

# FOCUS ON LAND IN AFRICA BRIEF

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## Mozambique

### Lesson 2:

*Delimitation of Land is Vital to Enabling Rural Communities to Protect their Land Rights, as well as Participate in and Benefit from Rural Investments*

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### INTRODUCTION

*Delimitation is the process of identifying the geographic boundaries of areas of land and preparing a record of that information. Delimitation helps communities identify the limits of the area they occupy, prove the communities' rights to that land, and protect their rights more effectively.*

*In Mozambique, communities have perpetual rights of land use and benefit, or DUATs, based on their customary land use systems. Communities do not have to delimit their land or otherwise record their rights in order to assert their DUAT.*

*However, if their rights are not delimited, they may be vulnerable to loss or dilution. Local officials, private investors, and even the communities themselves may not know the extent of the community DUAT. Communities that formally identify and record their land rights are better placed to protect and benefit from those rights. The delimitation process can also facilitate land use planning and project development.*

## THE DELIMITATION PROCESS

The delimitation process is usually facilitated by an NGO with a trained technical team. Delimitation involves social investigation and a rural appraisal intended to prove an acquired DUAT and delimit the extent of this DUAT for a specific community. The process is faster and cheaper than a conventional survey of land and has ten steps.

First, a 'sensitization' process takes place. An NGO or other agency advises the community about its rights and the potential benefits of delimitation. For example, the government may be planning a new project in the area or an investor may be seeking to establish a commercial enterprise. By delimiting its land, communities are in a better position to defend their interests and secure benefits from the investment. The community must agree to the delimitation and agree to participate fully in the process.

Second, the community elects a land committee, consisting of up to nine members. The land committee represents the community and signs all relevant documents.

In Step 3, the community conducts an assessment of its own land use and occupation, facilitated by the technical team. Various aspects are taken into consideration, including land use and production systems, the history of occupation, and social and other ties that might bind two or more villages together as one 'local community' for the purposes of the land law. Typically, men and women hold separate group meetings to ensure that their different uses of land and other natural resources are adequately captured.

Fourth, participatory maps are prepared by the different community groups. These maps show land uses, natural borders between communities, and other features such as rights of way.

Fifth, the different maps are compared in general meetings with all present and a consensus reached on local land use and occupation. The team prepares a hand drawn cartogram that reflects the consensus.

Sixth, the cartogram is discussed with neighboring communities to ensure that all are in agreement with the borders. The District Administrator or his or her representative and all of those present sign the minutes of the feedback sessions.

In Step 7, the technical team transfers all the information onto an official topographic map of the region. Many borders will be natural features – e.g. rivers, mountain tops – and do not require surveying. Where this is not the case, simple GPS readings can be taken at points along the indicated border.

Eighth, the team submits the topographical map and all the other forms and information to the public land agency, the Provincial Services of Geography and Cadastre, or SPGC.

In Step 9, the SPGC confirms that the process has been correctly executed and checks all paperwork. If all is in order, it will register the delimitation, tracing an outline of the agreed border on the Cadastral Atlas and archiving the process in the National Cadastre. No marker posts or fences are required – the fact that the boundary is visible on official cadastral maps is adequate for indicating where the DUAT is located.

In the tenth and final step, the SPGC issues a Certificate of Delimitation, which is presented to the community in a ceremony attended by leaders from neighboring communities and others who have participated in the process.

## THE IMPACT OF DELIMITATION

The story of Canhane Community in Gaza Province shows the numerous benefits of land delimitation. This community of around 1,000 people is located near the transfrontier park that joins Mozambique's Limpopo National Park and South Africa's Kruger National Park. In 2002, the community delimited its land as part of a USAID-funded initiative to promote community-based development around the park. With the expectation of new investor interest in the area, delimitation would help protect the community's rights. Through the process, the community learned about the area's tourism potential and used its secure land right as the foundation for a project to construct a community-owned and run lodge. Later, the Canhane Community sought to have the lodge professionally managed. With support from an NGO specializing in promoting community investor agreements, the community used its DUAT to attract investors who will renovate the site and facilitate marketing. The community will receive an agreed share of projected revenues, employment opportunities, and other economic benefits.



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## CHALLENGES TO DELIMITATION

Mozambique's delimitation process can empower local people to use and benefit from the land over which they have legal rights. Nonetheless, Mozambique has faced significant challenges in implementing the process.

The public land administration lacks the financial and human resources to make delimitation available to most communities. Only 258 communities and a total of 9 million hectares of land (roughly 18% of rural land) have been delimited. Almost all of those delimitations have been led by NGOs and donors.

The tension between government and communities over control of land use and development is another significant challenge. The government wants to attract large investors and develop what they perceive to be unused land. Some officials see the need to respect community rights as a barrier to development, rather than an opportunity for equitable and sustainable development.

As a result of these concerns, in late 2007 the government issued an amendment to the land law regulations, which requires communities to present a land use and development plan as part of the delimitation process. This requirement

effectively empowers the government to approve or deny rights that already exist by law. Nationwide, the certification of rural community delimitations have virtually stalled.

Yet with rising investor demand, communities that are not delimited remain vulnerable to losing their land and cannot participate fully in local development – precisely the risks that the land law was intended to prevent.



Photo © Andrew Calengo

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