

LAND EXPROPRIATION IN PALMA

Government takes advantage of the conflict and the absence of communities in Palma and allocates 12 thousand hectares of land to Cabo Delgado's CPD

- In a context of conflict affecting northern Cabo Delgado, the government approved the request for allocation of 12,000 hectares of land located in Palma in favour of the Cabo Delgado Economic Development Promotion Centre (CPD), an unknown public entity created in May 2021 and whose attributions and competences are confused with the mandate of the Integrated Development Agency of the North (ADIN). The approval of the provisional DUAT in favour of the CPD was not preceded by a public consultation with affected communities, as required by land legislation. That public consultation could not take place due to the conflict that forced the people of Palma to leave their origin areas.



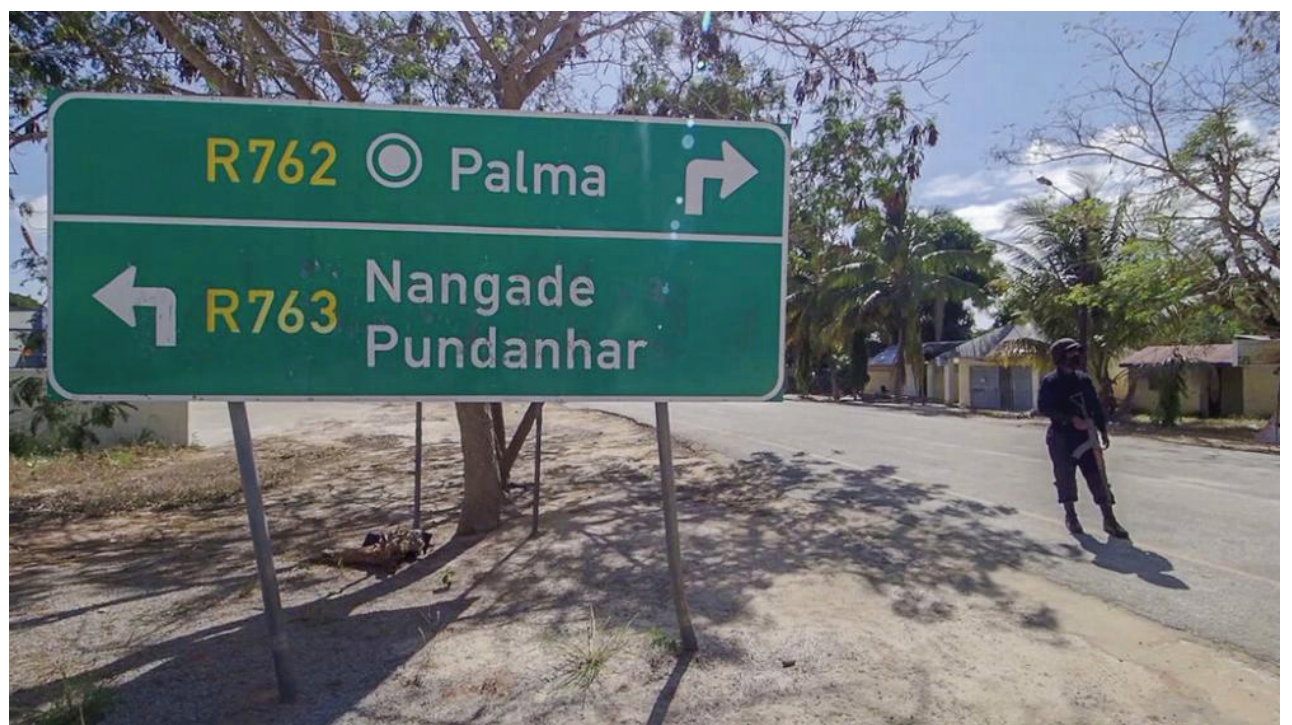
- The allocation of an extensive area of land to the CPD without due public consultation with the affected communities in Palma comes at a time when several studies point to land expropriation as one of the causes that led to violent extremism in Cabo Delgado. The CPD in Cabo Delgado does not have the institutional and financial capacity to explore 12,000 hectares of land, so this area should, in the future, be parcelled out and allocated to various private entities (including Frelimo elites) with interests in the natural gas projects in Palma.
- This is the second allocation of extensive areas of land in Palma District made by the Frelimo Government in a controversial and non-transparent way. In May 2017, the former Minister of Land, Environment and Rural Development, Celso Correia, signed the dispatch of definitive authorization of the DUAT over an area of 6,475 hectares in Afungi, Palma District, in favour of Sociedade Comercial Rovuma Basin LGN Land (RBLL). RBLL is a company established between the National Hydrocarbons Company (ENH), with 30%, and Anadarko Mozambique Area 1 (its assets passed to TotalEnergies), with 70%, and its object is the management of land for the implementation of the liquefied natural gas industry (LNG).

Met on the 16th ordinary session, on the 17th of May, the Council of Ministers approved the Resolution that provisionally authorizes the request of the Right of Land Use and Exploitation (DUAT) formulated by the Cabo Delgado Economic Development Promotion Centre regarding an area of 12,000 hectares, located in Palma District, Cabo Delgado Province. The release from the Council of Ministers does not specify the purposes for which the area of 12,000 hectares is allocated in a context of conflict to an entity hitherto unknown to the general public.

CDD consulted the Bulletin of the Republic (III Series, No. 145, of 29 July 2021) and found that the Centre for Promotion of Economic Development (CPD) is a public entity created in May 2021, with a focus on the “promotion and coordination of actions of multiform character aimed towards the promotion of the socio-economic development of Cabo Delgado”. CPD is not-for-profit and also works as a “specialized consultation body in economic, social and development matters”.

The CPD is supervised by the Provincial Executive Council, and its supervision may be delegated at sectoral level, namely in provincial directorates, by dispatch of the provincial governor. This institution has as its social object the “coordination, inter-sectoral and inter-institutional articulation, as well as the management of strategic programmes aimed at boosting the local and integrated socio-economic development of Cabo Delgado”. It is also responsible for designing support tools for the permanent assessment of development progress, drafting projects and attracting resources and internal and external partners for their implementation.

In fact, some attributions and competences of the CPD, such as the promotion of actions of multiform assistance to populations



affected by extreme events; promotion of investment initiatives for socio-economic development; development of employment generation and self-employment programmes; promotion of professional training initiatives for youth and women; mobilization of funds and relevant national and international actors to invest and finance projects in Cabo Delgado; are confused with the attributions of the Integrated Development Agency of the North (ADIN).

Created in March 2020, ADIN is a body under the Minister of Agriculture and Rural Development and has a cross-cutting mandate: humanitarian assistance (assistance to victims of violent extremism); economic development (creating employment and training opportunities for youth, promoting investment initiatives for communities and building infrastructure); community resilience and human capital (supporting and guiding

development initiatives for communities, supporting participation and accountability mechanisms, and promoting girl's and women's empowerment).

As shown, CPD is an institution created to promote initiatives and actions for the socio-economic development of Cabo Delgado, through mobilization of funds to finance projects, attraction of investments, assistance to vulnerable populations and those affected by extreme events, including violent extremism, and technical and professional training. It happens, however, that one year after its creation, CPD has not yet appeared publicly developing a single activity that is included in its statute, and had never before been mentioned in the press as a relevant actor in Cabo Delgado.

In fact, the first reference of the CPD was made on Tuesday (22nd May), the day on which the Government provisionally ap-

proved the DUAT request of an area of 12,000 hectares in Palma, a district where large natural gas projects of the Rovuma Basin are located. The allocation of large areas of land to the CPD raises several questions, since the fact that the request concerns a large area (12,000 hectares) and its approval happens at a time when Palma is facing violent extremism that forced thousands of families to leave their origin areas.

The fact that it was the Council of Ministers that approved the DUAT request clearly shows that the area requested by the CPD goes beyond the competencies of the Province Governor and the Minister of Agriculture and Rural Development. According to Law 19/97 of 1st October (Land Law), the Provincial Governor can only authorize DUAT request for areas up to 1,000 hectares; the Minister of Agriculture and Rural Development authorizes DUAT requests for areas varying between 1,000 and 10,000 hectares. Above 10,000 hectares requests are authorized by the Council of Ministers, as was the case with the CPD request.

The Land Law establishes, in number 3 of article 13, that the "process of titling the right to use and benefit from the land includes the opinion of local administrative authorities, preceded by consultations with the respective communities for the purpose of confirming that the area is free and has no occupants. Now, the approval of the DUAT application formulated by the CPD occurs in a context of armed conflict that forced the communities of Palma to abandon their homes. Despite signs of a restoration of security, the fact is that many displaced families have not yet returned to their areas of origin for fear of further attacks.

This situation shows that the approval of the DUAT application in favor of the CPD was not preceded by a consultation with the communities that may hold rights in the extensive 12,000-hectare area. In fact, the government took advantage of the absence of the communities in their areas of origin to expropriate their land in favor of an entity whose vocation is not to implement projects of any kind. Only a consultation process with the communities can determine that that area attributed to the CPD of Cabo Delgado is free and has no occupants, which is unlikely. And if there was no consultation with the communities, what was the basis for the opinion of the local administrative authorities in Palma that served as a basis for the Council of Ministers to approve the application for the DUAT of the CPD of Cabo Delgado?

In addition to the legislation on land, the Regulation on Resettlement and Compensation Resulting from Economic Activities (approved by Decree 31/2012, of 08 August) also imposes the obligation of public participation through public consultations and disclosure of information of public interest through all means that may be necessary. Of the information that must be disclosed, the following should be highlighted: (1) The decision to initiate the process, identifying the



objectives to be pursued; (2) The communication of the beginning of the resettlement process to the Territorial Planning sector; (3) The opening and duration of the public consultation phase and its conclusions; (4) The implementation mechanisms used, (paragraph 4 of article 14 of Decree 31/2012, of 08 August).

The Constitution of the Republic of Mozambique establishes, in its article 111, that in titling the right to use and benefit from land, the State recognizes and protects the rights acquired by inheritance or occupation, unless there is a legal reservation or if the land has been legally assigned to another person or entity. The National Land Policy (approved by Resolution 10/95, of October 17th) consecrates, as one of its fundamental principles, the guarantee of access and use of land to the population as well as to investors. And more: it recognizes the "customary rights of access and land management of the rural resident populations, promoting social and economic justice in the countryside".

Therefore, by approving the DUAT application in favor of the CPD of Cabo Delgado in a context where it is not possible to have an inclusive and transparent public consultation due to the armed conflict, the Government may have violated the Constitution of the Republic and other legislation governing the land sector in Mozambique. This action is irresponsible and may exacerbate the tensions of the affected communities who, when they return to their areas of origin, will find that their land has been allocated to a foreign entity without their consent.

It must be remembered that land expropriation is pointed out as one of the causes that led to violent extremism in Cabo Delgado. In fact, the Strategy for Resilience and Integrated Development of the North (ERDIN), a document commissioned by ADIN and awaiting approval by the Council of Ministers since November 2021, points to land expropriation, combined with the frustration of social expectations in relation to the exploitation of natural resources, as well as widespread pov-

erty, political and socioeconomic exclusion, and social inequalities as the main causes of conflict in Cabo Delgado.

In its second pillar - Rebuilding the social contract between the state and the population, the ERDIN advocates rebuilding the social contract by promoting inclusive governance and access to basic services, while supporting housing development and land and natural resource management, in recognition of the impact that inefficient public service provision has on the legitimacy of the state and on perceptions of exclusion and marginalization, which are underlying factors of the conflict. Meanwhile, the government's actions do not contribute to rebuilding the social contract and social cohesion in Cabo Delgado.

In essence, the approval of the 12,000-hectare DUAT in favor of the Cabo Delgado CPD aims to accommodate the interests of the political elites and international financial capital. It is clear that the CPD of Cabo Delgado does not have the institutional and financial capacity to explore 12,000 hectares, so this area will have to be parceled out in the future and allocated to various private entities with interests in the natural gas projects in Palma. The Rwandan regime, whose troops are fighting violent extremism in Cabo Delgado since July 2021, may receive land parcels in this area to install their companies that should provide services to the gas industry in the Rovuma Basin.

This is the second allocation of extensive areas of land in Palma District made by the Frelimo government in a controversial and non-transparent way. In May 2017, the former Minister of Land, Environment and Rural Development, Celso Correia, signed the dispatch of definitive authorization of the DUAT over an area of 6,475 hectares in Afungi, Palma District, in favor of the commercial company Rovuma Basin LGN Land (RBLL). RBLL is a company established between the National Hydrocarbons Company (ENH), with 30%, and Anadarko Mozambique Area 1, with 70%, and its object is to manage the

land destined for the implementation of the liquefied natural gas (LNG) industry.

Initially, the controversial DUAT ¹ had been provisionally awarded to ENH in September 2012, and the public company transferred

it to RBLL in December 2012. In turn, RBLL transferred the same DUAT to exclusive exploration by Anadarko Mozambique Area 1, in a process marked by several irregularities. The assets of Anadarko Mozambique Area 1

passed to TotalEnergies in 2019, when Occidental Petroleum Corporation (OXY) acquired Anadarko Petroleum Corporation and sold the assets it held in Africa, including Mozambique (Rovuma Basin)².

¹ <https://oam.org.mz/plenario-do-tribunal-administrativo-furta-se-ao-julgamento-do-merito-da-cao-sobre-a-nulidade-do-duat-atribuido-a-exploracao-exclusiva/>

² <https://cartamz.com/index.php/economia-e-negocios/item/2741-occidental-conclui-aquisicao-da-anadarko>



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