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Options for Securing Tenure and Documenting Land Rights in Mozambique: A Land Policy & Practice Brief



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This Briefing Paper is based on the outcomes and lessons from projects recently completed in Mozambique, funded by DFID's LEGEND programme, wider analysis conducted by that programme, and the knowledge and practical experience of the authors. The briefing is a summary of a longer Policy & Practice Paper by Norfolk, S., Quan, J. & D. Mullins (2020), "Land Policy and Practice in Mozambique: Options for Securing Tenure and Documenting Land Rights".

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Mozambique's Land Policy and Land Administration System

Mozambique's land policy context was established in the 1990 Constitution and built upon in the National Land Policy of 1995¹ and the Land law of 1997.² Some of the key aspects include: land belongs to the State and cannot be sold, alienated or mortgaged; Mozambican nationals can acquire rights through inheritance, via peaceful occupation and through application to the state, whilst foreign entities can acquire rights to implement land-based projects; the state is obliged to consult all interested parties, including local communities, in the process of land rights allocations and there are mechanisms available in the law that allow the simple delimitation of acquired rights by local communities and individuals. The use rights, known by the Portuguese acronym 'DUAT' (*Direito de Uso e Aproveitamento da Terra*), can be held individually or jointly.

The government emphasizes its central role in issuing titles to rights holders that document their rights, following the procedures laid out in the Technical Annex³ to the Rural Land Law Regulations.⁴ Most formal land administration functions such as cadastral mapping and recording of DUAT authorisations and titles are carried out at provincial level by the Provincial Services for Geography and Cadastre (SPGC). However, it is extremely difficult and prohibitively expensive for rural Mozambicans to engage with bureaucracies in distant provincial capitals. Multiple trips and significant costs can be involved in requesting a title. Since 2018, the law requires any new or modified DUAT titles to be also recorded in the provincial Real Property Register, adding the requirement of a tax identification number (NUIT), which fewer than 2% of the rural population currently possess. The combined financial, bureaucratic and logistical barriers make the process of formal titling a very difficult process.

The launch of the 5-year Terra Segura campaign in 2015 may have been partly in recognition of these challenges. Until this time, the national cadastre held data only on those DUAT rights that were required to be registered and titled; that is, those of investors. The campaign aimed to issue 5 million land titles to members of the rural population that had already acquired their DUATs in terms of the law. Progress towards the ambitious target of 5 million titles by 2020 has been slow, notwithstanding the considerable resources made available from multiple donors. As of July 2019, fewer than 375,000 titles have been delivered to rights holders. In this context, alternative methods to deliver effective tenure security at household merit consideration.

The Terra Segura programme has also ignored the challenges in the ongoing maintenance of these titles. Any functional cadastral system must not only hold the initial data from systematic first-time registration processes; it must be continually updated. People transact in land: they marry, they sell property; they divide or combine parcels; they die, and others inherit the land. If landholders are unable to access the land administration system easily and cheaply, changes after initial registration are not captured and the cadastral system rapidly becomes out-of-date, meaning land rights data collected at vast expense will become increasingly outdated and of diminishing practical,

legal or economic value, representing a mere snapshot in time.

In practice, the most important day-to-day land administration activities for rural citizens are undertaken by local communities themselves and customary leaders, according to customary norms and practices that have evolved and adapted over centuries. The vast majority of rural citizens acquire their land rights through customary and good faith occupation and depend on their leaders when they need conflicts or disputes to be resolved and to legitimise transactions that they make.

These customary channels for acquiring DUAT rights are recognised and protected by the Land Law, whether or not they are documented or registered with government, and they can be legally proven through oral evidence provided by local community members.⁵ The Technical Annex also provides a simple and flexible methodology for identifying and recording these rights, which can be applied to the 'group right' of a local community, or to individual 'good faith' or customary occupants. But despite the obvious strengths and advantages of community management of land administration, the central government still conceives of land administration as services *to be provided to* local communities by government authorities, rather than as public goods which communities can manage and deliver themselves.

This Policy Brief, distilled from a longer Policy and Practice Paper, captures the lessons from recent initiatives that have attempted to turn this situation on its head and leverage the capacities of local institutions to provide land administration services. These include the local mapping and certification of acquired DUAT rights, resulting in the issuance of locally registered certificates, rather than the formal titles.

Piloting New Approaches to Documenting Tenure Rights

Several projects have tested or are testing this 'local documentation' approach and the 'local land register' model in diverse situations, across nearly 100 communities covering more than 125,000 hectares. Some 50,000 locally issued certificates, confirming individual or household DUAT rights, have been issued by these communities, represented by legally registered associations. All use an approach that is almost identical in terms of data requirements, accuracy and safeguard processes to that of the formal titling approach of the Terra Segura programme, but with digital data collection tools largely used by the community members themselves.⁶ The key innovation of this new approach is that, for each legitimated claim, the community association and relevant customary leaders issue a "Declaration of Acquisition of DUAT" that proves the existence of the rights and clearly and legally identifies the rights holder, witnesses and the location and extent of the land.⁷

Locally issued 'DUAT Declarations' have the equivalent force and legal content of a state-issued title to the land⁸ but require *no intervention from the state*; they can be generated by the people themselves, acting through their own local institutions. Experience shows that if a community is given access to the technologies that make this process

accessible, consistent, transparent, accurate and efficient, then it is quite capable of undertaking the task of mapping and legitimising the various land rights within its jurisdiction. Once issued, the documents and the maps form a local land register, through which the community association can continue to administer, monitor and reflect changes to the land rights holdings of its members.

The two-step process of delimiting the community's collective rights, and then delimiting family rights within the community, provides tenure security for families with some key advantages over the formal titling process. First, the process maintains the integrity of the territorial unit of the local community, since family parcels are not excised from the community DUAT. Second, if communities negotiate and agree on land use changes with investors, changes in rights can be confirmed without the onerous and expensive steps of the formal system. Third, when community members want, for example, to subdivide a holding between their children, the community association and customary leaders can legitimise these changes, reflect them in the local land register and amend the relevant documentation. This enables rights holder to avoid all the financial, bureaucratic and logistical barriers associated with requesting a title. And there is abundant information from interviews with many traditional leaders and community members confirming that this transparent process immediately results in dramatic reductions in land conflicts between neighbours.

Recognition of community land rights is also important for agricultural and other investors. Recently, several large companies have begun to pivot away from large-scale commercial plantation developments towards business models that are more grounded in contract farming and outgrower or in-grower schemes with communities. Land administration arrangements need to respond to these changing needs. The large companies operating in some of these pilot areas have expressed their appreciation for the clarity and transparency that the process provides. If investors want to access land, as in the case of Portucel in Zambézia province, this means that the company can identify legitimate holders of land rights across the area. They can approach the owners, who have the right to accept the company's offer, to suggest counterproposals (such as contracting farming instead of ceding their land to the company), or to reject the company's offer. If people agree to cede their land to the investor, the updating of data in the land administration system will be much simpler and cheaper than if all these lands had been titled and registered. This approach creates a more sustainable and flexible environment for accommodating investment.

These documents replace the need for the expensive and time-consuming formal surveying of the family parcels and their subsequent titling and registration via the cadastral authorities. They enable families to identify and document the full extent of their rights to land, including areas left fallow or earmarked for expansion. This is based on a crucial combination of clauses from the Land Law and Regulations stating that the acquired land rights exist in law (that is, their existence requires no administrative or political intervention), that they are not prejudiced by their lack of formal registration or titling; and that they may be proved by the members of a local community.⁹

There is an already significant and growing body of practical experience with this local documentation process:

- The DFID LEGEND Zambézia project: Financed by the DFID LEGEND Challenge Fund,¹⁰ ORAM has strengthened the tenure rights of communities affected by or neighbouring the land concessions granted to the forestry plantation company, Portucel.¹¹ ORAM mapped over 66,000 hectares of community land; this was formally delimited and registered to 20 community land associations.¹² Within these areas, over 10,000 family and individual land rights covering more than 42,000 hectares were mapped and documented.
- USAID in Maputo province: The Hluvukani Cooperative and Illovo Sugar Company, with support from USAID, mapped and documented 3,500 parcels of land occupied by smallholder producers around the Maragra Sugar Estate. This secured smallholders' rights over land that had been improved through the establishment of flood management infrastructure.¹³ Illovo was keen to establish the legitimacy of its outgrowers' land holdings; and also helped nearby subsistence farmers to protect their rights against the predatory instincts of local elites.
- USAID in Zambézia: ORAM supported an internal community land readjustment process. Funded by USAID,¹⁴ the organisation helped five communities to delimit their land areas where Portucel had offered to build small scale dams and micro-irrigation schemes for use by local farmers. The systematic mapping of 3,000 family land parcels enabled identification of land that would be affected by construction of the proposed dams and a negotiated process of readjustment and compensation.
- The Tenure Facility in Nampula and Zambézia: A new project is delimiting 60 communities and 45,000 family parcels in three districts of Nampula Province and two districts in Zambézia Province. These areas include lands that have been incorporated into national Environmental Protected Area; lands for which huge concessions have been granted by government to a forestry company and to a mining company; and ocean-side mangrove and mountain-top forests that communities that may decide to transform into community managed conservation areas. In these contexts, the regularisation of rights enables communities to better engage with this wide range of outside interests.

Other projects are in the planning stages. The largest corporate land holder in Zambézia province, Novo Madal,¹⁵ is adopting the tools and methodology to document and map some of its land for use by community members as 'in-growers' as well as land in neighbouring communities for use in outgrower schemes. The Micaia Foundation and the Wildlife Conservation Society plan to deploy the locally-driven DUAT documentation and mapping processes in the buffer zones of the Chimanimani and Niassa National Reserves, to help establish more secure and transparent tenure relations between and amongst communities, reserve and concession operators, as part of their efforts to improve the effectiveness of conservation management. Another large forestry plantation operator intends to divest over 200,000 hectares of land. It will use the delimitation of

community lands and local documentation of family land rights as part of a responsible exit and handover process.

Systematic regularisation of land rights down to household level is not always necessary in all contexts. In areas subject to shifting land use patterns, where communities rely on more extensive communal resources such as pasture and woodlands, and where demand for tenure regularisation at household level is likely to be absent or uncertain, securing collective rights and building management capacity through the community land delimitation process may be the principal requirement.

The Micaia Foundation, in collaboration with Baobab Products Mozambique (BPM) Ltd, used funds from the DFID LEGEND programme from 2017 to 2019 to document community rights to land and natural resources in Manica province, focussing on women's groups in harvesting and marketing baobab fruit. The region is not densely populated, and communities are largely dependent on shifting agriculture, natural resource trade and seasonal migration in regional labour markets. They did not need to delimit family land parcels but focussed instead at community level.

The Iniciativa de Terras Comunitárias (iTC, or Community Land Initiative) programme has also sponsored the registration of similar collective land holdings in over 800 communities over the last decade, including many combining a reliance on extensive natural resources, increasing engagement in agricultural markets and pressures on land and natural resources, and commercial development promoted by government. The approach to community land delimitation developed by iTC has multiple features in common with those piloted under LEGEND, although it does not usually involve local documentation of household land rights.

The experiences of local land documentation to strengthen and regularise household land rights, together with the iTC programme and landscape based natural resource management initiatives such as Micaia's LEGEND project, provide alternatives to the top down planning of mass titling programmes. These approaches entrust local land and resource stewardship and land administration services largely to rural communities and provide them with appropriate support. In summary, the systematic formalising of land rights in this way can not only secure land rights of rural citizens, but also help establish a basis for private land-based investments, public investments, and natural resources conservation areas.

Lessons from Local Land Documentation Pilots

This section offers some lessons learned from mapping and local documentation of existing land rights, both at community and at household/family level. The lessons highlight the viability and effectiveness of this approach, whilst also identifying some challenges and outstanding issues. More detail on each lesson is available in the full Policy Paper.

The Community Land Delimitation Process

The lessons here apply to community-level land delimitation exercises, irrespective of whether these involve the

subsequent mapping and documentation of family and household land holdings.

A community land delimitation process is a vital precursor to securing and documenting of rights to individual family and household parcels. The delimitation of community boundaries, leading to government registration and issue of a formal DUAT certificate in the name of the local community, allows the community to assert a collective role in allocating and managing those rights.

Community land delimitation needs to be rooted in traditional organisation of social authority, settlement and land use, and the interpretation of 'local community' in that context. The boundaries should mirror the local, customary land administration and land management powers and responsibilities, preferably at the third level of the customary leadership hierarchy, in which the leaders have been delegated powers and responsibilities for allocating land and resolving conflicts.¹⁶ In Zambézia, this usually coincides with the boundaries of one or two villages (*povoados*), and on average cover an area of 1,500 to 3,000 hectares, although this may vary from place to place.

The delimitation process is an opportunity for institutional capacity-building. It can help community members to understand their rights and responsibilities vis-à-vis a range of external actors, including the state, private sector investors and neighbouring communities. Formation and development of associations, and tools such as large-scale maps based on satellite imagery can help communities to improve management Practices, benefit from statutory incentives for natural resource management and contribute to broader land use planning processes.

Entities with independent legal personality can represent the community in negotiation of land access with outsiders. A community land association endowed with legal personality represents the community as a *private* entity holding a collective land use right, in its dealings with the outside world. It can engage in negotiations with government or investors who want to access land.

Local Mapping and Documentation of Household Land Rights

Further lessons involve the locally led mapping and documentation of land rights at family level.

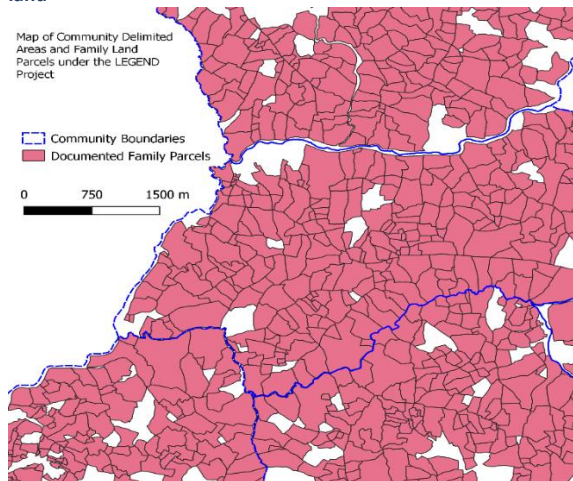
Figure 1: Mrs Fatima Muanlela Mussa in Malalo community, showing the location of one of her two parcels.



Rural people understand the value of mapping and documenting their family land rights. In the LEGEND Zambézia project, 12,648 community members from 20 communities participated in a series of 429 sensitisation and planning meetings and validation events. As a result, a further 20 neighbouring communities requested similar assistance. Demand is especially notable in areas of high population densities, targeted for investment, prone to conflict, and where resettlement is taking place.

There is little ‘unused’ land available for allocation. Most rural land is legally occupied, either allocated to families or for community purposes (sacred forests, schools, roads, etc.). There is little ‘unused’ community land freely available for land-based investments. Such investments would most likely require transfers of land rights from many individual families to investors. Delimitation provides a crucial basis for identifying legitimate rights holders before negotiations.

Figure 2: Family land holdings in Ile District, showing little ‘unused’ land



In all the initiatives, parcel delimitation led to immediate reduction in conflict over land. The most frequent conflicts over land involve disputes between neighbours over boundaries; these tend to be resolved in weekly community dispute resolution meetings managed by traditional leaders. These leaders uniformly note the delimitation of family parcels has led to a reduction of 80% or more of cases brought.

Local documentation of existing family land rights supports recognition of women’s rights to land. The LEGEND Zambézia project was implemented in a matrilineal and matrilocal area; women were registered as titleholders on nearly 71% of all land. Even in the patrilineal area of Maragra in southern Mozambique, where women are not traditionally treated as landowners, an evaluation of a USAID project noted that local land rights documentation strengthened women’s tenure security:

“I am a widow and there are people that tried to take my land. So, when the project gave me the certificate, it helped me to now stand against future land disputes.” (Persha & Patterson-Stein, 2018)

Data management and role of technology

Local land records and ‘community cadastres’ can be managed by communities but need support. The initiatives are generating tens of thousands of spatial and textual data

records of existing land rights; this data constitutes local community cadastres which can provide rural land tenure security at scale. However, there is a need for a system to support the process, maintain the data centrally, and make it available for use. This system could link with public services such as issuance of NUIT tax numbers and payments to communities of statutory revenues from natural resource use. The private sector could also use the data, such as mobile payments or crop insurance for farmers.

Community members can implement the mapping themselves given the right tools and training. In all projects using local documentation, young community members were hired to register the details of land holders and witnesses using digital forms on tablets, and to identify parcel boundaries using the tablets linked to a simple GPS unit. This provides some short-term employment while building skills. Community members, including those with no formal education, easily learn to interpret imagery and maps, building a strong sense of ownership over the process and the results.

Implications for Policy and Practice

Local documentation of rights offers significant advantages over titling and should be considered as part of the government’s approach. There are clear implications for policy and Practice.

A ‘local community cadastre’ approach to tenure regularisation and rights administration is practical and feasible. The identification of legitimate DUAT rights is clearly within the legal purview and technical grasp of local communities, if they are provided with the appropriate tools and support.

The ‘local community cadastre’ approach has significant advantages over formal titling. Local documentation of land rights is as effective as formal titling in increasing people’s security of tenure and reducing local land disputes. The community-led process is also more inclusive; in contrast to formal surveys, the participatory mapping of general boundaries using satellite imagery that remains with the community is more empowering, allowing community members to understand and validate the results. Local documentation is also much less expensive; the costs in the LEGEND Zambézia project were approximately USD\$15 per parcel, compared to costs estimated at USD \$50 per parcel by the World Bank MozLand project which was designed to support and extend the issue of titles under Terra Segura. Rights holders using the provincially based titling process face additional cash outlays and opportunity costs associated with the bureaucratic and logistical headaches of the system, both during initial registration and for any subsequent sale, inheritance or other change.

Local documentation of tenure rights has advantages for public or private investment: When land holding arrangements need to be changed, for instance where someone cedes land to a private company or the state requires the land to develop public infrastructure, the local land rights approach has advantages. People may reconfigure land rights to provide land for agricultural or infrastructure investment or other purposes. This is easier

using local documentation than the extended bureaucratic processes required when dealing with titles.

Land-based investments can be successful without requiring the loss of community and farmer land rights. Government and investors must respect community rights to refuse to negotiate, to accept a company's offer, to decline an offer, and to make counteroffers. A range of options, not requiring the permanent transfer of land rights, would gain more acceptance amongst communities; outgrower schemes, contract farming and long-term partnerships in which the community or family retains land rights and provides this as their part of the investment, while the company engages in production, would produce more sustainable outcomes.

Policy Proposals

To establish a more favourable enabling environment for these kinds of approaches, and to support the effective decentralisation of land administration services, changes are needed in policy, law, regulatory norms and procedures and in government priorities and practices. Key areas for reform are in approaches to the systematic formalisation of tenure, in community representation and in ongoing maintenance of cadastral data. Reforms leading to community involvement in sustainable and cost-effective land administration could offer a substantially more solid foundation for private and public investments on community land.

Systematic Tenure Regularisation

Systematic formalisation of land tenure must recognise the DUAT rights acquired by legitimate occupation, especially where investments are likely to transform land access and use. This requires community level land delimitation, the establishment of formally registered entities to represent communities, and in many cases the subsequent systematic mapping of all DUATs acquired through occupation.

Recommendation 1: The SPEED+ programme is drafting new regulations for community consultation processes. As stipulated in the current draft of these, we agree that community land delimitation should be a legal pre-requisite to the allocation of a DUAT title for investment purposes, but would argue in addition that this should be extended to include the identification and mapping of all the DUAT rights within a community that might be affected directly by a proposed investment, and the establishment of a legal body to represent the community.

Recommendation 2: The systematic regularisation of acquired DUAT rights at household level should culminate in the local documentation and certification of those rights via community land associations, rather than via formal titling and registration processes.

Recommendation 3: DINAT should develop and publish national data standards and requirements and promote tools and technologies that allow communities to undertake their own mapping and encourage tenure regularisation activities by a range of different stakeholders.

A Legal Framework for Community Land Entities

Communities should be represented by 'community land associations' (CLAs) endowed with legal powers and safeguards to ensure that the community benefits from its rights. Other forms of representation like the Natural Resource Management Committees (*Comités de Gestão de Recursos Naturais*) do not have legal personality and are defective in their capacity to represent members.

Recommendation 4: Regulations are needed to guide communities on the types of bodies that they can form for the purpose of managing their land and natural resources in accountable ways, questions on which the Land Law and Technical Annex are silent.¹⁷ The regulatory framework should distinguish between the association as a delegated manager of communal resources and rights held by individuals and families.

Recommendation 5: The government's policy and legal revision process should include a comparative analysis of existing legal options for the incorporation of local community entities as land rights-holding bodies. A separate decree should be drafted to establish an appropriate legal framework for the incorporation of such entities.

Ensuring Sustainability: Local Community Cadastres

The current cadastral and registration system for land is not 'fit-for-purpose': it is neither accessible nor affordable enough for users to engage with, either for first time registration or for updating records. Mozambique's cadastral system, located in the far-off provincial capitals, is inaccessible to 95% of the rural population. The average rural farmer finds just the travel costs prohibitively expensive, without considering the difficulties of negotiating the land bureaucracy and the new requirement to record titles in the Real Property Register.

In contrast, customary systems are accessible, as well as being legitimate and effective. These systems should be incorporated into, or aligned with, the public land administration architecture. The LEGEND Zambézia project demonstrated that community-level cadastral systems can register and update local DUAT rights in culturally appropriate and legally secure ways. Decentralised cadastres can be supported with a centralised platform of hardware and software tools to support the provision of key services. Data can be consolidated to give a national picture of land rights, at no cost to the state, without having to convert locally recognized Declarations of DUAT into formal government-issued titles.

Recommendation 6: Leverage the capacity of the communities themselves, within the progressive approach and vision of the current Land Policy and Law, so that they can be made responsible for ensuring the provision of these first-time registrations and maintenance services to their members.

The tools used to capture data and build local cadastres in the LEGEND Zambézia project have been tested and proven, but the principles of the approach are more important. It is vital to have a set of standards including basic ground rules and data requirements for such systems without prescribing

specific software solutions or technologies for initial data collection. Communities, NGOs, companies, and service providers can develop their own solutions in line with these standards.

Recommendation 7: The Ministry of Land, Environment and Natural Resources should facilitate the process of defining and disseminating a set of national data and procedural requirements and standards that can be used to build and maintain independent community land registers.

CONCLUSION

Systematic mapping and documentation of family rights provide an important foundation for investments, whether by small farmers themselves, large companies, or public sector programmes. Unfortunately, the current approach in Mozambique could unintentionally stymie rural investment and growth. The mass delivery of DUAT titles by the state is costly and cumbersome. There are severe limitations in government capacity to establish and maintain inclusive land registers, and legislation reduces options for small scale farmers to make land available for private or public investment projects without giving up the land rights on a permanent basis. The system does not provide for routine updating to capture changes in rights holders or land parcels.

Local documentation and maintenance of customarily acquired land rights, based on central roles for communities, could increase tenure security for millions of people. This could be done based on current law, without the need for formal titling or immediate registration in official land registries. Experience shows it can be done effectively and sustainably deliver tenure security at scale. A national platform serving community cadastres can increase tenure security and decrease conflicts, maintain land rights records, and enable the certification of land rights as evidence of legal and legitimate tenure, all at scale. Further, a gradual integration of data from the local cadastres into the National Cadastral system could provide a pathway for formal DUAT titles to those who want them.

In the long run, there are opportunities for an independent national community cadastral system to become self-sustaining, through the leveraging of nominal user fees and through the responsible and innovative monetising of access to the rich data sets on rural land users. These opportunities will take time to develop. In the meantime, there is a need not only for funding, through grants or potentially through loans or equity finance, but for development of a coherent policy approach that promotes stakeholder engagement and learning in the development of fit-for-purpose land administration services to facilitate rural economic development in Mozambique.

Recommendation 8: Government should reactivate the Land Consultative Forum (FCT) process to consider these proposals, amongst others.

Recommendation 9: Government, donors and international development partners should be encouraged to adopt a blended, pluralistic approach to land programming that includes tenure regularisation at community and household levels, establishment of legalised land and resource management associations alongside incremental development of state land administration capacity and a structured approach to stakeholder learning.

Recommendation 10: Civil society organisations (such as ORAM, iTC-F, and CTV) should seek to adopt a coordinated approach in rolling out local documentation and better integrated community delimitation and parcel level LTR, and in working with communities, private business and government stakeholders in land investment sites and corridors and in areas of natural resource development and conservation potential .

Appendix: Comparisons between State Titling and the ‘Local Land Register’ Approach

Comparison Criteria	Formal titling through the National Cadastral Services/Real Property Register	Independent documentation of land rights through a Local Land Register System
Legal validity of documentation	<p>Impaired</p> <p>Identifies Use & Occupation rights, but must be subsequently registered in the Real Property Register.</p>	<p>Fully protected in law</p> <p>Provides documentation that identifies Use & Occupation rights, and that can be presented in court as proof of acquisition of the rights.</p>
Maintenance & Updateability	<p>Highly Unlikely</p> <p>Requires formal applications and fee payment to provincial cadastral authorities and Real Property Registry, as well as presentation of tax number.</p>	<p>Highly Likely</p> <p>Through request and nominal payment to Local Community Association, found within walking distance. Links to a national platform established through tablets, feature phones and/or SMS services, and local mobile agents.</p>
Sustainability	<p>Highly Unlikely</p> <p>Costly use of proprietary systems in each province. Cadastral authorities located far from users; financial and opportunity costs too high for people to maintain their documentation up to date.</p>	<p>High Potential</p> <p>Costs of system architecture minimised through use of Free and Open-Sourced Software and centralised architecture. Community Associations are local, improving chances of requesting updates. Additional revenue from training, equipment hire, monetisation of user and spatial data sets.</p>
Costs	<p>> \$45/parcel</p> <p>Needs to be subsidised by government/donor budgets for first-time registration. Subsequent changes require fee payments by applicant to government.</p>	<p>< \$15/parcel</p> <p>Can be supported by donors and /or private funding through NGOs, including from interested companies to facilitate first-time registration, with subsequent changes supported by nominal payments to cover costs of local Community Associations, traditional authorities or their agents.</p>
Availability	<p>Restricted and Random</p> <p>Rural occupants in areas chosen by government authorities and/or donors for implementation of Terra Segura.</p>	<p>Open & Strategic</p> <p>Any rural occupant in any part of the country that is part of a community that establishes a local Community Association to manage its land. Alternatives include corporate-led processes re in-grower or outgrower land rights/occupation</p>
Implementation	<p>Restricted</p> <p>Only via government authorities and small number of selected service providers on contract to the state</p>	<p>Open</p> <p>Available to any Community Association or partner, from NGO and/or private sector.</p>

Endnotes

¹ Resolution 10/95 of 17th October, 1995 (Land Policy) [Boletim da República No. 9 - Supp., Series I – 28th February 1996]

² Law 19/97 of 7th October (Land Law) [Boletim da República No. 40 - 3rd Supp., Series I – 7th October 1997]

³ Ministry of Agriculture and Fishing, Ministerial Diploma no. 29-A/2000 signed 7th December 1999 (Land Law Regulations -Technical Annex for the Demarcation of Land Use and Benefit Areas) [Boletim da República No. 11 - Series I – 17th March 2000]

⁴ Decree 66/98 of 8th December (Rural Land Law Regulations) [Boletim da República No. 48 - Supp., Series I – 8th December 1998]

⁵ Although this principle is explicitly stated in very clear terms in the Land Law, there has been persistent bureaucratic resistance to the logical and legal implications that arise; that is, the holders of such DUATs have rights that are equal in nature and content to other title holders, should not be expected to have to title or register them in any way and have a legitimate expectation that these rights will be respected and protected by state and government authorities.

⁶ For a fuller description of the methodologies, safeguards and standards, please refer to the full Policy Paper.

⁷ Each declaration comprises a map that clearly indicates the location and the boundaries of each parcel and identifies the title holders and those persons from the community that can provide testimony in respect to the existence of the rights. This is based upon Article 15 of the Land Law 19/97, which stipulates that the testimony of community members is sufficient proof of the land rights acquired through occupation in good faith or based on traditional norms and practices.

⁸ As confirmed by independent legal advice provided to the LEGEND team; no court has yet ruled on this issue.

⁹ Articles 12 - 15 of the Land Law (1997), and article 21(b) of the Regulations to the Land Law (1998).

¹⁰ See the full Policy Paper for more details on the DFID LEGEND Programme in Mozambique.

¹¹ Portucel Mozambique is a subsidiary of the Navigator Company Group.

¹² These were established as legal, registered entities, with statutes published in the Government Gazette.

¹³ Funding for this was provided via the Responsible Land Project and the Integrated Land and Resource Governance Program, both funded by the United States Agency for International Development (USAID).

¹⁴ Funding for this project was provided by the Integrated Land and Resource Governance (ILRG) Program. Support for the construction of the dams was provided by Portucel and the Catalytic Fund of the World Bank Growth Poles Project.

¹⁵ The company owns many thousands of hectares of titled land throughout the province, much of which comprises former coconut plantations that it has earmarked for the development of mixed agroforestry activities.

¹⁶ It is at this level that traditional leaders routinely hold weekly conflict resolution meetings. Numerous leaders in the LEGEND Zambézia project area noted that, before implementation of the mapping and documentation processes, conflicts over land represented 50% of their caseload; after the project, they reported that these cases virtually disappeared.

¹⁷ See Article 30 of the 1997 Land Law.

Citation:

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