

# Applying a Community-Based Approach to Tenure Reform: Experiences from Northern Mozambique

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# Purpose of presentation

- Mozambique is one of the countries in Africa which has opted for a community-based tenure approach in its land law;
- The purpose of this presentation is to discuss some of the positive outcomes but also problematic issues with this law when implemented on the ground, based on observations from Niassa Province in Northern Mozambique;
- Data collected during three consecutive periods of field-work of totally 3 months during 2015/2016;
- Study undertaken in partnership with WeEffect, with the objective of contributing to a discussion among stakeholders in Niassa, while at the same time forming part of a larger comparative research project including other field studies in Mozambique and Tanzania.



## The Mozambican Land Law

- Adopted in 1997 and considered one of the most innovative land laws in Africa;
- Recognizes communal rights to land based on customary occupation which are formalized through a process of "community land delimitation". These include both individual rights to agricultural land and common rights to forests, rivers, etc.
- Land and other resources registered in the name of a "local community" as collective landholder;
- All community members (men and women) have equal rights to the land as "co-title holders", but allocation and adjudication of land among them should follow locally established customary norms and practices;

# Niassa

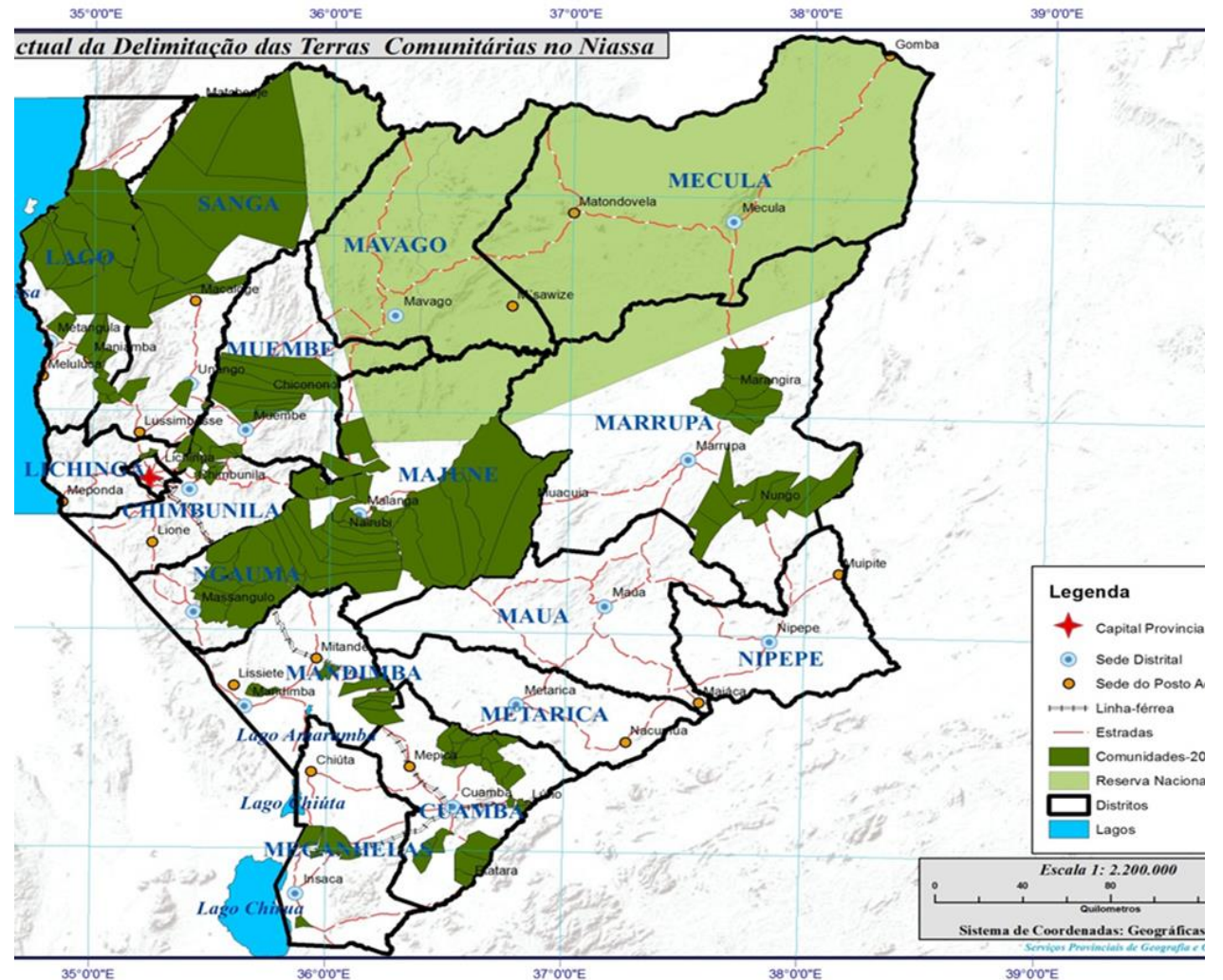
- In terms of area the largest province in Mozambique but in terms of population the least densely populated;
- More than 80% of population are small-scale subsistence farmers practicing a system of extensive shifting cultivation combined with forestry, fisheries, etc.
- The basic social unit is the village composed of matrilineally organized family groups with their own user-rights to land but where ultimate authority over land and other resources rests with a village headman.
- These units in turn form part of larger chieftaincies, where traditional leaders of a higher order (*regulos*) exercise a certain control over the land.
- While land is still considered an abundant resource in most communities, in recent years there has been an increased demand for land from incoming investors making delimitation and registration of community lands important.





# Community land delimitation in Niassa

- 143 communities have to date (2016) got their land delimited and registered, covering an area of approx. 3 million hectares;
- The size of community areas varies considerably, from less than 1000 ha to 50 000 ha or more.
- Local communities as collective landholding units defined on the basis of chiefly territories at varying levels of rank.



## Positive outcomes of delimitation

*Delimitation formalizes the outer landed boundaries of a community but does not affect land tenure relations within the community, which, however, according to people themselves, are reasonably secure through the customary system.*

### **Achievements:**

- Has strengthened local people's sense of tenure security visavi outside investors and other external actors with claims on their land and other natural resources, e.g., forests;
- Has contributed to raise people's awareness and knowledge of their rights under the law;
- Has resulted in an increased awareness of the importance of protecting e.g., forest resources, as well as some locally organized efforts of control;
- Has contributed to resolution of possible conflicts over land with neighbouring communities.

## Some problematic issues

- These "new" landholding communities still dominated by the traditional leadership structure, where leaders (*regulos*) at different levels are not democratically elected but appointed according to kinship status;
- The *regulo*, in his capacity as leader of the lineage group whose ancestors first occupied the area, is considered the "lord" of all land with final authority over its use and disposal;
- In some instances a differentiation of community members into "autochtons" and "in-migrants" with unequal rights to land;
- Women's participation in decision-making on land at the community level still weak.

# Effects on local economic development

*Formalization of community land rights create opportunities for local economic development in basically two ways:*

- By facilitating various types of collaborative economic activities at the local level, e.g., community agendas, demarcation of land for producer associations;
- By strengthening communities' power of negotiation with outside investors at e.g., community-investor consultations;
- Results so far relatively insignificant for a number of reasons, e.g., lack of markets and follow-up support, government biased towards investors, misuse of power among traditional leaders,





# Conclusions

Three lessons could be drawn from the Niassa case which seem particularly relevant for the community-based approach to tenure reform in general:

- 1. What constitutes a relevant "community" as collective landholding subject can not be taken for granted but needs to be carefully examined in each case;**
- 2. Much more attention needs to be paid to internal community governance issues in this type of reforms;**
- 3. Formalizing community rights to land and other natural resources is just the first step. It needs to be followed-up with training and other capacity-building support on a more continuous basis.**