

Policy pointers

Agricultural policies should be inclusive and pro-poor. Greater political commitment and institutional capacity are needed to secure and recognise the land rights (customary and good faith) of small- and medium-scale farmers.

The existing regulatory framework must be adequately implemented. Government must secure the resources and skills it needs to realign the Land Law to pro-poor policy objectives. Key to this is strengthening the accountability and changing attitudes and behaviours of civil servants at the local level.

Policy should address legal gaps and inconsistencies relating to local community representation. Implementing the land law must be underpinned by effective, pro-active and inclusive land-use and territorial planning processes.

Civil society and development actors should help local people to enforce their land rights by helping them to access information and understand the regulatory framework, while encouraging their participation in consultations.

Changing landscapes in Mozambique: why pro-poor land policy matters

In Mozambique, changes in land access and use are shaping new landscapes, often at the expense of the poor. Despite progressive land legislation, elite groups and vested interests are consolidating land holdings while peasant producers are being dispossessed of their land and access to fertile plots is becoming increasingly difficult. As national and foreign investors seek land for housing, real estate, agriculture, tourism, mining and forestry, what is the state's role in responding to these increased demands? While overseeing investment strategies in rural areas, the government must balance opportunities with possible threats, and ensure that economic development is not done at the expense of local livelihoods and aspirations. Policy must focus on improving land administration and land-use planning processes — understanding and appreciating the social, economic and cultural costs to poor communities caused by the loss of access to natural resources.

What is driving changes in land access and use?

Rapid structural changes are taking place in Mozambique's economy. In the last decade, demand for land has rocketed both in urban and rural areas. There has been a shift in land use from peasant smallholdings to real estate development and large commercial farms in some areas. Population growth, urban expansion and internal migration (both economic and climate-related displacement) have put further pressure on the land, especially in high-density population areas.

These changes are shaping new landscapes in Mozambique — but at the expense of the poor. Traditional and customary structures that were the mainstay of equitable local land allocation and land administration are coming under

increasing pressure. Powerful interests are taking advantage of poor communities, who have limited access to information about the opportunities and safeguards that the law should provide. Meanwhile, peasants increasingly rely on smaller and fragmented plots and even face manipulation by those who are supposed to protect their interests.

According to LANDac, Mozambique's land governance system 'allows for strong protection of community-based land rights, community consultation with respect to partnerships with investors, and also secure rights to land for investors'. Yet competition for land resources — combined with the state's weak capacity for implementing its legal land framework — often disadvantages the local communities. Often, transitions from small to large farms or to real

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estate development are encouraged by local authorities and local and national elites who benefit from these processes, while local peasant populations face increasing poverty, food insecurity and vulnerability.

In 2015, we conducted two field studies to assess the impacts these trends have on land access and land tenure for the poor (see Box 1 and Box 2). The fieldwork relied on interviews with key

stakeholders as well as semi-structured questionnaires to a sample of community members in the two sites. Our findings show that multiple and localised drivers are changing how local people traditionally access and use land, affecting land relationships and livelihoods.¹

Box 1. Changing land access and use in peri-urban areas – the case of Belo Horizonte

Belo Horizonte is located near the municipality of Boane, less than 25km from the capital Maputo. The area has experienced rapid population growth and urbanisation, and there is limited land for farming.

In the 1980s, thousands of rural dwellers were displaced in the surroundings of Boane. Local people occupied grazing areas in Belo Horizonte that had belonged to bankrupt state farms and turned them into machambas (fields) for subsistence farming. In the early 1990s however, the government granted the concession of these lands to an agro-business company. The company claimed that the protections offered to local people by the new Land Law of 1997 did not apply to former state farms.

A decade of conflict later, national NGO Organização Rural de Ajuda Mútua (ORAM) helped the local people form an association, Kape Kape. The association and the company reached an agreement to share the land equally. ORAM helped Kape Kape to register a title deed on behalf of its members, who continued to produce food crops in their fields.

But the respite was brief. A process of dispossession followed, as association members came under increasing pressure to sell their land to urban elites for real estate development, reinforced by the Boane local authority who implied that association members would lose their land to future urban development anyway.

Kape Kape members had believed they were prepared to protect their land rights. But they rapidly found that the association had itself become a vehicle for pressure from outside investors. Local authorities initiated a process of land delimitation and demarcation, parcelling existing agricultural plots into plots for high-class residential development, while encouraging local peasant farmers to register their land via the association. Kape Kape helped the farmers register their new land parcels, but many found that the land they were allowed to register was often smaller than what they had previously farmed.

Our study found that the parcelling process was unfairly implemented. Many legitimate occupants were deprived of land that was subsequently registered by local officials, association leaders and other key figures in the process. Local people, dependent on land to bolster their livelihoods, were forced to seek farmland elsewhere or abandon farming. With limited livelihood alternatives, most people we interviewed expressed disillusionment after selling their land.

What impacts have changes in land access and use had on local livelihoods?

Our field research revealed the following key findings:

Political connections and money provide easy access to the best land. Both cases show that land transactions are often controlled by local administrators and political leaders — not mandated traditional chiefs. As customary land tenure systems come under pressure, vested interests use political influence and economic resources to access the best land. A few property developers, attracted by large profits, are driving the transformation of peri-urban areas. In Belo Horizonte, one agro-business company owns a 25 per cent share of a large Mozambican property development company, which is driving urbanisation in areas that the agro-business company previously owned. Sharp increases in land values further exclude local people — especially the poor — from emerging markets.

More land for the rich means less (and worse) land for the poor. While a few actors are consolidating land, the poor must rely on smaller, less productive and often fragmented plots. Fieldwork interviews revealed that many of the peasants of Chicumbane lost access to the fertile floodplains and were forced into smaller plots in upland areas. Now, as population density increases, existing owners fear losing their land for their families and future generations — so incoming farmers find it difficult to buy or rent additional land they might need. Many farmers now farm multiple and fragmented plots, which is harder and more expensive, and, with shifting cultivation no longer viable, practice intensive cultivation that decreases soil fertility.

Fragmentation is also evident in peri-urban areas. Households in Boane are still heavily dependent on food production both for their own consumption and for the city market. As they have lost access to land in Belo Horizonte, many have started to farm elsewhere. The distance and cost of transport (up to US\$3/day) makes it difficult to care for these fields or produce enough food. This is especially challenging for the elderly and women, who cannot spend much time far from home.

Peasants have little or no compensation or livelihood alternatives. For the poor, these changes are mostly negative. The only 'benefit' is a one-off compensation payment. For some peasants, this sum has been relatively large — but still not enough to buy new plots locally. Now prices have skyrocketed and farmland is no longer available. Reduced access to land also

undermines local food production and food, which households previously produced collaboratively, has become more expensive in peri-urban areas.

Meanwhile, socio-economic development has not provided local people with alternative sources of income. The Chinese company mentioned in Box 2 only employs a few local youths in seasonal jobs. According to our interviewees, wages are low and work conditions precarious: respondents told us that wages may be reduced due to absence, low productivity or other reasons cited by company supervisors.

Exploitation, corruption and weak implementation undermine land rights. Local people's rights to land are not adequately protected by customary organisations or the state, due to legal loopholes and weak implementation of the land law. But smallholders and poor land-users are also often exploited — including by those claiming to assist them. Corruption and the attitudes and behaviour of civil servants are key factors. Peasants' abilities to enforce their land rights are further weakened by their poor education, lack of access to information and low capacity to communicate and deal with formal institutions.

Community consultations to determine boundaries of communally held land, and the role of traditional leaders in land management and use, are important components of the Mozambican land law. Yet the consultations that took place prior to the concession granted to the Chinese company were perceived to be skewed and legitimised the company's acquisition of the land. For the peasants who were subsequently evicted, the community consultations should have been an important mechanism for protecting their land rights. Instead, local and national elites used the consultations as an entry point to access the fertile land areas held by 'inefficient' peasants.

Where conflicts arise and local authorities and other stakeholders intervene, the resulting 'mediated' processes often have the same outcome. The less-sophisticated and less-informed peasants lose out to educated elites, who are perceived to blend subtle intimidation with outright manipulation. In Belo Horizonte, for instance, the association leaders appear to have materially benefitted from these processes, to the detriment of the peasants, in part due to the lack of clear guidelines for awarding land titles.²

What can be done to support fair access to land in Mozambique?

The issue of land tenure is taking on rapidly increasing importance in Mozambique. As the

Box 2. Large-scale land concessions in the fertile Limpopo Valley

Chicumbane is a locality in Gaza. Local people have cultivated the fertile lands of the Lower Limpopo Valley since independence in 1975. Partly located on higher ground, thousands of displaced rural dwellers resettled there after the devastating floods of 2000, increasing population pressure and intensifying agriculture in the lower valley. But many farmers have now been evicted in favour of a large agri-business company.

In 2013, the government granted a 20,000ha concession to a Chinese company for producing rice. Our field research indicates that the investment has failed to generate significant local benefits. Instead, it has displaced 2,500–3,000 people. Local consultation processes failed to reach agreements with local people about fair compensation for land losses. The provincial government attempted to ameliorate the loss by granting alternative land elsewhere. But those interviewed consider the 2.500m² plots insufficient to meet family needs and too far from water sources.

literature review that underpins this research highlights, high rates of urbanisation, surging international commodity prices, European biofuel subsidies and global carbon market incentives have created a large demand for land. Meanwhile, a lack of experience and training among implementers at all levels (such as in land-use planning) has led to badly applied policies. There is also little transparency over land values, minimal land taxation and significant imbalances in information between market participants. And for many years, economic and political elites in Mozambique have presented themselves as best qualified to bring about development, while in fact allowing vested economic interests to prevail in access to and control over resources at the expense of effective pro-poor policies. These factors have promoted speculation rather than sustainable investment — and huge inequalities in wealth and power, both country-wide and within communities.

There are real social, economic and cultural costs to poor communities caused by the loss of access to natural resources. Failure to address these issues will hold back both growth and poverty reduction, and reduce efforts to mitigate and adapt to climate change.

Following our field research, we outline the following policy recommendations:

Support agricultural policies that are inclusive and pro-poor. Official policy supporting smallholder agriculture in Mozambique is rarely honoured in reality, with large-scale commercial ventures attracting support from national and local-level officials, despite their scarce impact on local development. Greater political will and institutional capacity are needed to support inclusive and pro-poor

agricultural policies. The Strategic Plan for the Development of the Agrarian Sector (PEDSA) (part of Mozambique's agricultural policy) should be implemented, in particular its focus on support for small- and medium-scale farmers whose land rights are secured mainly through occupation (customary or good faith).

The existing regulatory framework must be adequately implemented. If implemented properly, the land law already provides the tools needed to protect community land rights. Systematic regularisation of land tenure is needed, especially in areas where investments or gentrification are likely to transform patterns of land access and use. Government should secure the additional resources and technical skills it needs to ensure that the land law framework is better aligned to the pro-poor policy objectives that guided its development. To reduce elite capture of rights and benefits, it is also critical to strengthen the accountability and change attitudes and behaviours of civil servants at the local level.

Address legal gaps and inconsistencies relating to local community representation. Implementing the land law must be underpinned by effective, pro-active and inclusive land-use and territorial planning processes, so that land titles are supported by overall assessments that balance different interests. A focus on land-use planning and administration will be equally as important for sustainable development in rapidly urbanising areas.

Enhance access to information and participation. Access to knowledge and

democratic skills are extremely important to manage land relationships, especially if a dispute arises. Those who lack political connections and access to information are more at risk of losing their land and becoming poor. Civil society and development actors should assist local people in accessing information, enhance their understanding of the regulatory framework and encourage their participation.

Conclusion

A key issue for Mozambique, now and in the future, is the state's role in developing strategic responses to the increased demand for land. To oversee investment strategies in rural areas, government must balance potential opportunities with possible threats. Economic development in rural areas must not be at the expense of local livelihoods and aspirations.

There is already a raft of reasonable policies and legal frameworks for land administration, land-use planning and environmental management in Mozambique — and all are designed to safeguard and regulate how the control of resources is awarded between different interests. What is needed now is political commitment and the skills to support land policies that are pro-poor and inclusive.

Eléusio Filipe and Simon Norfolk

Eléusio Filipe is a lecturer at the University of Eduardo Mondlane. Simon Norfolk is a researcher at Terra Firma.



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Contact

Eléusio Filipe
eleusioviogasfilipe@gmail.com

Simon Norfolk
simon@terrafirma.co.mz

James Mayers
james.mayers@iied.org

80–86 Gray's Inn Road
London, WC1X 8NH
United Kingdom

Tel: +44 (0)20 3463 7399
Fax: +44 (0)20 3514 9055
www.iied.org

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Notes

¹ Filipe, E and Norfolk, S (forthcoming) Understanding changing land issues for the rural poor in Mozambique. IIED, London. / ² LANDac (2012) Mozambique factsheet — 2012. Land Governance for Equitable and Sustainable Development. See www.landgovernance.org/resources/mozambique-factsheet-2012.