

- ** Contributed to development of new land policy, *Politica Nacional de Terras*, which contained provisions supporting and recognizing: 1) a more market-oriented tenure system, permitting transactions of lease-rights; 2) smallholder land rights and the need for identification of political and economic boundaries to facilitate incorporation of smallholders into the national tenure system and wider economic structure.
- ** Wrote provisions to be included in draft land law for strengthening smallholder rights and mechanisms for dispute resolutions involving all producer categories.
- * With the database on conflict, evidence and procedures will be developed to be used in forthcoming regulations involving the resolution of statutory and customary conflicts. If accepted by government, this will lead to the definition and formulation of conflict resolution procedures/regulations nation-wide that will facilitate smallholder/commercial farmer adjudication in a way which is not now possible, creating greater security of tenure for all producers. This will lead to increased investment and productivity, as well as wider participation in critical social processes.
- ** Will use the conflict database to test the practicality of specific regulations pertaining to smallholder land security, access and rights.

Theme II: Inform dialogue through assessment

A. Objectives

1. Better understand land access for all producer categories, particularly the way statutory and customary laws are manipulated by landholders and land-seekers.
2. Better understand the relationship between tenure and food security.
3. Better understand land distribution processes at the central and provincial levels, particularly methods and impacts.
4. Contribute to more informed discussion among government officials and civil society, help coordinate donor activities with regard to land policy reform.

5. Document other areas where assessment may move the policy agenda forward, including the functioning of land markets in rural areas.

B. Current and anticipated outputs

- * Expanded database on land concessions. Developed information about the way in which concession seekers are manipulating strengths and weaknesses in the current land laws and land administration systems.
- * Developed new information about land concessions in low population density areas, particularly focusing on their impact on the local economy, investment opportunities and environmental conditions.
- * Continued dialogue with donors and NGO organizations with regard to land policy, including the Donor Group on Land Issues and the NGO Task Force on Land Issues.
- * Informed discussion at locality-, district- and provincial-levels in Nampula and Cabo Delgado regarding smallholder access, conflicts, concessions, and avenues for conflict resolution. This has led to new thinking about the way in which collaborative relationships may be encouraged at the local level to develop corporate bodies that will promote income generation and sound natural resource management.

C. Current and anticipated results

- ** Caused greater coordination in donor funding of government activities relating to reform and capacity building, and significantly reduced overlap or competition between donor activities.
- ** Collaborated on the development of the NGO Task Force on Land Tenure Issues.
- ** In collaboration with the FAO-led project and the World Bank, contributed to further elaboration of a National Land Program, and the development of an administrative structure to address land issues.
- ** Facilitated appointments to the National Land Commission of: two LTC Project research investigators, one UEM professor, and a representative from the NGO Task Force on Land.
- ** Caused more transparent government drafting of revised land laws. Initial draft of laws included provisions for greater market opportunities and more inclusive means for conflict resolution procedures.

- ** Contributed to transformation of the National Land Commission into the Inter-Ministerial Land Commission.
- ** Database analysis of the relationship between tenure and food security.

Theme III: Build linkages with host institutions

A. Objectives

1. Establish linkages with University Eduardo Mondlane (UEM), and help create a local capacity to engage in research and promote public dialogue about land tenure issues.
2. Strengthen linkages with Land Commission, Ministry of Agriculture and other ministries involved in land reform process (Ministry of State Administration, Ministry of Justice, etc).

B. Current and anticipated outputs

- * Trained 26 people in government and civil society in Nampula in field data collection methods and data base construction in Nampula and Cabo Delgado provinces with Michigan State University. These individuals will continue this methodology with an NGO project upon the conclusion of the LTC/MSU work. Their skills are now transferable to other work, making them important national assets.
- * The conflict and concession databases will be made available to GOM and UEM for other university projects, and as tools in teaching and research.
- * Copied and moved land tenure project library to UEM, providing both the Land Commission and UEM with the same material and data. Expanded and computerized land tenure bibliography.
- * Established linkages with Michigan State University Food Security Project, Centro de Estudos Estratégicos do Instituto Superior de Relações Internacionais, and SwedeSurvey.
- * Will train approximately 30 UEM students, faculty, and government representatives in RRA/PRA (Rapid Rural Appraisal/ Participatory Rural Appraisal).

C. Current and anticipated results

- * Initiated a relationship with UEM that has led to the development of a new research center, *The Nucleo de Estudos de Terras* (NET). The current director, Dr. Jose Negrao, is a professor in the Faculty of Agronomy. NET shares data and office space with the Land Tenure Center Project at the Faculty of Letters. NET has conducted related land tenure and ethnographic research in several locations throughout the country and is preparing Issues Papers on the results of this investigation. These papers and other research have also been presented to the Land Commission, which has initiated the beginnings of a new and positive relationship between the university and government.

6. Future opportunities

For the last few years Mozambique has undergone dramatic transformation. After more than 25 years of war, national reconciliation has begun following peaceful multiparty elections. Government and civil society have undertaken to transform the nature of the economy as well as the political structure. Private investment, albeit still limited, is flowing into the country from southern Africa, Europe and the United States. Though still dependent on foreign assistance, Mozambique has made some important gains to liberalize the economy, reduce its debt and the size of the central-level bureaucracy. Critical talks have taken place about decentralization of political and economic power to the provincial governments, and more importantly, the role of traditional authorities in governance.

The government has begun to rethink many of its former policies with regard to the relationship between the state and civil society, particularly the role of markets and, more importantly, the nature of private property in an evolving market-economy. This is not to suggest that the government has adopted all the necessary policies favoring, for example decentralization, inclusion of customary authorities and more market mechanisms, but that the issues are being discussed, and in a much more transparent forum than in the past. To be sure, there is now great debate and disagreement within the government and between government and civil society over which policies to adopt, let alone which direction the economy and political system should follow. Nonetheless, the fact that these debates are taking place is remarkable and laudable. While many problems remain, Mozambique is on the threshold of important new changes and developments that could see it successfully incorporated into a wider southern African economy and enjoy peaceful growth in the future. To achieve this vision much remains to be accomplished.

Significantly, land and land tenure related problems are at the center of many of the issues being discussed in Mozambique and are severe constraints to achieving greater productivity. Clarity and robustness of land rights directly impact productivity, environmental security, and political accountability and stability. Land tenure reform affects commercial and smallholder investors. It affects the way individuals invest, how they employ their resources (land, labor and capital), and their management of resources to maintain ecological integrity and agricultural productivity. When

the land tenure system is transparent and provides secure rights, landholders are more willing to invest in long-term profitability, leading to increased income and better resource management. When rights are insecure landholders are less willing to invest and are more likely to destroy or abuse the resource. Similarly, when control over land and resources is held by local-level institutions-- including the district, community, or family--individuals are empowered to take greater control over their own lives and means of production. When land tenure systems are out of step with political and economic conditions they not only inhibit growth, but they lead to corruption and disenfranchisement, which often causes confrontation and violence.

USAID/Mozambique has identified three areas to be addressed to their country strategic objectives: rural income (SO1), government and civil society (SO2) and maternal and child health planning (SO3). Land is clearly an important part of the first two goals. The Land Tenure Center believes that there are emerging cross-cutting opportunities within these objectives to help the mission achieve its goals, and ultimately move Mozambique beyond the threshold of change toward reconstruction and prosperity.

A. Description

In the last project extension, in which LTC focused greatly on assisting the Land Commission with reform of the land laws, LTC believes that two observations are important. First, GOM has moved rapidly to address land law reform, albeit not consistently in ways that are the most productive. LTC believes that entrenched views within the government regarding the nature of a centralized-state and economy, problems with corruption, and a sometimes limited and destructive interaction between government and civil society, will mean that gains in reform of the land laws and policies at the national level will be incremental. The possibility for a "quick fix," is remote. This does not suggest that the goal of legal and policy reform should be abandoned or subordinated, but rather that it will have to be addressed in a step-wise method on multiple fronts. Ways must be found that will allow the private sector, including smallholder farmers, greater economic opportunities that will boost income, while giving greater political voice.

The second observation, based upon extensive field work, is that revisions of the laws and policies at the national level are not sufficient by themselves to guarantee income growth and greater political participation. Without accompanying changes in administrative structure, especially decentralization of political power and control over resources, and the development of local community-based institutions with corporate powers, the possibilities for reconstruction and growth will be severely limited. Consequently, LTC believes that Mozambique and USAID can best be assisted by moving toward research and technical cooperation that focuses on both national-level policy reform and local-level participation in the economy. This will provide measurable results in the short- to medium-term, without losing sight of the overall long-term strategy to achieve a viable land market or marketable land rights. The assistance to be proposed should focus locations where USAID has identified priority areas. LTC welcomes the opportunity to define these objectives with USAID.