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# *LTC Research Paper*

## **Legal Uncertainty and Land Disputes in the Peri-Urban Areas of Mozambique:**

### **Land Markets in Transition**

by

**Steve Boucher, Antonio Francisco, Laurel Rose,  
Michael Roth, and Fernanda Zaqueu**

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LEGAL UNCERTAINTY AND LAND DISPUTES  
IN THE PERI-URBAN AREAS OF MOZAMBIQUE:  
LAND MARKETS IN TRANSITION

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All views, interpretations, recommendations, and conclusions expressed in this publication are those of the authors and not necessarily those of the supporting or cooperating organizations.

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## GLOSSARY OF TERMS

<b>APIE</b>	government agency in charge of renting residential properties nationalized at independence
Administrador do Distrito (do Posto)	District Administrator. The highest authority at the district level. Maputo is divided into eight administrative districts, each having its own district administrator.
Banco Popular de Desenvolvimento	People's Development <b>Bank</b>
<i>bairro</i>	neighborhood. The geographic/political division below the district level. Each of the 8 urban districts in Maputo has over 10 separate <i>bairros</i> . Each <i>bairro</i> , in turn, may be subdivided into as many as 70 <i>quarteirões</i> or blocks.
Caixa de Crédito	one of the now-defunct financial lending institutions
<b>Casa Agrária</b>	Office housing the extension agents of the Gabinete das Zonas Verdes. There are 4 Casa Agrarias in Maputo, one in each of districts 4-7, which provide extension services in the districts. Agricultural inputs are also sold. Casa Agrarias are found outside of Maputo as well, but are administered by the Ministry of Agriculture.
<i>chefe do</i>	Political leader responsible for a single block subdivision within a <i>bairro</i> . His or her immediate superior is the Grupo Dinamizador.
<i>chefe das terras</i>	head of lands. This is a position at the block level responsible for ensuring that the occupation of land and housing conforms with the law. The <i>chefe</i> cannot grant title. S/he may be involved in resolving residential disputes but rarely agricultural disputes.
<i>colono</i>	Portuguese farmer who was granted a land concessions by the Portuguese government in the colonial era.
<b>Comissão de habitação</b>	ad-hoc committee formed at the block level to treat residential disputes
<b>Concelho Executivo</b>	Executive Council. The political/administrative authority at the municipal level. Officials within the Executive Council are all FRELIMO party members. The Direcção de Construção e Urbanização within the Executive Council is responsible for land-use zoning and titling.

<i>conto</i>	(informal). 1,000 meticaís (2.2 contos = US\$1 in December 1991).
	declaration, formal accusation
<i>Decreto Lei</i>	term for a law
<i>deslocados</i>	war refugees
DINAGECA	Cadastral Office of the Ministry of Agriculture
Direcção de Construção e Urbanização (Dcu)	Sometimes referred to as the Concelho Executivo, it is the office within the Executive Council responsible for land-use zoning and titling of both residential and agricultural lands within the city of Maputo.
Direcção Distrital de Agricultura	District Office of the Ministry of Agriculture. Has no jurisdiction within the city of Maputo.
Direcção Provincial de Agricultura	Provincial Office of the Ministry of Agriculture. The administrative post connecting each rural district to the Ministry of Agriculture.
<i>estrutura de base</i>	base organization, usually referring to the <i>Grupo Dinamizador</i>
Estrutura Local	same as the <i>Grupo Dinamizador</i>
Forças Armadas de Defesa e Segurança	National Defense and Security Forces, FRELIMO
Gabinete das Zonas Verdes	Green Zones Office. An institution created in 1980 to promote the organization and increased efficiency of agricultural production within the green zones of the city of Maputo.
Governo da Provincia	provincial government
Grupo Dinamizador (Gn)	Political/administrative institution at the <i>bairro</i> level responsible to the Urban District Administration, and through this agency to the City Council. It is composed of a full-time secretary who directs the Grupo Dinamizador, a full-time assistant for administration called <i>a permanente</i> , and several voluntary <i>responsaveis</i> who direct a variety of social programs, including security, women's affairs, health, housing, and farm extension. There is also a Tribunal Popular or local court, which is part of the Grupo Dinamizador (see Jenkins 1991, p. 128). Its role and function has inherent contradictions: it is supposed to be a forceful and critical representative of popular con-

	cerns, yet it may be required to represent unpopular state initiatives as the lowest tier of the state structure (see Pinsky 1985, p. 301).
<i>guevas</i>	Marketing intermediaries, who are predominantly female. <i>Guevas</i> buy agricultural produce (principally lettuce and kale) directly at plot level or farm-gate. Often they cut the produce themselves, then take it to the market where they either deliver it to their employer or sell it themselves.
Lei de Terras	Land Law in the latest Constitution
<i>machamba</i>	farm or agricultural plot
<i>machambeira</i>	farmer or peasant
<i>materials duraveis</i>	durable housing materials, usually cement or wood
<i>materials ligeiros</i>	Nondurable housing materials, usually reed and zinc strips. The distinction between durable and nondurable materials is important, for the permanency of materials used in construction partly depends on the nature of occupation rights held.
<i>palhotas</i>	traditional straw or reed house or building
Posto Administrativo	Building in which the offices of the Administrador do Distrito are housed.
<i>quinta</i>	Demarcated plot, usually larger than 0.5 hectare, in the peri-urban area. These estates were primarily owned by Portuguese settlers before independence.
<i>quintaleiros</i>	owners of the <i>quintas</i>
<i>regulo</i>	Traditional, pre-independence authority serving as the link between the colonial government and the local population. In the peri-urban areas their authority was greatly diminished if not replaced by the Grupo Dinamizador.
<i>requerimento</i>	formal petition or request form
Secretario-Adjunto	Acting Secretary, the individual who replaces the secretary of the Grupo Dinamizador when s/he is absent.
Zonas Verdes Permanentes	Areas of agricultural production within the limits of Maputo city.

## EXECUTIVE SUMMARY

(1) Immediately following independence in the late 1970s, demand for arable land in the green zones of Maputo came mainly from urban workers or ex-farm laborers within the city. Several factors helped to sharply increase land pressures in the 1980s and contributed to new groups of people coming from outside Maputo to seek land. These factors, which included (a) the closure of the South African mines to Mozambican laborers, (b) droughts and a severe drop in agricultural exports, (c) the "open-arms" policy of the government following independence, and (d) the civil war of the past fifteen years, led to massive migrations into Maputo of people seeking employment, land, and security.

(2) The Government of Mozambique is considering land tenure and constitutional reforms to improve its land policy. The present research sought to identify dispute causes and de facto processes of dispute resolution as one basis for gauging inadequacies in the current law and system of state land administration. A second study by Roth et al. (1994), forthcoming in this same series, examines in more detail land-market processes, transactions costs, and effects of legal uncertainty on land transfers, investment incentives, and wealth. The studies combined illustrate the economic inefficiencies caused by lack of a coherent, consistent, and enforceable land policy conducive to individual landownership and rights of transfer. As property institutions define the legal environment within which economic transactions take place, the effects of legal uncertainty—tenure insecurity, high transactions costs, and weak investment incentives—will continue, until specifically addressed, to retard the pace of Mozambique's economic development.

(3) According to the Mozambican Constitution adopted at independence, all land is part of the "public domain," meaning that citizens acting either individually or collectively cannot sell, cede, rent, mortgage, or pawn land. The state grants title to land in the public domain, conferring use rights for 50 years. However, the lessees must make rational land use which conforms to an authorized development plan, or else the leaseholder's rights are revoked.

(4) A number of institutions are involved in land administration and dispute resolution. The Grupo Dinamizador (GD), the administrative structure at the *bairro* level, is involved with the administration of development projects, land transfers, property inheritance, building construction and occupation, land allocation, land evictions, and resettlement. At the municipal level, the Executive Council (Concelho Executivo, or CE) is responsible for land-use zoning and titling of both residential and agricultural lands. Within the CE, the Directorate of Construction and Urbanization (Direcção de Construção e Urbanização, or Dcu) is charged with implementing zoning and titling activities.

(5) Questions on land conflicts were purposefully incorporated previously in a household baseline survey of the pen-urban areas conducted by the Ohio State University (n=320) and a household survey of land markets in the green zones (n=126) by the Land



Tenure Center to identify households having experienced one or more land dispute(s) in recent years. The dispute cases identified (40 from the baseline, and 15 from the land market survey) were categorized by district, type, and parties involved. A subsample was then drawn which included representation in all eight districts of Maputo, all types of disputes, and all major disputant categories. The smaller dispute sample comprised 26 cases—all of which are analyzed in this paper.

(6) Semi-structured interviews were administered to each household in the sample in the native language of the informant. At a minimum, the respondent was asked for details about the dates and nature of the dispute, whether and how the dispute was resolved, parties involved, compensation received, and expenses incurred. The informant was also asked to provide his or her general opinions on the source and nature of land conflicts in the neighborhood, the effectiveness and role of various institutions in resolving disputes, the extent to which the war and refugees are causing land conflicts, and the proper policies for lessening the number of disputes and dispute costs.

(7) Semi-structured interviews were also held with nine local leaders of the Grupo Dinamizador regarding land conflicts in their area. The disputes from the disputant sample were not specifically mentioned to the leaders, but some leaders alluded to the same disputes, nonetheless. In general, the leaders provided the social, economic, legal, and political context associated with land problems in their respective *bairros*.

(8) Results of the study indicate that land disputes in Maputo are partly caused by people flocking into the city, haphazardly occupying previously demarcated parcels. Although nationalization of land was intended to improve living conditions, most informants in the survey blamed land nationalization policies for their problems, and many land disputes reflect the imprecision, inconsistency, and unenforceability of the land law.

**(9) Disputants.** Most of the disputant cases (18) involved at least one person who did not reside within the community of the disputed land, including heirs or former landowners of nationalized property, former landowners who had abandoned their property, or Portuguese residents who had left the country. Most cases (17) involved at least one elite disputant with wealth or political connections; this party often sought to acquire land for commercial activities through encroachment or through assistance from the authorities. In just over half of the cases (16), male landholders alone were involved. Women involved in disputes tended to be widows or uneducated landholders who could not effectively defend their rights. Finally, most cases (17) involved single parties (landholders) representing a land interest; occasionally an extended family acted collectively in contesting a land claim.

**(10) Dispute causes.** Most cases (20) involved a conflict over the use rights of a residential plot. Settlement by refugees has caused severe shortages of land available for housing. Often (14 cases) the land under dispute involved multiple plots held by one party and sometimes multiple parties, the latter usually threatened by development interests. In nine cases, a contributing factor to the dispute was destruction of property, such as uprooting fruit and shade trees or damaging houses or buildings. Only five cases involved disputes over land

inheritance, whereas most cases (21) involved problems with land purchase, acquisition, and occupation.

**(11) Dispute processes.** Most disputants (20) did not confront their opponents violently as a way of making their grievances known or receiving redress. In nearly all cases (24), a third party was involved, assisting in granting land, mediating disputes, defining or revoking land rights, appealing to higher authorities, or hearing complaints. In only two cases did the disputants manage to work out a settlement without third-party intervention.

(12) Both sets of informants emphasized the effect of the war in creating a large population of refugees seeking land and housing. This in-migration has generated land disputes through various processes—refugees moving into small dwellings with their relatives, refugees squatting on "unused" but "claimed" land, authorities granting plots to refugees, or former landholders returning to reclaim their holdings. Land nationalization was also mentioned by both landholders and leaders as contributing to many land disputes:

- ▶ Nationalization created a situation of latent multiple claims, in which ex-owners seek to reclaim nationalized properties while some tenants living in the houses since independence have made substantial investments in the property. Ex-owners are reluctant to let tenants make improvements for fear of increasing property values or the difficulty of dislodging tenants once investments are made.
- ▶ Socialist policies aimed at providing land for everyone have created uncertainty in land rights. Those creating the disputes at times demonstrated a basic disregard for the perceived individual rights of others.
- ▶ Under the widespread situation of land purchases and rentals in Maputo, the land law is outdated and an ineffective basis for deciding disputes over transfers in the courts, when the law makes such transfers illegal.

(13) Local leaders complained about government officials' lack of communication and cooperation with them. Landholders complained about the intervention of various government officials or agencies in land administration, in particular:

- ▶ the government's policy of expropriating land from citizens for development projects or commercial enterprises;
- ▶ the corruption of many officials, including favoritism to friends in land allocation or settling disputes, encroaching upon land for personal benefit, or taking money for rendering land-related decisions; and
- ▶ officials lack clear understanding of their professional responsibilities or administer land inefficiently, using legal and administrative confusion to their advantage.

(14) Regarding land affairs, leaders complained that citizens built dwellings, squatted, or sold land without their permission. The leaders were concerned that land occupants, especially women or those with no leverage, could be evicted without warning. Landholders

complained of other citizens, especially powerful community members, encroaching upon their land without their consent. Leaders thought that the major citizen-initiated disputes were interferences by "ex-landlords" (those who owned land before land nationalization). Landholders protested that their land rights were unclear, that they could not obtain property titles, and that commercial interests were often given priority over interests of subsistence farming. They also complained of leaders selling land through bribery and corruption.

(15) Both landholders and leaders accused each other of deception in land transactions. Landholders accused leaders of using false reasons for evicting one person in order to give land to someone else. However, leaders accused some citizens of obtaining land under false pretenses to give the land to family members or to sell it, thereby subverting the leaders' authority and the cohesiveness of the community by their illegal land transactions.

(16) When considered as a whole, the most striking difference between the disputants' and leaders' accounts is the attribution of responsibility for confrontation: the landholders tended to blame the local authorities for land conflict, whereas the local authorities tended to blame the Dcu for taking actions without consulting them. As expected, virtually no one took responsibility for failure of the institutions to which they belonged.

(17) One consequence of poor communications is that the weakest, most needy segment of the population is victimized—the war refugees. They are the people who most often need assistance in recovering from war-related losses, and yet they are the ones who are most likely to receive very fragile rights to land. The GD may grant refugees land rights in overpopulated, reserved, or disputed areas—areas that will most likely be reassigned or reclaimed. In some cases, people lost land rights when entire plots were expropriated and granted to land-needy citizens or land-hungry elites. In other cases, their land plots were reduced in size when land was reallocated to others.

(18) The informants frequently appeared confused about how to formally transact land rights. In several cases, landholders paid for land that a seller did not own or that a community leader had no right to sell privately. In other cases, they approached numerous institutions in their efforts to formalize their rights; unfortunately, they were referred from one agency to another—all of which denied jurisdiction over, responsibility for, or knowledge about the procedures for processing land claims. Officials sometimes arrogantly breached land rights and at other times timidly avoided decisions so that they became immobilized and ineffective.

(19) But the most fundamental issue concerning land rights came into play when such rights were multilayered: in many cases no one knew exactly who had the strongest claim to land—especially when such rights equally competed or were generally unclear. Most commonly, rights of current tenants came into question when ex-landlords wanted to reclaim nationalized holdings, but the current tenants wanted to retain those same holdings upon which they had made costly infrastructural improvements. At other times, rights competed because authorities had allocated rights to the same plot of land to different people.

(20) All informants believed that an effective land policy is essential if the costs of land disputes are to be reduced. Land disputes in this sample incurred considerable transaction costs since scarce state and local resources had to be diverted to institutional processing of such controversies. From an individual perspective, the land disputes incurred undesirable transaction costs (lost time and money) as well as outcome costs (ruptured relationships within communities and widespread distrust in the legal system).

(21) These findings point to several measures which can be taken to reduce the number of conflicts over land and to settle land disputes more effectively when they occur.

- ▶ Plan land development programs under the assumption that many war refugees are permanently settled in Maputo and will not relocate to rural areas following the war.
- ▶ Define and delineate the responsibilities of all government agencies responsible for land affairs.
- ▶ Clarify the roles of local authorities and strengthen local institutions.
- ▶ Assign a task force with the responsibility for reforming or clarifying land laws that have in **practice** subverted justice and promoted inequality: laws dealing with land "ownership," transactions, development, expropriation, compensation, and so forth. Also, study possibilities for granting land titles—the major solution cited for fragile and ambiguous land rights by virtually all informants. Finally, commit resources to land surveying and registration programs and to training programs in, for example, surveying methods.
- ▶ Delegate responsibility for processing various land disputes. Few informants—leaders or landholders—know how the system should function. Consequently, it operates slowly and ineffectively. More research needs to be done on how the current land dispute-management system works before interventions can be devised to improve upon this system.
- ▶ Inform people through citizen groups (for example, producer associations and cooperatives) of their rights in land and the procedures for protecting these rights (that is, required "paperwork"). Most landholders complained that they did not know their legal rights and frequently believed that the legal system protected the rights of the wealthiest or those most clever in manipulating the system.

## RESUMO SUMARIO

(1) Imediatamente após a independência no final da década setenta, a procura de terra cultivável nas Zonas Verdes de Maputo surgiu principalmente dos trabalhadores urbanos e dos das quintas coloniais. Foram vários os fatores que contribuíram para o aumento da pressão exercida sobre os terrenos suburbanos na década oitenta, tais como: (a) o encerramento das minas sul-africanas a mão-de-obra moçambicana, (b) as secas acompanhadas de uma queda brusca das exportações agrícolas, (c) a política oficial de "Braços Abertos" seguida pelo governo, e (d) a guerra civil que nos últimos quinze anos provocou migrações massivas em direção a cidade de Maputo de pessoas em busca de segurança, emprego e terra.

(2) O Governo Moçambicano está atualmente a considerar reformas constitucionais e do sistema de posse da terra. A atual pesquisa pretendeu identificar as causas dos conflitos sobre as terras suburbanas e os processos para os resolver como uma base para avaliar as lacunas da lei em vigor e do sistema de administração estatal da terra. Um segundo estudo por Roth et al. (1994), foi levado a cabo para avaliar com maior detalhe os seguintes aspetos: (a) as dinâmicas do mercado das terras suburbanas, (b) os custos de transação, e (c) as repercussões que tem a incerteza legal sobre o traspasse da terra, os incentivos ao investimento, e a riqueza. Juntos, os dois estudos mostram a ineficiência provocada pela falta de uma política de terras coerente, consistente, e com carácter de obrigatoriedade no que concerne a posse individual e os direitos de traspasse. Visto que o ambiente legal no qual ocorrem as transações económicas é definido pelas instituições da propriedade, os efeitos da incerteza legal—insegurança sobre a posse de terra, os altos custos de transação, e os fracos incentivos para investir—irá retardar o ritmo do desenvolvimento económico moçambicano.

(3) Segundo a Constituição Moçambicana adoptada com a independência, toda a terra faz parte do "Património Público". Em consequência, não se permite que cidadãos, agindo como indivíduos ou em grupo, comprem, cedam, arrendem, hipotequem, ou penhem a terra. O estado pode adjudicar um título de propriedade da terra, concedendo direitos de aproveitamento por um período de 50 anos. Entretanto, o concessionário é obrigado a aproveitar racionalmente a terra de acordo com um plano de utilização autorizado; contra o qual são-lhe retirados os direitos de aproveitamento e uso.

(4) Várias instituições estão envolvidas na administração da terra e na resolução dos conflitos sobre ela. Ao nível do bairro, o Grupo Dinamizador (GD) está envolvido nos projetos de desenvolvimento, traspases, heranças, construção e ocupação de casas e outras construções, designação de terra, e expulsão e realocamento de pessoas. Ao nível do município, o Concelho Executivo (CE) é o encarregado do uso e aproveitamento da terra e da atribuição de títulos para fins residenciais ou agrícolas. Dentro do CE, a Direcção de Construção e Urbanização (DCU) é a encarregada pela implementação das actividades descritas a este nível.

(5) Perguntas sobre os conflitos da terra eram propositadamente introduzidas num inquérito de base orientado pelo Ohio State University (Osu) 20 famílias da zona suburbana de Maputo. Um questionário sobre mercados de terras, administrado pelo Land Tenure Center (LTC) da Universidade de Wisconsin a 126 famílias da zona suburbana para identificar famílias que tiveram conflitos de terras nos últimos anos foi também levado a cabo. Uma vez identificados, os conflitos (40 pelo Osu e 15 pelo LTC) foram classificados por distrito, tipo, e partes envolvidas. Escolheu-se depois uma subamostra que incluiu representações nos oito distritos urbanos, todos os tipos de disputa, e as principais categorias de participantes no conflito. A mais pequena amostra incluiu 26 casos que são todos analisados neste trabalho.

(6) Levaram-se a cabo entrevistas semi-estruturadas com cada família da amostra, utilizando a língua materna dos entrevistados. Foram feitas perguntas sobre: (a) a data e natureza do conflito, (b) se foi resolvido o conflito e de que maneira, (c) partes envolvidas, (d) indenização recebida, e (d) gastos incorridos. Na segunda parte da entrevista tocaram-se temas gerais e as impressões do entrevistado sobre (a) origens e natureza dos conflitos no bairro, (b) eficácia e papel das diversas instituições na resolução dos conflitos, (c) papel da guerra e dos deslocados nos conflitos de terra, e (d) potenciais políticas que poderiam reduzir a quantidade e custos dos conflitos.

(7) Foram também feitas entrevistas aos responsáveis dos GD de nove bairros suburbanos; já que os conflitos eram nos seus respectivos bairros. Ainda que não lhes fosse mencionado a existência de conflitos da outra amostra (dos 26 disputadores) por vezes eles os mencionaram. Em geral, eles reportaram o contexto social, económico, legal, e político que acompanha os problemas da terra nos seus próprios bairros.

(8) Os resultados da pesquisa indicam que os conflitos de terra são gerados, em parte, pelo fluxo de migrantes e deslocados que ocupam espontaneamente terrenos residenciais e agrícolas, na maior parte dos casos, sem prévia autorização ou controlo organizado. Ainda que a nacionalização da terra visasse melhorar as condições do povo, a maior parte dos entrevistados acusam as políticas de nacionalização da terra de serem a causa dos seus problemas, e muitos dos conflitos refletem a falta de clareza, a incoerência, e a impossibilidade de fazer cumprir com a lei de terra.

(9) **Disputadores.** Na maior parte dos casos (18) estava envolvida uma parte que não reside no bairro do conflito. Nestes incluem-se herdeiros ou ex-proprietários dos terrenos nacionalizados, que ainda moram em Maputo, e ex-proprietários que abandonaram os seus terrenos depois da independência e fugiram do país. Na maioria dos casos (17) participou pelo menos um disputador pertencente à elite político ou com riqueza. Estas elites frequentemente procuraram adquirir terra para fins comerciais através da usurpação ou da ajuda das autoridades. Em metade dos conflitos (16), os envolvidos eram homens. Quando mulheres, eram viúvas ou proprietárias analfabetas com fraca capacidade de defenderem os seus direitos. Finalmente, a maior parte dos disputadores (17), eram indivíduos, e em alguns casos a família alargada participou colectivamente no conflito.

**(10) Causas dos conflitos.** Na maior parte das disputas (20) o conflito centra-se sobre os direitos de aproveitamento dum lote residencial. A construção de casas pela massa de deslocados tem provocado uma escassez aguda de terra residencial disponível. A terra em disputa frequentemente abarca múltiplos lotes dum só indivíduo e, às vezes, de múltiplos indivíduos. Quando se tratasse de múltiplos indivíduos, normalmente era uma reacção de defesa contra uma parte que pretendia iniciar um projeto de desenvolvimento. Em 9 dos casos a destruição de componentes da propriedade contribuía para intensificar o conflito, como seja o arrancar de árvores de fruta, ou danos causados à casa ou outra construção. Em muitos dos conflitos (21) tratava-se de problemas de compra, aquisição ou ocupação. Somente em 5 se tratava de herança da terra.

**(11) Processamento dos conflitos.** A maior parte dos disputadores não usou violência como instrumento para fazer valer as suas posições. Em 24 dos 26 casos esteve envolvida uma terceira parte; seja na concessão da terra, na mediação do conflito, na definição ou revogação de direitos sobre a terra, ou no apelo do caso às autoridades superiores. Somente em dois casos foi possível encontrar uma solução sem intervenção de terceiros.

(12) Os dois tipos de informadores salientaram o impacto que teve a guerra na criação duma população numerosa que anda à procura de alojamento. Esta migração já gerou conflitos da terra através de distintos processos: a recepção dos deslocados pelos seus familiares em casas sem espaço suficiente, a concessão de terrenos residenciais aos deslocados pelas autoridades, e os ex-proprietários voltando para recuperar as suas propriedades. A nacionalização da terra também foi uma das causas contribuintes para os conflitos repetidamente mencionadas por ambos grupos de informadores.

- ▶ A nacionalização criou uma situação de reivindicações múltiplas latentes, nas quais os ex-proprietários procuram recuperar as propriedades nacionalizadas, enquanto alguns dos inquilinos actuais já realizaram investimentos substanciais na propriedade. Os ex-proprietários não querem permitir que os inquilinos realizem os melhoramentos com medo de que aumentem o valor da propriedade e da dificuldade em expulsar o inquilino uma vez feitos os investimentos.
- ▶ As políticas socialistas cuja intenção foi abrir acesso à terra para todos, provocaram a incerteza sobre os direitos de aproveitamento e da posse da terra. Alguns indivíduos que provocaram as disputas demonstraram uma falta básica de respeito pelos direitos individuais dos outros.
- ▶ Dada a existência generalizada de transações de terras—tanto de compra/venda como de aluguer—é evidente que a lei de terras se baseia numa base antiquada e ineficiente para a resolução nos tribunais de conflitos sobre transações de terras, visto que a mesma lei define estas transações como ilegais.

(13) Os responsáveis das estruturas locais se queixaram da falta de comunicação e cooperação da parte dos funcionários do governo—especialmente os do Conselho Executivo.

Os proprietários se queixaram da intervenção dos funcionários ou agências do governo na administração de terras, em particular:

- ▶ a política de expropriação das terras dos cidadãos para fins dos chamados "projetos de desenvolvimento" ou atividades comerciais;
- ▶ a corrupção de muitos funcionários, incluindo: o favoritismo aos amigos na distribuição da terra ou na resolução dos conflitos, a usurpação da terra para benefício pessoal, e a aceitação de dinheiro em troca da resolução favorável duma disputa; e
- ▶ os funcionários carecem dum entendimento claro das suas responsabilidades profissionais. Eles também administram a terra ineficientemente, aproveitando-se da confusão administrativa e legal.

(14) Os responsáveis das estruturas locais queixaram-se de que os habitantes dos bairros fizeram construções, ocuparam terrenos, ou venderam as terras sem terem obtido a autorização necessária. Estes líderes demonstraram-se preocupados de que os habitantes—especialmente vitivas e outras sem influência—podem ser desalojados sem aviso nenhum. Os proprietários queixaram-se de outros indivíduos—em particular outros membros poderosos do bairro—que usurparam o seu terreno. Os responsáveis acharam que os principais conflitos iniciados pelos cidadãos eram as interferências pelos "ex-proprietários" (os proprietários no tempo colonial que perderam propriedades depois das nacionalizações). Os proprietários atuais queixaram-se de que os seus direitos de aproveitamento e posse ficam muito ambiguos, que não podem obter o título de propriedade, e que freqüentemente se ve que os interesses comerciais recebem prioridade com prejuízo dos interesses da produção agrícola de subsistência. Eles também se queixaram de que os responsáveis das estruturas locais "vendem" a terra: engajando-se assim em actos de corrupção.

(15) Ambos, proprietários atuais e os responsáveis locais, se acusaram mutuamente de enganar nas transações de terra. Os proprietários acusaram os responsáveis de terem utilizado motivos falsos para expulsar a indivíduos para conceder a terra a outros. Entretanto, os responsáveis acusaram a alguns indivíduos de terem obtido terrenos com motivos inventados ou para entregá-los a parentes ou para vendê-los. Através destas transações ilegais, segundo os responsáveis, estes indivíduos subvertem a sua autorização e a coesão da comunidade.

(16) Quando se considera as entrevistas na sua totalidade, a diferença mais notável entre as versões dos disputadores e dos responsáveis é a atribuição da responsabilidade pelos conflitos: os proprietários tendem a responsabilizar as autoridades locais. Entretanto, as autoridades locais põem a culpa na Dcu por atuar sem lhes-consultar. Como a de esperar, ninguém assumiu responsabilidade pelo fracasso da sua instituição.

(17) Uma das consequências da fraca comunicação entre as autoridades locais (ao nível do bairro) e as do governo é que os sectores mais débeos e necessitados—os deslocados—acabam sendo vitimados. Eles teem a maior necessidade de assistência para se-recomporem das perdas da guerra, porém são, eles—os deslocados—quem mais freqüentemente recebem direitos de posse da terra mmumente fracos. O GD tende a conceder aos deslocados direitos



a um pedaço de terra num lugar sobrepovoado, reservado, ou que esteja sob conflito—ou seja terra que tem boa possibilidade de ser redesignada ou recuperada. Em alguns casos a parcela inteira e em outros uma parte da parcela foi expropriada e concedida às vezes a cidadãos realmente necessitados de terra e noutras a elites com interesse em expandir-se.

(18) Os informadores freqüentemente mostraram-se confusos sobre a maneira de formalmente transacionar os direitos da terra. Em vários casos os proprietários compraram terra que o vendedor nem possuía ou que um dos responsáveis do bairro não teve o direito de vender. Em outros casos, os informadores dirigiram-se a distintas instituições para formalizar os seus direitos; lamentavelmente foram mandados de uma para outra instituição—todas elas negando ter jurisdição, responsabilidade, ou conhecimento sobre os procedimentos para processar a reivindicação da terra. As vezes os funcionários violaram arrogantemente os direitos e em outros casos tímidamente se-esquivaram de tomar uma decisão—tornando-se ineficazes.

(19) Mas a questão fundamental sobre o direito da terra coloca-se quando os tais direitos estão a múltiplos níveis. Em muitos casos ninguém sabia exactamente quem tem o direito ascendente sobre a terra, especialmente quando tais direitos são concorrentes ou não óbvios. Mais comumente os direitos dos actuais ocupantes foram ameaçadas quando ex-proprietários quisessem recuperar as propriedades nacionalizadas. Mas os inquilinos exigiram a observância dos seus direitos dados os investimentos que tinham realizado nas propriedades. Em outros casos os direitos das diversas partes colidiam porque as autoridades tinham concedido os direitos da mesma parcela a vários indivíduos.

(20) Todos os informadores acharam que uma política da terra eficiente precisa para reduzir os custos dos conflitos da terra. Os conflitos de terra nesta amostra provocaram altos custos de transação visto que escassos recursos estatais e locais foram desviados para processar os conflitos. Numa perspectiva individual, os conflitos provocaram custos não desejados—tanto do tempo e dinheiro perdido como das relações quebradas dentro das comunidades e a falta generalizada de confiança no sistema jurídico.

(21) Estes resultados indicam que várias medidas podem-se tomar para reduzir o número de conflitos da terra, e para resolver mais eficientemente os conflitos quando surgem.

- ▶ Desenhar os programas de desenvolvimento da terra considerando que muitos dos deslocados vão ficar permanentemente na cidade de Maputo e não voltarão aos seus lugares de origem no campo, quando a paz chegar.
- ▶ Definir e delinear claramente as responsabilidades de todas as instituições do governo que estão envolvidas em assuntos da terra.
- ▶ Esclarecer o papel das autoridades locais e fortalecer as instituições locais.
- ▶ Criar uma comissão especial cuja responsabilidade seja reformar ou esclarecer as leis da terra que, na prática, têm subvertido a justiça e promovido a desigualdade:

tais como os artigos que tratam a "posse", a transação, o desenvolvimento, a expropriação, e a indenização da terra. Em adição, deve se estudar as possibilidades de mudar ou melhorar o processo de concessão de títulos da terra—a solução principal para fortalecer os fracos e ambiguos direitos da posse da terra sugerida por praticamente todos os informadores. Finalmente, dedicar recursos para programas de demarcação e registo, e para programas de capacitação em áreas tais como métodos de levantamentos topográficos.

- ▶ Definir e designar as responsabilidades do processamento dos vários tipos de conflitos de terra. Eram poucos os informadores que conheciam a maneira em que deve funcionar o sistema. Como consequência, o funcionamento do sistema e sumamente lento e ineficaz. Precisa-se de pesquisa adicional sobre o funcionamento do sistema atual de manejo dos conflitos da terra antes de desenhar intervenções para melhorar este sistema.
- ▶ Informar o povo através dos grupos de base já organizados—tais como as associações de produtores e as cooperativas—sobre a natureza dos direitos individuais sobre a terra e sobre os procedimentos existentes para proteger tais direitos (por exemplo, os diversos tipos de requerimentos e a burocracia a que se tem que submeter). A maior parte dos proprietários reclamaram de que nem conheciam os seus direitos: acharam que o sistema jurídico protegia os direitos dos mais ricos ou dos que eram mais capazes em manipular o sistema.

**LEGAL UNCERTAINTY AND LAND DISPUTES  
IN THE PERI-URBAN AREAS OF MOZAMBIQUE:  
LAND MARKETS IN TRANSITION**

by

**Steve Boucher, Antonio Francisco, Laurel Rose,  
Zaque Michael Roth, and Fernanda**

1. INTRODUCTION

In the years following independence in the late 1970s, demand for arable land in the Green Zones of Maputo came mainly from urban workers or ex-agricultural laborers within the city. By the 1980s, however, several factors helped to sharply increase land pressures in the peri-urban zone and contributed to new groups of people coming from outside Maputo to seek land. These factors, which included (1) closure of the South African mines to Mozambicans, (2) droughts and a severe drop in agricultural exports, (3) the "open-arms" policy of the government following independence, and (4) the civil war of the past fifteen years, led to massive migrations into Maputo of people seeking employment, land, and security (see Pinsky 1985, p. 285; and Roth et al. 1994). These three themes—employment, land, and security—recur in nearly every dispute case and oral land history compiled in this study. As both the literature and the histories reveal, people flooded into Maputo, haphazardly occupying previously demarcated parcels and creating a situation of unclear, overlapping, and contradictory land rights—a situation rife for conflict (see Box 1).

The Government of Mozambique is considering legal changes in its land law and administration of state leasehold property—an enormous challenge given its past socialist history and the uncertainties created by its current transition to a private market economy. The present research sought to identify dispute causes and de facto processes of dispute resolution as one basis for gauging inadequacies in the current law and system of state land administration. A second study by Roth et al. (1994) examines in more detail land-market processes, transactions costs, and the effects of legal uncertainty on land transfers, investment incentives, and wealth. The studies combined illustrate in vivid terms the economic inefficiencies caused by lack of a coherent, consistent, and enforceable land policy conducive to individual landownership and rights of transfer. As property institutions define the legal environment within which economic transactions take place, the effects of legal uncertainty—tenure insecurity, high transactions costs, and weak incentives for fixed land improvements—will continue, until addressed, to retard the pace of Mozambique's transition to a market economy.

**Box 1: Pressures of urbanization: An environment conducive to land disputes**

The four largest cities (Maputo, **Beira**, **Nampula**, and **Quelimane**) have modern core **areas of** office buildings, hotels, and apartment blocks, **along with expansive** residential areas that were once reserved for the settler population. The rapid growth of these so-called cement cities in the 1960's and early 1970's produced enormous speculative profits for the landowners (or their corporate heirs), the largest of whom had acquired their holdings when the land around the cities was ceded for agricultural purposes. The owners cashed in as the city expanded and the land was converted to urban use; some even sold it back to the municipal government, as when land was acquired for the airport and a second railway station in Lourenco Marques. Despite laws to the contrary, city officials were often financially involved in these deals and the direction of growth was undoubtedly determined in part by personal interest.

Expanding urban development added to the misery of the 75 to 80 percent of the population that lived precariously in the shantytowns surrounding the cement cities. Since Mozambicans were not permitted to own land, many families were forced to occupy illegally land unsuitable for building or public and private land slated for future development. Some rented tiny plots from the land-owners, and many were subject to periodic flooding or were bull-dozed out of their homes at the whim of speculators and government bureaucrats.

At independence most of the shantytown areas lacked water, sanitation, and community services, despite the start in the early 1970's of a "psychosocial" program, a last-gap attempt to culturally integrate the urban population, and not so coincidentally to develop a more skilled and loyal workforce ... .

The enormous problem of improving living conditions in the growing shantytowns was made even more difficult by the collapse of local government as the professional and administrative staff abandoned the country. Originally created to serve only the cement city, the "camaras municipais" (city councils) combined inefficiency and corruption with an inability to finance the enormous infrastructural works that were needed to match the level of building activity. The colonial division of local government responsibility further confused the situation. Not considered part of the city, most shantytown areas were under a separate administration, usually the rural district administration ... .

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Barry Pinsky, "Territorial Dilemmas: Changing Urban Life," in *A Difficult Road: The Transition to Socialism in Mozambique*, ed. John S. Saul (New York: Monthly Review Press, 1985), pp. 286-87.

## 2. OVERVIEW AND RESEARCH METHODS

### 2.1 PERMANENT GREEN ZONES

The disputes in the sample tend to be clustered within Permanent Green Zone areas (Zonas Verdes Permanentes)—the former Portuguese estates (*quintas*)—which were demarcated and officially registered with the municipality before independence. Within these areas, the land redistribution policy and the semi-formal administrative and legal registration process have resulted in conflicts. Disputes arose when un- or underutilized *quintas* were turned over to individuals who demonstrated the means to develop them—that is, enterprising state functionaries, merchants, and other residents with either capital or political influence. Unfortunately, those people who had spontaneously occupied the *quintas* after independence were evicted. The administrative and legal process of registration and titling also created land conflicts. Disputes arose when land was turned over to persons who had not acquired the necessary documents from the GD, which confirmed whether or not a requested parcel was vacant (the acquired land proved to be already occupied). Or the government (Dcu) took back or reallocated land that did not fulfill the development conditions approved at the time the concessions were issued.

Although the registration process applies only to the previously demarcated area, some individuals with money or influence have succeeded in hiring topographers from the Dcu or the cadastral office of the Ministry of Agriculture (DINAGECA) to conduct new land surveys outside the demarcated Permanent Green Zones. These individuals, having acquired an "extralegal" new demarcation, skip the normal steps in the registration procedure and thus deal solely with the Dcu, which grants official concessions. As the interviews in this study illustrate, such actions have given rise to a multiplicity of land conflicts.

### 2.2 SURVEY DESIGN

Three subpopulations were initially targeted by the study with the objective of developing detailed case histories on the nature and causes of land disputes, dispute resolution processes, perceptions of land problems, and their solutions:

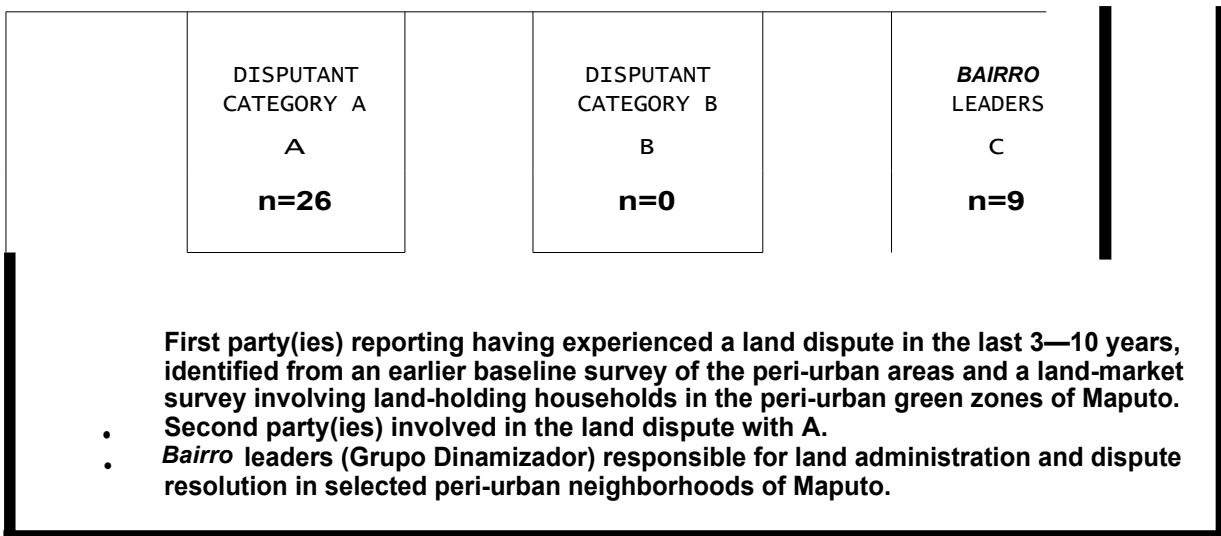
The first subpopulation (domain A in figure 1) includes individuals having experienced a land dispute or conflict sometime in the past 3-10 years (the time frame varies depending on the sample used). As a party in a land dispute, the disputants are well positioned to provide firsthand knowledge of the land conflict in which they were involved and of others in the community, albeit with the risk that the reported information is biased in their favor.

The second subgroup—neighborhood leaders involved with land allocations (domain C)—was formed to obtain an "official" perspective of the land conflicts occurring. As intermediaries in allocating land and resolving disputes, the *bairro* leaders usually possess a more intimate knowledge of land problems than higher officials in public administration. Yet, as with group A, their responses are expected to be biased in favor of the "party line." Also, since the Grupo Dinamizadores and the government are sometimes reported as the principal

cause of conflicts by group (A), the responses of *bairro* leaders would naturally be softened to protect their "office" or the government's involvement.

Members of disputant category B were not interviewed. Although their opinions would have enabled a more balanced picture of the land dispute histories reported by group A, no attempt was made to do so because of time and budget limitations, the meager amount of address information (of party B) known by party A, the high percentage of disputes caused by migrants and transients requiring high search costs to locate, and the high percentage of disputes caused by government for which the disputant could refer only to a "government official" as the party, not his or her name.

FIGURE 1: **Sampling frame: Land conflicts study**



Despite this limitation, the case histories compiled for categories A and C, when interpreted as a whole, provide remarkably clear insights into the scope and nature of land conflicts in the peri-urban areas and the effects of these conflicts on productive behavior and equity.

### 2.3 SAMPLING FRAME

Dispute histories for each disputant under A and perceptions of land conflicts by *bairro* leaders under C were compiled using a case-study format and semi-structured interview techniques.

Respondents in domain A were purposefully selected from a random listing of disputants identified by a baseline survey of households administered in the peri-urban area of Maputo

(the research design is included in annex A). The baseline survey was administered to 330 households by researchers from the Ohio State University with survey-design assistance from the Land Tenure Center of the University of Wisconsin. One question intentionally included in the survey asked whether any household member had experienced a land dispute in the last three years and with whom—private farmer (*agricultor privado*), producer cooperative (*cooperativa de produção*), local government administration (*grupo dinamizador* or *administrador*), someone involved in house construction (*alguem que construia sua Casa*), or others. Of the 320 respondents, 40 mentioned having experienced a land dispute. Of these 40 responses, 21 were selected as case studies for further analysis based on criteria mentioned below.

In addition to the household baseline survey, researchers from LTC conducted a land market study involving a statistical survey of 126 households in the peri-urban green zones of Districts iv and vi (see figure 2 for the administrative boundaries of districts and *bairros*, and figure 3 for a land use map showing the demarcations of the peri-urban green zones, or agricultural gardens) of Maputo and Matola cities. Questions were asked about the nature and frequency of the dispute(s), dates and parties involved, and resolution processes. Fifteen respondents mentioned having experienced one or more agricultural land disputes some time in the past ten years. Five of these dispute cases were selected for further analysis.

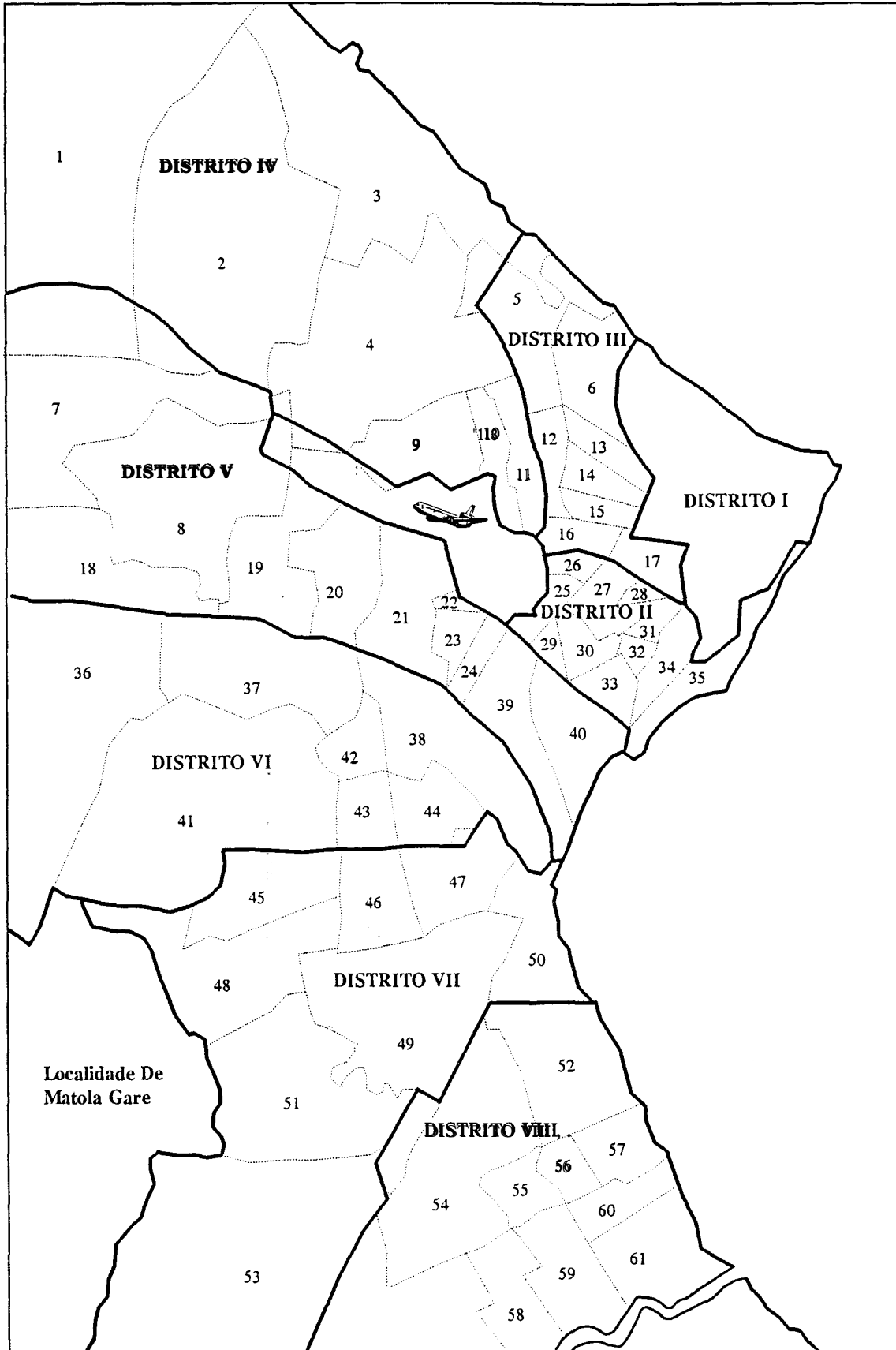
Under the peri-urban baseline survey, blocks and households were randomly selected within each of Districts II to viii outside the cement city (District I) of Maputo (annex A). To some unknown extent heavily populated areas are overrepresented in the sample, whereas areas of lower population density—particularly peri-urban households nearer to the frontier of the security zone—are somewhat underrepresented, because the researchers tried to avoid risky areas vulnerable to attack (see annex A). The LTC study, by focusing specifically on holders of agricultural land in the peri-urban zones, helped to counterbalance the underweighting of dispersed households in the baseline survey.

The case studies (40 from the baseline, and 15 from the land-market survey) were categorized by district, type, and disputants involved. A subsample was then drawn that included representation in all eight districts in Maputo, all types of disputes (for example, inheritance within families and land grabbing by the authorities), and all major disputant categories (for example, government agencies, private institutions such as churches, and individuals such as wealthy entrepreneurs and poor farmers). Disputes were eliminated if a dispute category contained more than 3-4 cases (1-3 cases were usually retained for nonagricultural land, depending on the dispute category, and 5 cases for agricultural land). Those discarded were either similar to other cases already set aside or were the least interesting. Following case selection, the smaller land-dispute sample comprised 26 cases—all of which are analyzed in this paper.

The reduced sample includes the following types of disputes:

- ▶ disputes involving land administration (for example, case 1 involves abuse of authority by the local government; case 4 involves disorganization within the municipality in registering agricultural lands; cases 18 and 21 involve institutional confusion); and

# Maputo, Mozambique: 1993



**Bairros:**

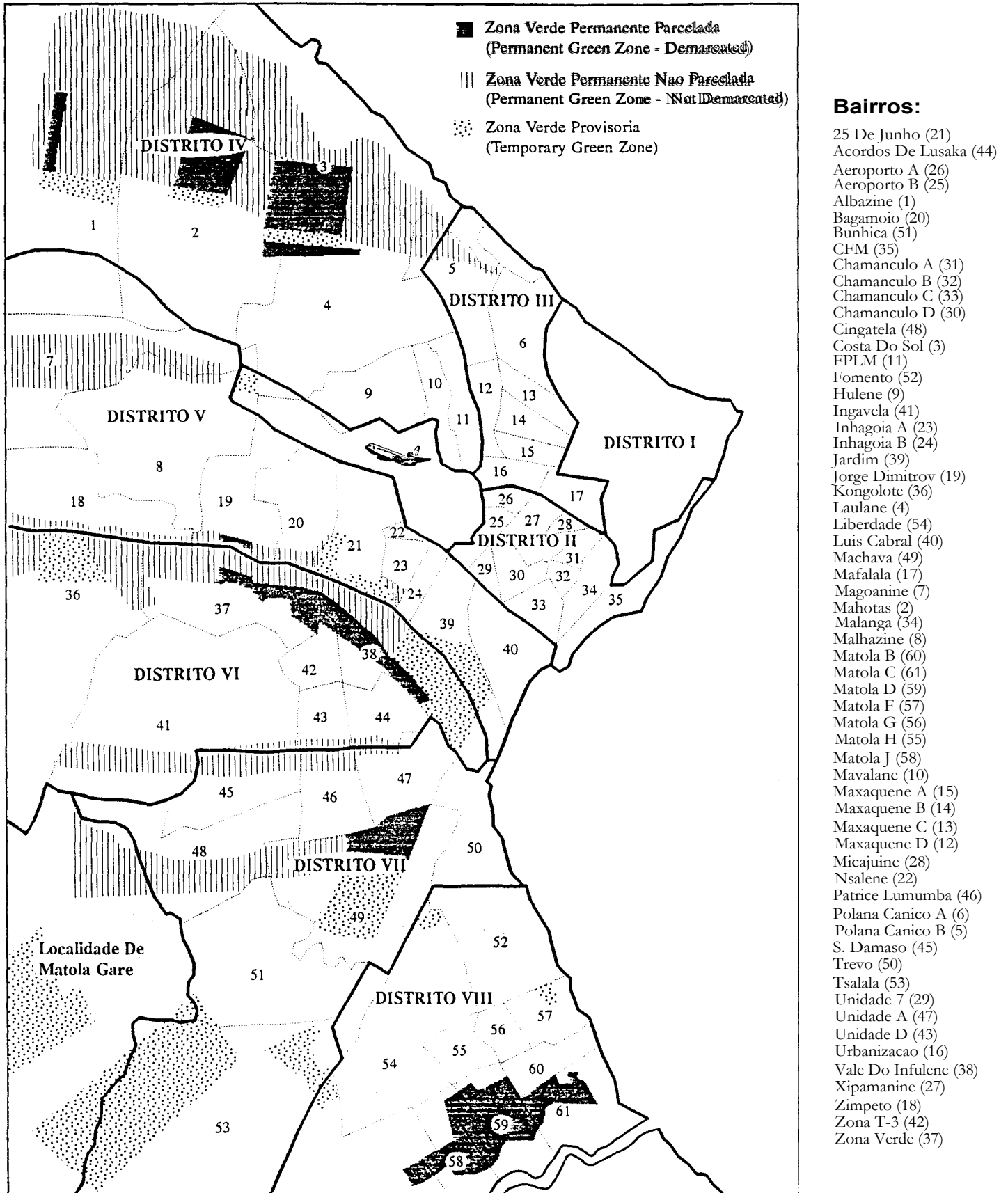
- 25 De Junho (21)
- Acordos De Lusaka (44)
- Aeroporto A (26)
- Aeroporto B (25)
- Albazine (1)
- Bagamoio (20)
- Bunhica (51)
- CFM (35)
- Chamanculo A (31)
- Chamanculo B (32)
- Chamanculo C (33)
- Chamanculo D (30)
- Cingatela (48)
- Costa Do Sol (3)
- FPLM (11)
- Fomento (52)
- Hulene (9)
- Ingavela (41)
- Inhagoia A (23)
- Inhagoia B (24)
- Jardim (39)
- Jorge Dimitrov (19)
- Kongolote (36)
- Lau lane (4)
- Liberdade (54)
- Luis Cabral (40)
- Machava (49)
- Mafalala (17)
- Magoanine (7)
- Mahotas (2)
- Malanga (34)
- Malhazine (8)
- Matola B (60)
- Matola C (61)
- Matola D (59)
- Matola F (57)
- Matola G (56)
- Matola H (55)
- Matola J (58)
- Mavalane (10)
- Maxaquene A (15)
- Maxaquene B (14)
- Maxaquene C (13)
- Maxaquene D (12)
- Micajuine (28)
- Nsalene (22)
- Patrice Lumumba (46)
- Polana Canico A (6)
- Polana Canico B (5)
- S. Damaso (45)
- Trevo (50)
- Tsalala (53)
- Unidade 7 (29)
- Unidade A (47)
- Unidade D (43)
- Urbanizacao (16)
- Vale Do Infulene (38)
- Xipamanine (27)
- Zimpeto (18)
- Zona T-3 (42)
- Zona Verde (37)

**FIGURE 2: Administrative map of the urban and peri-urban districts and *bairros* of Maputo**

Map Produced By:  
 Anna Storkson, 1993  
 AnnaGraphics. Madison, WI



# Maputo, Mozambique: 1993



**FIGURE 3: Land use map showing the peri-urban green zones (agricultural gardens) of Maputo**

- ▶ disputes involving tenure on both residential and agricultural land (for example, cases 2 and 5 involve inheritance; case 4 involves land registration rights; and cases 6, 7, and 12 involve the state's special reserve zone).

The following types of **disputant** categories were also covered:

- ▶ government agencies (for example, case 7 involves the Ministry of the Interior, and case 17 involves the Ministry of Agriculture); private institutions (for example, case 22 involves a church, and case 10 involves an agricultural cooperative); and
- ▶ individuals of varying social/economic status (for example, refugees, long-standing residents with varying levels of economic well-being, and case 8 involves two prominent officials).

## 2.4 RESEARCH METHODS

Semi-structured interviews were administered to each household in the sample by a student from Eduardo Mondlane University in Maputo in the native language of the informant, usually Portuguese, Xichangana, or Xironga. Written case histories were then prepared in Portuguese. Thereafter at the university, historical backgrounds were supplied to select cases. These Portuguese versions were then translated into English in Madison. Although the field investigator conducted the interviews according to a basic outline so as to ensure that a comparable set of points and issues were covered with all disputants, the respondents were permitted to inject their opinions whenever they saw fit. At a minimum, the respondent was asked for the following details about the dispute they experienced: date of dispute, nature of dispute, whether and how the dispute was resolved, parties involved, compensation received, and expenses incurred. The informant was also asked to provide his or her general opinions on the source and nature of land conflicts in the neighborhood, land prices and land values, the effectiveness and role of official institutions in resolving and mediating disputes, the extent to which the war and refugees are causing land disputes, and policies to lessen the costs of litigation and economic inefficiency associated with disputes. Not all informants answered or responded fully to each and every question.

While one researcher was conducting the in-depth interviews with the disputants involved in the land conflicts, another researcher conducted semi-structured interviews with nine local leaders (the *secretario-adjunto* and the secretaries of the Grupo Dinamizador) regarding land conflicts within their area. Although the conflicts from the disputant sample (A) were not specifically mentioned by the interviewer, some of the leaders nonetheless alluded to the same disputes. In general, the leaders provided the social, economic, legal, and political context associated with land problems in their respective *bairros*.

## 2.5 CAVEATS

Several noteworthy factors influenced selection of samples, style of interviewing, and the analysis and interpretation of findings. Some households were preferred over others due to the safety of a region and the willingness of the respondents to cooperate. Households were also selected to achieve the maximum variation possible in three dimensions of disputes:

district coverage, type of dispute, and individuals/institutions involved (households with similar types of disputes were excluded). Limitations of language resulted in some dilution of data through translation (from native language into Portuguese and then into English). Attempts to administer uniform, semi-structured interviews always entail the risk of missing or overlooking relevant information not sought in the interview process. Also, relying upon one disputant-informant sometimes resulted in one-sided interviews, which were characterized by exaggerated accounts that aimed to justify a particular viewpoint or interest.

## **2.6 IMPORTANCE OF THE STUDY**

Nevertheless, the study contributes important field data on land issues and problems arising from the administration of Mozambique's land laws. In particular, it demonstrates the types of land conflicts that arise; the variety of land disputants (socioeconomic characteristics) who become embroiled within such disputes; the kind of institutions and authorities that handle such controversies; and the impact of such disputes on tenure security, investment, and land-use practices. It further differentiates objective dispute data (reported case facts) from subjective data interpretations (opinions about case facts). Such a differentiation demonstrates the relationship between informant perceptions about social problems and the reality of such issues as expressed in concrete data.

## **3. LAND LAW**

The Mozambican Constitution adopted at independence nationalized all land. According to ARTICLE 8, "The land and the natural resources in the soil and subsoil . . . are property of the State," acting in the name of the Mozambican people, who thus became collective owners of their territory. Although the nationalization of land was intended to improve living conditions (see Box 2), most of the informants in the survey blamed land nationalization policies for their problems, including a rise in land disputes.

According to the terms of the Land Law of 1979 (Law No. 6/79) as well as amendments enacted in 1987, all land is part of the "public domain." In practice, this means that individuals or persons acting together in collective action cannot sell, cede, rent, mortgage, or pawn land, although they can transfer existing infrastructure. The state grants title—lease of use rights—for up to 50 years to any individuals or collective persons with legal identity. Title does not give such parties ownership or unconditional management rights: they must exploit the land rationally and in conformity with an authorized development plan; otherwise, their use rights will be terminated and the land will revert to state control [see Roth et al. (1994) for greater detail on the land titling process].

**Box 2: Land nationalization: A "just" policy that leads to land disputes?**

At one stroke speculation in urban land ceased since it could no longer be bought or sold. Every Mozambican family was instead guaranteed the right to own a house and to use land for this purpose. Family agricultural rights were recognized, and rights of use were transmissible to heirs, although the state has the right to expropriate land for development purposes—in which case the owner or heirs must be compensated for any improvements which they have made.

The revolutionary impact of this measure is perhaps difficult to gauge from a North American or Western European perspective where the concept of private land ownership is so firmly entrenched and mystified. Some examples of the way in which the new constitution could lead to the reversal of spatial inequalities may make this clearer. First, allocation of investment in infrastructure and urban development could now be planned on the basis of political and social goals rather than market and racial mechanisms. The housing situation of shantytown dwellers, no longer "squatters" on private land, could be legalized and improved. New jobs, commercial facilities, and community services could be relocated away from the cement cities, minimizing transportation time and costs. Pollution could be reduced and foreign exchange otherwise needed for imported petroleum and vehicles saved. Finally, with market pressures eased, more green space could be allocated for recreation and production in and around the towns ... .

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Barry Pinsky, "Territorial Dilemmas: Changing Urban Life," in *A Difficult Road: The Transition to Socialism in Mozambique*, ed. John S. Saul (New York: Monthly Review Press, 1985), pp. 290—91.

The Land Law covers all basic types of right-holders—the state, cooperatives, large titleholders, and families—but focuses on large titleholders and families. The Land Regulations enacted in 1987 (Decree No. 16/87) spell out a number of provisions regarding land registration, leases, inheritance, resettlement, compensation, land abandonment, and dispute resolution, among others.

The following select articles of the Land Law establish those provisions that most directly mold the legal setting within which land conflicts may be either provoked or settled (cases in parentheses are situations where the legal provisions have resulted in one or more of the land disputes elaborated in annex D):

- ▶ **Land lease.** A family farm need not have a lease, but can apply for one (ART. 55). (Refer to case 8.)
- ▶ **Land registration.** Rights to land and details of their use and capabilities are to appear in a National Land Register (ART. 37, 38). (Refer to cases 4 and 8.)

- ▶ **Inheritance.** Land rights (a lease) are heritable (ART. 32). Heirs cannot transfer the land but can transfer improvements, infrastructure, and buildings if they have prior authorization from the leasing authority; the state enjoys a preferred right to purchase such improvements if it chooses to do so (ART. 33). (Refer to cases 2, 5, 22, 23, and 26.)
- ▶ **Termination of leases.** In the case of termination (due to expiration of the term, renunciation by the holder, and revocation by the state), all improvements, infrastructure, and construction revert to the state (ART. 35) and "just compensation" is required (ART. 36). (Refer to cases 3, 14, 17, and 18.)
- ▶ **Resettlement.** If a family is moved from the land it occupies, there must be an express declaration of why this is necessary for the convenience of the state acting in the public interest (ART. 50). (Refer to cases 7, 11, 15, and 17.)
- ▶ **Land compensation** (that is, infrastructure). If a family is moved, compensation for improvements on the land must be paid in advance, before the move, and new land of similar value must be provided. Those being moved should be able to view the new land before they move (ART. 52). (Refer to cases 12, 14, and 22.)
- ▶ **Land abandonment.** If a family leaves land of its own volition and remains away for over two years without justification, the right to use the land terminates and all improvements on the land go to the state without compensation. Where a lease has been granted, it must be canceled in this case. But even if such a cancellation has taken place, the family may return to the land at a later date if no one else has begun to use it (ART. 60). (Refer to cases 13 and 18.)
- ▶ **Dispute resolution.** An administrative appeal process within the Ministry of Agriculture is described (ART. 69), including the possibility of further appeal to the regular courts, with the exception that a decision by the Council of Ministers is not subject to appeal (ART. 70). But there is also a provision for conciliation of disputes and the composition of conciliation committees (ART. 82). It is not clear in what circumstances each of these routes is appropriate. (Refer to cases 8 and 10.) [Refer also to discussion in Bruce (1990, pp. 6-9); see also Garcia (1987) and Pinsky (1985).]

As will be discussed below, many of these land disputes reflect current inadequacies in the land law—that is, imprecision, inconsistency, and unenforceability.

#### 4. LAND ADMINISTRATION

Laulane, one of the neighborhoods (*bairros*), provides a good example of historical developments in land administration (see Box 3). As the example of Laulane and the case

studies presented in annex D demonstrate, the absence of clear legal mechanisms in most communities has given rise to numerous disputes.

**Box 3: Land administration and history of Lualaba: Preparing the way for land disputes**

During the 1950's and 1960's large parcels of land . . . were **demarcated** and registered by private individuals for agricultural use, but not necessarily developed. The existing local occupants' traditional rights were not respected in colonial law, and usually no form of compensation was proffered. Previous to this, land had been allocated by the "regulo," or traditional chief of the area who was recognized by the colonial authorities. One of the bairros was known by the name of this family—"Mavota" or "Mahotas"—the name of "Lualaba" coming from a chief of the same clan in the late 19th century.

At the beginning of 1963 the Provincial Secretary of Lourenco Marques approved a plan of urban development to create a village in bairro Mahotas. The only actual development to take place however was a commercial center, of which 6 plots were developed; however this represented the only commercial outlet in the zone. The bairros were incorporated within the city limits—"Concelho da Cidade de Lourenco Marques"—when these were extended in the 1960's. At the beginning of the 1970's some large agricultural land parcels in both bairros were subdivided for sale (commonly in .5 ha plots), primarily to city residents for market gardening and weekend residences. However, before independence relatively few were occupied and developed partly because of the cost of water provision.

After independence, in 1979, the municipal authorities were reorganized, with clear topographical city limits and the exclusive right to land allocation and registry defined as the responsibility of a newly created Construction and Urbanization Directorate, within the new Executive City Council, which took over the previous municipal land demarcation and registry role. This Directorate, which was created in 1980, was also made responsible for urban planning and development, which it began to develop despite severe technical limitations during 1981.

Although general guidelines for urban development were established at the time of municipal reorganization, legal mechanisms for urban planning and investment procedures, and post-nationalization land law regulations dealing with tenure, transmission and land use control were not defined, and thus, the newly formed Directorate initiated a series of essentially ad-hoc urban interventions on an experimental basis, primarily the creation of basic peri-urban sites and services areas with support to self-help house construction.

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Paul Jenkins, "Housing and Living Conditions in Peri-Urban Areas of Maputo City," UNDP/UNCHS report for Project Moz/86/005 (Maputo: Ministry of Construction and Water Affairs, Republic of Mozambique, 1991), pp. 7-8.

Several local or governmental agencies may be called upon to resolve land conflicts. The Grupo Dinamizador (GD), the administrative structure at the local *bairro* level, may be called upon to handle problems involving development projects, land purchase agreements, property inheritances, infrastructure construction and occupation, land allocation, land transfers, land evictions, and resettlement. (See cases 2, 3, 12, 13, 14, 15, 17, 20, 22, 23, 24, 25, and 26 in annex D, in which disputants called upon the GD to assist with land transactions and disputes. See also, as a contrast, case 1, in which the GD was believed to have caused a dispute by usurping the land rights of an ordinary citizen.) In addition to land matters, GDs may assume responsibility for: school and community committees; neighborhood cultural, sports, and recreational activities; production cooperatives; adult education and literacy campaigns; public transport; and preventive health programs (see Pinsky 1985, p. 300).

Another agency responsible for land administration, the Green Zones Directorate (Gabinete das Zonas Verdes, or Gzv) implements policy that aims to prevent land conflict and is also involved in resolving actual conflict. The Gzv was established in May 1980. One of its many duties is to investigate the existing situation of land occupation and inventory existing agricultural infrastructure. (See cases 4 and 8, in which disputants asked the Gzv to confirm the area of their lots, in contradiction to the claims of families or individuals. As a contrast, see case 18, in which the Gzv tried to seize land in order to reallocate it for "development" purposes.)

The Executive Council (Concelho Executivo, or CE) is the agency at the municipal level responsible for, among other things, land-use zoning and titling of both residential and agricultural lands. Officials within the CE are all members of the Forças de Defesa e Segurança (FRELIMO) party (as are members of the GD). The Directorate of Construction and Urbanization (Direcção de Construção e Urbanização, or Dcu) is the office or directorate within the CE in charge of land-use zoning and titling. According to one disputant, the CE requires that people officialize their land occupancy within 90 days. Failing to do so, the CE will expropriate the land and give it to other persons.

## **5. ANALYSIS OF DISPUTANT CASE STUDIES**

### **5.1 DISPUTE CONFIGURATIONS**

Table 1 presents the "objective" aspect of the land dispute study: informants' accounts about disputant characteristics and dispute issues and processing. The data come from one group of informants, the disputants in 26 cases. When an informant did not mention a particular facet (for example, police involvement), this aspect was considered absent from the case.<sup>1</sup>

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1. Absence of a response does not necessarily mean that an aspect was not experienced by the disputant. Unlike statistical surveys, which require that a standard set of questions be addressed to each respondent, the structured interview permits more latitude in the scope of inquiry—but at the risk that the line of questioning and responses assume a nonstandard format for numerical tabulation.

## 5.2 DISPUTANT CHARACTERISTICS

The first category, disputant characteristics, indicates that most cases (18) involved at least one disputant/party who did not reside within the community of the contested land. This included former residents who attempted to reclaim land—for example, heirs or former landowners of nationalized property, former landowners who had abandoned their holdings, or Portuguese residents who had left the country at independence. Moreover, most cases (17) involved at least one elite disputant (an individual with either wealth or political connections);

**TABLE 1: Summary of disputant characteristics, dispute issues, and processes**

<b>DISPUTANT CHARACTERISTICS</b>	
<b>Local disputants involved:</b> (cases 1, 4, 6, 9, 12, 21, 24, 26)	<b>Nonlocal/foreign disputant involved:</b> (cases 2, 3, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 25)
<b>Peasant disputants involved:</b> (cases 2, 3, 9, 12, 13, 19, 21, 22, 23, 24, 25)	<b>Elite disputant involved:</b> (cases 1, 4, 5, 6, 7, 8, 10, 11, 14, 15, 16, 17, 18, 20, 21, 25, 26)
<b>Woman landholder involved:</b> (cases 1, 9, 10, 11, 14, 15, 17, 18, 19, 22, 23, 24)	<b>Male landholders (only) involved:</b> (cases 2, 3, 4, 5, 6, 7, 8, 12, 13, 14, 15, 16, 20, 21, 25, 26)
<b>Single landholders involved:</b> (cases 3, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 24)	<b>Extended family involved:</b> (cases 1, 2, 4, 5, 9, 20, 23, 25, 26)
<b>DISPUTE ISSUES</b>	
<b>Agricultural plot(s):</b> (cases 4, 5, 7, 8, 11, 16, 17, 18)	<b>Residential plot(s):</b> (cases 1, 2, 3, 5, 6, 7, 9, 10, 12, 13, 14, 15, 19, 20, 21, 22, 23, 24, 25, 26)
<b>One plot involved:</b> (cases 1, 2, 3, 5, 13, 16, 19, 21, 22, 23, 24, 26)	<b>Multiple plots involved:</b> (cases 4, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 18, 20, 25)
<b>Destruction of property:</b> (cases 2, 3, 4, 6, 7, 8, 9, 10, 11)	<b>No destruction of property:</b> (cases 1, 5, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26)
<b>Land inheritance:</b> (cases 2, 5, 22, 23, 26)	<b>Land purchase/acquisition/occupation:</b> (cases 1, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25)



[TABLE 1, Summary of disputant characteristics, dispute issues, and processes, cont.]

DISPUTE PROCESSES	
<b>Violent confrontation:</b> (cases 2, 7, 8, 9, 17, 26)	<b>No violent confrontation:</b> (cases 1, 3, 4, 5, 6, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25)
<b>Third party involved:</b> (cases 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26)	<b>"Outsiders" not involved:</b> (cases 5, 6)
<b>Local authorities involved:</b> (cases 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26)	<b>Local authorities not involved:</b> (cases 5, 19)
<b>Police involved:</b> (cases 2, 7, 8, 11, 26)	<b>Police not involved:</b> (cases 1, 3, 4, 5, 6, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25)
<b>Military involved:</b> (case 8)	<b>Military not involved:</b> (cases 1—7 and 9—26)
<b>Lawyers involved:</b> (case 8)	<b>Lawyers not involved:</b> (cases 1—7 and 9—26)
<b>Court involved:</b> (cases 8, 10, 16)	<b>Court not involved:</b> (cases 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26)
<b>Government officials involved:</b> (cases 4, 5, 6, 7, 8, 10, 12, 14, 15, 16, 17, 18, 20)	<b>Government officials not involved:</b> (cases 1, 2, 3, 9, 11, 13, 19, 21, 22, 23, 24, 25, 26)
<b>Money spent/lost:</b> (cases 4, 6, 8, 9, 16)	<b>Money not spent/lost:</b> (cases 1, 2, 3, 5, 7, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26)
<b>Dispute appealed:</b> (cases 8, 10, 16, 17, 18, 20)	<b>Dispute not appealed:</b> (cases 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, 15, 19, 21, 22, 23, 24, 25, 26)
<b>Short-lived dispute:</b> (cases 1, 2, 3, 12, 19, 21, 22, 24)	<b>Extended dispute (more than a year):</b> (cases 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 20, 23, 25, 26)
<b>Dispute resolved:</b> (cases 2, 3, 6, 7, 9, 11, 12, 19, 21, 22, 24)	<b>Dispute not resolved:</b> (cases 1, 3, 4, 5, 8, 10, 13, 14, 15, 16, 17, 18, 20, 23, 25, 26)
<b>Private action taken by disputant:</b> (cases 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 17, 23, 26)	<b>Action not taken by disputant:</b> (cases 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 24, 25)

this disputant was often wealthy, seeking to acquire land for commercial activities through encroachment or through assistance by the authorities, or this contestant was an authority figure who encroached upon land or manipulated property rights. In just over half of the cases (16), male landholders/claimants alone were involved. Women who were involved in disputes tended to be widows or uneducated landholders who could not effectively defend their rights. Finally, most cases (17) involved single parties (private landholders) representing a land interest; occasionally an extended family acted collectively in asserting or debating a land claim.

### 5.3 DISPUTE ISSUES

The second category, dispute issues, indicates that most cases (20) involved a conflict over the use rights of a residential plot. **Both groups** of informants (the disputants and the leaders) generally stated in interviews that population migrations had resulted in severe shortages in land available for housing purposes. Moreover, the land under dispute often (14 cases) involved multiple plots; sometimes these plots were held by one party and sometimes by multiple parties—the latter often being threatened by development interests. In nine cases, a contributing factor to the dispute was destruction of property, such as uprooting fruit and shade trees or damaging a house or building. Finally, issues of land inheritance were involved in only five cases, whereas the majority of cases (21) involved problems with land purchase, acquisition, or occupation (disputes concerning land inheritance were usually confined to the family unit, whereas disputes concerning land transactions involved various members of a community or external agencies).

### 5.4 DISPUTE PROCESSES

The third category, dispute processes, indicates that most disputants (20) did not opt to confront one another violently as a way to make their grievances known or to receive redress. In nearly all cases (24), a third party was involved at some point—for example, in actively assisting as a mediator or in hearing complaints but refusing to assist. In only two cases did the disputants manage to work out a settlement without third-party intervention (either containing the dispute within the family unit or avoiding confrontations). At the same time, local authorities were involved in nearly all cases (24)—for example, granting land, mediating disputes, defining or revoking land rights, appealing to higher authorities, or hearing complaints.

Although most third-party involvement concerned local authorities, local experts did not act significantly as third parties when government officials were primarily or solely involved. The police were involved in only five cases, though some disputants may not have thought to mention police involvement to the researcher. Military officers and lawyers were reported to be present in only one very serious case (case 8). At the same time, reliance upon a court was evident in only three cases—one of which was case 8, which also involved the military and lawyers. Government officials were involved in dispute processing in half the cases (13) ("government" refers to levels above *bairro* authorities—for example, Dcu). Sometimes government officials were called in to provide documentation, render surveys, or offer policy

advice regarding particularly difficult disputes, but other times officials were personally involved in the disputes by virtue of their attempts to acquire land.

Money was reported to have been spent or lost in the dispute resolution procedures of five cases; this money ordinarily went toward travel costs, fees for land documentation, or fraudulent land transactions. No disputants reported having personally bribed the authorities, though many reported that bribes are frequently offered and accepted. Disputants appealed their cases in only six instances; two disputants specifically explained to the researcher that one often experiences difficulties when appealing disputes since the officials to whom the case must be directed may be the very same parties who are transgressing the property rights.

Most disputes (18) lasted more than a year, but even the shorter-lived conflicts (8) threatened to resurface at a later point in time. In this regard, 16 cases were labeled "unresolved" at the time the research was concluded; however, the concept of "resolution" is nebulous, since it tends to mean disputant acquiescence or obedience but not necessarily satisfaction with the outcome of the conflict. (Only when **all** concerned parties are satisfied can the dispute be considered resolved.) Finally, half the cases (13) involved some sort of private action taken by the disputant in an effort to resolve his/her land dispute or bring about satisfaction for grievances; for example, demarcation of land through fencing, building of infrastructure to assert a land claim, or confiscating agricultural produce as compensation for losses.

It should be noted that a disputant occasionally became involved in multiple, connected disputes or in disputes comprising various layers of issues and processes. For example, in case 9, the disputant discovered upon returning from South Africa that he had been dispossessed of his land; he became embroiled in two disputes—one to reclaim his land, and one to receive compensation from a woman who had fraudulently sold him an alternate plot which did not belong to her.

## 6. DISPUTANT AND *BAIRRO* LEADER PERCEPTIONS

Tables 2 and 3 present the subjective aspect of the land dispute study, that is, the informants' opinions about the causes of, processing of, and solutions to their specific disputes or to land disputes in general. The data come from two groups of informants: the disputants in the 26 cases (table 2), and the nine *bairro*-level leaders (table 3). The 26 disputants tended to talk about their specific controversies, whereas the local leaders tended to talk about disputes in general, though they usually focused on several conflicts within their respective communities.

The rows in tables 2 and 3 are categories of informant perceptions on dispute causes, dispute processes, and dispute policies summarized from more exhaustive and detailed data presented in annexes B and C. The data reported on the right-hand side of each table are the number of informants who made comments with regard to the respective conceptual category. The same sets of conceptual categories are included in table 2 for the dispute cases, and table

3 for the *bairro* leaders, enabling a comparison of perceptions among disputants and officials on land issues, problems, and solutions.

**TABLE 2: Summary of landholder perspectives (26 disputants) on dispute causes, dispute processes, and dispute policy**

	No. OF INFORMANTS
<b>Dispute causes</b>	
<b>Contextual influences:</b>	
Environment	0
War	13
Overcrowding and increased population pressure	5
<b>National administration and policy:</b>	
Government land policy	17
Government officials	14
Development activities	5
<b>Local administration:</b>	
Local authorities' control	15
Citizens' actions	18
<b>Land affairs:</b>	
Land use	8
Land registration	7
Land transfers	6
Land security	11
Land development	5
<b>Dispute processes</b>	
<b>National or local administration:</b>	
Institutions and methods	9
<b>Resolution procedures:</b>	
Methods	6
Outcome	8
Appeals	4
<b>Dispute policy</b>	
Contextual influences	7
National administration and policy	1
Local administration	4
Land affairs	17
Land resettlement	7
Land dispute processing	2
Community affairs	5

**TABLE 3: Summary of *bairro* leader perspectives (9 secretaries) on dispute causes, dispute processes, and dispute policy**

	<b>No. of INFORMANTS</b>
<b>Dispute causes</b>	
<b>Contextual influences:</b>	
Environment	1
<b>War</b>	8
Overcrowding and increased population pressure	7
<b>National administration and policy:</b>	
Government land policy	6
Government officials	5
Development activities	2
<b>Local administration:</b>	
Local authorities' control	3
Citizens' actions	9
<b>Land affairs:</b>	
Land use	0
Land registration	0
Land transfers	2
Land security	5
Land development	1
<b>Dispute processes</b>	
<b>National or local administration:</b>	
Institutions and methods	4
<b>Resolution procedures:</b>	
<b>Methods</b>	1
Outcome	2
Appeals	1
<b>Dispute policy</b>	
Contextual influences	5
National administration and policy	3
Local administration	2
Land affairs	8
Land resettlement	1
Land dispute processing	1
Community affairs	3

## **6.1 DISPUTE CAUSES**

### **6.1.1 Contextual influences**

Both the landholders and the leaders placed considerable emphasis on the impact of the war in creating a large population of refugees seeking land and housing. Unfortunately, land in Maputo is scarce (thus more valuable), and people are compelled to live in crowded conditions. Many circumstances associated with population migration have contributed to land disputes: refugees moving into small dwellings with their relatives; refugees squatting on unused (though claimed) land; local authorities granting occupied plots to refugees; or former landholders returning from unsafe areas to reclaim their holdings.

### **6.1.2 National administration and policy**

The landholders and the leaders concurred that postindependence land policy—particularly land nationalization—is contributing to many of the land disputes now occurring. Three points of conflict were mentioned by disputants and *bairro* leaders alike. First, nationalization created a situation of latent multiple claims, in which ex-owners are seeking to reclaim nationalized properties while some current tenants, who have been living in the houses since independence, have made substantial investments in the property. Second, socialist policies aimed at providing land for everyone have created a very ambiguous sense of land rights among the people. A number of the persons causing the disputes in the case studies demonstrated a basic disregard for the individual property rights of others. The outcome is a growing sense of tenure insecurity and a reduced desire to invest in land and property. Third, under the widespread situation of land purchases and rentals in Maputo, the land law is both outdated and ineffective for deciding land-transfer disputes in court (that is, the court is having a hard time deciding in cases of disputes over land purchases, when the land law in actuality makes such transfers illegal).

The landholders also strongly condemned the government's policy of expropriating land for development projects or commercial enterprises. They widely protested the fact that government officials are often corrupt and thus guilty of favoring friends and associates in land allocation or dispute situations, encroaching on land interests for personal benefit, or taking money for rendering particular land-related services. Most important, the disputants commented that government and local officials do not communicate adequately with one another or with them, and, moreover, that such officials often are not even clear about their professional responsibilities. In contrast, the local leaders complained that government officials do not communicate or cooperate with them. One consequence of such poor communication is that land is underutilized or overutilized—the same plot being neglected because of unresolved conflicts or being granted inadvertently by various officials to multiple parties (for example, cases 15 and 16).

Regarding development activities, the leaders complained that the government introduced activities that did not always accord with local priorities (that is, local authorities had not been fully consulted about the national development program), whereas the landholders

protested that plans for land development had not been made clear to them, and consequently some had suffered from such unfavorable state interventions as involuntary relocation. On a lesser scale, even when informed about land development plans, the landholders endured considerable problems in trying to follow procedures for land registration because such processes were unclear and confusing (for example, case 19).

### **6.1.3 Local administration**

Both the landholders and the leaders accused one another of deception in land transactions. The landholders accused the local authorities of using false reasons (that is, development) for evicting someone from land, when the actual intention was to reallocate the land to someone else (for example, case 20). On the other hand, the leaders accused some citizens of obtaining land under false pretenses (interview B), such as claiming personal need, when such people actually intended to assign the land to a family member (interview A) or to sell the land (interview G). In effect, the leaders complained that residents had subverted the authority and cohesiveness of the community by transacting land negotiations without their knowledge (interview G), by falsely assuming land rights, by selling land rights to multiple parties (interview F), or even by manipulating land rights in a manner that injured their own family members [compare disputes about authority with similar disputes in Swaziland; see Rose (1992)].

Landholders often attributed a significant role in land affairs to local officials. Sometimes they complained that local authorities were insensitive to their needs regarding land transactions and dispute settlements. In contrast, the leaders commonly felt that their role either was or needed to be limited—especially because government officials restricted their capacity, because they had no workable solution to problems, or because landholders did not approach them for assistance. The leaders bolstered their role primarily when they felt that citizens ignored their prerogative to monitor settlements and building activities.

As might be expected from the above discussion about government officials, landholders typically complained that local authorities improperly encroached on their land interests—either by totally expropriating their landholdings or by reducing their land rights. In their view, the authorities sometimes acted on the command of high-ranking officials, but sometimes they independently invoked the land-use "efficiency" standard. Many landholders condemned the officials for selling land for personal profit or for distributing land rights to assist high-ranking bureaucrats or associates who might be in a position to provide them with reciprocal services. Conversely, the leaders rarely acknowledged such encroachments—except to comment about their colleagues' actions in their own absence (interview F). One leader even remarked that the authorities overlook citizen violations of land laws when local circumstances (for example, shortage of agricultural land) necessitate (interview A). But the landholders seemed to believe that many leaders administered land not only inefficiently but even corruptly, thus using legal and administrative confusion to their advantage.

When speaking about actions of members within their own ranks (that is, other citizens), the disputants complained that the major problem was that other people, particularly powerful

community members, encroached on or even took over their land totally, thus cultivating or building housing without their (the landholders') consent or that of the authorities. Interestingly, the leaders claimed that the major citizen-initiated dispute problem lay with the following interferences by "ex-landlords" (that is, landowners before land nationalization): obstruction of current landholders' activities on their former properties; claims upon their former properties; or even reselling their former properties. The various problems experienced between ex-landlords and current tenants arose under a variety of circumstances: when the landlords resided in close proximity to their former holdings and attempted to monitor them (interview A); when ex-landlords returned to an area and discovered that a house had been built on the holding (interview B); when heirs to nationalized land continued to pay taxes on the land in the hope that they could someday reassert their rights (interview B); and when rumors circulated that nationalized land would be sold.

As a whole, the leaders blamed the breakdown of local administration on landholders' resistance to their authority while the landholders blamed the breakdown on the leaders' inefficiency and corruption.

The only things all informants agreed on was that vague rules were widely manipulated and that many members of the community relied on self-promoting, deceptive tactics.

#### **6.1.4 Land affairs**

As mentioned above, the leaders complained that citizens built dwellings without their permission (for example, case 23) or squatted on land without their knowledge. They also accused citizens of selling land. Interestingly, they were concerned that land occupants could be evicted without warning. Women—particularly older, widowed, and uneducated women—seemed to face the greatest risk of eviction (for example, case 18). Those most able to defend against eviction were the people who had influential connections or who acted against an individual land grabber rather than against a powerful institution (compare cases 16 and 18 with case 7).

The landholders frequently protested that their land rights were unclear and that they could not obtain property titles. This is in contrast to the *bairro* leaders, who mentioned lack of property titles much less often. Sometimes landholders did not even know how land affairs should be properly transacted (for example, cases 19 and 21). They also expressed resentment that commercial interests often were given priority over the interests of subsistence farmers based on the land efficiency standard. Finally, the landholders, in their turn, accused the leaders of selling land through bribery and corrupt actions.

Both leaders and landholders, but particularly landholders, stated concern that the current land tenure system does not guarantee property rights (inheritance) for future generations. Such a policy, in their view, inhibits both land purchases and infrastructure improvements.



## **6.2 DISPUTE PROCESSES**

### **6.2.1 National or local administration**

Few disputants mentioned the national or local administrative structures for handling land disputes—perhaps because they were not fully aware of the official intent and purpose of such structures. Both the leaders and the **landholders** asserted that local authorities ideally should play a significant role in land-dispute management but in practice are often unable to intervene. When the authorities do play a role in land-dispute resolution, it is often one of ineffective, third-party mediation.

### **6.2.2 Resolution procedures**

Although the leaders said very little about land dispute-resolution procedures, the landholders offered many complaints. Some commented that the methods used in dispute resolution are very undefined, varying from case to case and depending on the initiative, resources, and connections of the disputants and the local leaders. As table 1 (see pp. 14-15) indicates, very few disputants made use of courts.

Probably no cases were resolved to the satisfaction of all parties. As table 1 also demonstrates, only half the cases were considered "resolved." However, many of these cases had resulted in ruptured relationships between disputants or in disputant acquiescence—cases where hostilities possibly continue to simmer beneath the surface.

Few informants mentioned appeal procedures, except to indicate that they were time-consuming and expensive. Some landholders claimed that they would appeal their cases if they did not eventually receive a satisfactory outcome. Two landholders commented that they could not appeal their disputes since the very official to whom the appeal would have to be addressed was the person who had transgressed their rights when acting in a private capacity (cases 6 and 18).

## **6.3 DISPUTE POLICY**

### **6.3.1 Contextual influences**

Some landholders and the majority of leaders stated that the best way to reduce the number and severity of land disputes was to end the war. One landholder commented that ending the war would increase land disputes since at that time people will attempt to formalize disputed landholdings.

### **6.3.2 National administration and policy**

The leaders, slightly more than the landholders, thought that the efforts of national officials should be better coordinated.

### 6.3.3 Local administration

Both leaders and landholders indicated that the local authorities need to find solutions to disputants' problems. The ideal solution would involve finding land for one of the two parties who claim the same piece of land, but, unfortunately, land scarcity in the peri-urban area has made this solution increasingly unrealistic.

### 6.3.4 Land affairs

The disputants overwhelmingly argued for granting permanent land titles. They repeatedly stressed that they suffer enormous land insecurity because their land rights are fragile, land titles are difficult to obtain, and eviction from their holdings is an ever-present threat. They said that the land laws should be reformed, meaning that the land should be privatized. They also felt that reforms are needed in the system of land administration—in particular, administrative levels need to be better defined and differentiated, documentation improved, and credit made more accessible and equitable. Finally, they mentioned that the respective rights of former landowners and current land tenants need to be differentiated. The leaders, on the other hand, more strongly emphasized that ex-landowners should not be allowed to recover their former holdings and that nationalized houses should be sold to current tenants.

### 6.3.5 Land resettlement

The leaders scarcely mentioned land resettlement as a theme, but the landholders brought it up repeatedly. Their main concern was compensation for losses of improved land, infrastructure, or natural resources. Some people wanted full compensation for losses, others wanted partial compensation, and still others wanted to be assisted with moving costs and building materials. Some landholders who fought resettlement orders implied that communications between authorities and community residents were poor, with the consequence that eviction orders often came as a surprise.

### 6.3.6 Land dispute processing

Neither the landholders nor the leaders said much about policies to improve land-dispute processing (perhaps because the researcher did not emphasize this point), but several informants mentioned that displaced landholders (that is, those people evicted after losing a land dispute) need to be assisted in finding new land.

### 6.3.7 Community affairs

Both the disputants and the leaders agreed that producer associations and cooperatives need to be strengthened so that people have a public forum through which to learn more about their land rights and to defend those rights.

## 7. CONCLUSIONS AND POLICY IMPLICATIONS

When considered as a whole, the most striking difference between the disputants' and the leaders' accounts is the attribution of responsibility for conflict: the landholders tended to blame the local authorities for land conflict, whereas the local authorities tended to blame the Dcu for taking actions without consulting them (interviews C, G, and I). Several leaders even commented that the Dcu creates disputes for them to solve. As expected, virtually no one took blame for failure of the institutions to which they belonged.

The informants indicated that one important consequence of poor communications between the Dcu and the GD is that the weakest, most needy segment of the population is victimized—the war refugees. They are the people who most often need assistance in recovering from war-related losses, and yet they are the ones who are most likely to receive very fragile rights to land. In other words, the GD, for want of better solutions and without clear instructions from the Dcu, may grant refugees land rights in overpopulated, reserved, or disputed areas—areas that will most likely be reassigned or reclaimed (though sometimes the GD will not assist refugees at all). When that occurs, the refugees are likely to be subjected once again to resettlement.

In the best of circumstances, land rights are fragile. In some cases, people lost land rights when entire plots were expropriated and granted to land-needy citizens or land-hungry elites. In other cases, their land parcels were reduced in size (for example, when the authorities permitted settlers to build on their land claims). In still other cases (such as case 18), peoples' land rights were terminated because the holders were deemed negligent, having abandoned land temporarily in order to attend to pressing personal responsibilities elsewhere.

A paradox about land rights thus arises: people realize that the most effective way to strengthen their fragile claims or rights to a plot is by putting infrastructure on the land (for example, fences, trees, dwellings; see case 23 and interview H), and yet at other times they realize that the surest way to jeopardize their claims is by drawing attention to their intention to remain permanently. Therefore, in some situations, infrastructure establishes a person's land claim within the community, whereas under other circumstances, such infrastructure threatens rival claims by showing that one is not merely a temporary squatter who can be tolerated. Unfortunately, land settlers cannot always accurately determine which actions will root their fragile claims and which actions will eliminate them. If they guess wrong, they stand to lose both land and investments.

If Mozambican citizens are confused about how best to establish fragile land rights informally, they are even more puzzled about how to transact such rights formally—that is, the institutions that control access rights and the procedures for transacting. In several cases, landholders paid for land that a seller did not own or that a community leader had no right to sell privately (most notably, case 9). In other cases, they approached numerous institutions in their efforts to formalize their rights; nonetheless, they were referred from one agency to another—all of which denied jurisdiction over, responsibility for, or knowledge about the procedures for processing land claims (usually titling) (for example, cases 4, 8, 16, and 17).

Officials sometimes arrogantly breached land rights and at other times timidly avoided decisions so that they became immobilized and ineffective. Even when such institutions did assume responsibility for land transactions, they occasionally changed their operational rules over time, thus creating confusion (interview G).

But the most fundamental issue concerning land rights came into play when such rights were multilayered: in many cases no one knew exactly who had the strongest claim to land—especially when such rights were equally competitive or were generally unclear. Most commonly, rights of current tenants came into question when ex-landlords wanted to reclaim nationalized holdings, but present occupants wanted to retain those same properties upon which they had made costly infrastructural improvements (cases 22 and 25). At other times, rights competed because authorities had allocated rights to the same plot to different people (case 9). At still other times, rights contended because landless residents or settlers established reasonable new claims (case 1).

Even though various parties competed to assert land rights, the new elite wielded the greatest power. It is a sad irony that the very land policies—that is, land nationalization—that aimed to eliminate inequalities by reducing the power of the colonial elite, merely created a pliable framework within which a new elite could amass power and wealth through land usurpations.

Considering the high level of frustration experienced by many landholders, who were compelled to stand by passively while their tenuous land rights were eroded, it is remarkable that so few protested with violence (refer to table 1 and cases 8 and 14). Evidently they hoped that an end to the war would bring positive changes—a return of some urban dwellers to the rural areas, less urban land grabbing, and new land policy initiatives.

Nonetheless, all informants seemed to believe that building an effective land policy—one that does not "promote" land disputes—constitutes a monumental task. Despite the difficulties and obstacles, such a policy is essential if the costs of controversies over land are to be reduced. From a national perspective, the land disputes in this sample incurred considerable transaction costs—scarce state and local resources had to be diverted to institutional processing of such conflicts. From an individual perspective, the land disputes incurred undesirable transaction costs—lost time and money—as well as outcome costs—ruptured relationships within communities and widespread distrust in the legal system. In effect, government development objectives were stalled while institutional energies were invested in resolution of such disputes, whereas individual development incentives were reduced as disputants suffered tenure insecurity.

In summary, policy initiatives need to achieve the following:

- ▶ **Contextual influences.** Plan land-development programs under the assumption that many war refugees are permanently settled in Maputo and will not relocate to rural areas after the war.

- ▶ **National administration and policy.** Define and delineate the responsibilities of all government agencies accountable for land affairs.
- ▶ **Local administration. Clarify the roles of local authorities and strengthen local institutions.** Nearly every informant mentioned the GD, but each informant had a different perspective regarding the proper roles.
- ▶ **Land affairs.** Assign a task force with the responsibility for reforming or clarifying land laws that have in **practice** subverted justice and promoted inequality: laws dealing with land "ownership," transactions, development, expropriation, compensation, and the like. In particular, study possibilities for granting some type of land titles—the major **solution** for the fragile and ambiguous land rights which are currently leading to land disputes, according to virtually all informants. Finally, commit resources to land surveying and registration programs and to training programs, for example, in surveying methods.
- ▶ **Land-dispute processing.** Delegate responsibility for processing various land disputes. Few informants—either leaders or landholders—know how the system should function. Consequently, the system operates very slowly and ineffectively. More research needs to be done on how the current land dispute-management system works before interventions can be devised to improve upon this system.
- ▶ **Community affairs.** Inform people **through** citizen groups (for example, producer associations and cooperatives) about the nature of individuals' land rights and the procedures for protecting them (that is, required "paperwork"). Most landholders complained that they did not know what their rights were in law: they seemed to believe that the legal system protected the rights of the wealthiest or those most clever in manipulating the system.

## Annex A

### SAMPLING FRAME FOR THE PERI-URBAN BASELINE SURVEY

Phase I of the **peri-urban** project was implemented by the Ohio State University, January-April 1991. The survey includes a sample of 320 households in the urban to peri-urban area of Maputo. In the course of designing the investigation, the researchers faced two pressing concerns (Graham and Roth 1990). First, census data or population lists that might be used to select sample households were either unavailable or out-of-date. Second, any official population records or lists that might exist would likely be either outdated by the rapid influx of migrants or miss significant numbers of the refugee and indigent population.

Two fortuitous circumstances helped the team to overcome these problems. First, aerial **photographs** were available in DINAGECA based on flight lines of August 1989. Once enlarged to a scale of 1:10000 (1:40000 original), these provided a reasonably accurate overview of residential establishment and expansion. Second, the municipality of Maputo had constructed good maps of physical infrastructure and population density as of 1982. Paul Jenkins, an architect/planner with the UNDP Urban Development and Housing Program in the Ministry of Construction and Water, was hired to relate aerial photographs to city landmarks and to update the city map for changes in population settlement and infrastructure since 1982. The aerial photographs combined with Jenkins's detailed understanding of city infrastructure and residential densities on the ground enabled the team to develop the following research design.

A grid map containing 500 blocks, each measuring 1 kilometer to a side, was to be overlaid on a physical map of Maputo. Population density gradients were then to be assigned to each grid: for example, 0 being no population resident; 1, the lowest level of residency; and 'x,' the highest (where 'x' is the population density factor of the most highly populated block relative to the least populated block). Blocks without resident population and those with 100 percent residency and full services were to be excluded, the former because of no population, and the latter because they were considered urban. Blocks were then to be randomly selected. A second set of procedures was designed to identify and pick individual households within each designated block. This scheme was intended to cover all residential areas (excluding urban areas) out to the end of the security zone, with households sampled in each block in proportion to population density.

In practice, the actual survey design was implemented as follows:

1. The peri-urban area was defined as the greater Maputo city, including the satellite urban areas of Matola and Machava. This area covers 675 km<sup>2</sup>.
2. This area was **subdivided** into 544 **blocks, each** 1 km<sup>2</sup>, by overlaying the grid onto a city map (excluding waterways and known urban areas).
3. An aerial photograph mosaic was then prepared from the 1:10000 enlargements. Lines of the grid were drawn onto the aerial photographs and a grid map transparency copied.

4. **The base map overlaid with the grid was then used to pinpoint the administrative location of each block. The aerial block overlaid with the grid permitted an analysis by block of land use (residential, industrial, agricultural) and, in the case of residential land use, the proportion of coverage, residential characteristics, and number of residential units.**
5. Residential characteristics were identified as follows:
  - ▶ **dispersed spontaneous**, occupation of a **predominantly** rural character;
  - ▶ **planned**, no services;
  - ▶ **planned**, basic services;
  - ▶ **planned, medium services; and**
  - ▶ **planned, full services.**

The final grid showing the number of blocks associated with 13 different categories of residency and scope of settlement (percentage of blocks with either more or less than 50% of the area classified as residential) is provided in table A1.

11. Only those blocks meeting the following criteria were retained for sampling purposes. First, all blocks with less than 50 percent residential use were excluded on grounds that the study would be distorted by including too many grid units with dispersed spontaneous residential occupation. Second, all extensive areas of planned residential use with full services, considered to be urban, were eliminated. Third, areas with other forms of residential land use were excluded if more than 50 percent of the area were planned with full services. After deleting these blocks, only 87 blocks remained for sampling purposes (table A2).
12. Each of the blocks remaining was assigned a population gradient coefficient, ranging from 1 to > 45. Blocks with 1-5 residential units would have 2 households sampled. Blocks with > 45 residential units would have a maximum of 11 households sampled. Based on these criteria, the final research design called for a survey of 524 households.

An indicative outcome of this sampling design is illustrated by figure A1. Blocks with less than 50 percent residency (1, 2, 3, 7, 34, 35, 36, 37, 41, 69, 70, 71, 72, 75, 102, 443, **444, 445**, 446, **476**, 477, **478, 480**, 511, 512, 514, 515) were **excluded**, as were blocks with 50 percent or more full services (5, 6, 40, 74, 483, 510, 517, 544). The remaining blocks were sampled.

These procedures have two important implications for the characteristics of households included in the survey design. First, urban is defined as any area with full services. Areas with high residential density that would normally be considered urban by nature of building infrastructure are considered peri-urban. By excluding dispersed settlements, and the possibility that perhaps as high as 25 percent of the people on the urban fringe are excluded,<sup>2</sup> there is some risk that the sample is biased toward the urban population. To the extent that in-coming migrants settle in more outlying areas or in more dispersed settlements, there is risk that the sample is underweighted in migrant population. Second,

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2. Assuming that the median point between 50% and 100% residency is 75% , and the median point between 0% and 50% is 25%, and given that the households are evenly distributed over these ranges, then one can conclude that the baseline survey was distributed to about 75% of the pen-urban population, and not to about 25%.

due to resource constraints and security risks in District VII, the survey was scaled back to 320 households. It is not clear how this affected the randomness of the population.

**TABLE AI : Residential characteristics of grid survey design**

RESIDENCY CHARACTERISTIC	No. OF BLOCKS		
	< 50%	> 50%	Total
<b>Dispersed</b> spontaneous	88	10	98
Spontaneous	<b>44</b>	19	63
Spontaneous/planned (no services)	3	1	<b>4</b>
<b>Spontaneous/planned</b> (basic services)	5	29	34
Spontaneous/planned (based/medium)	1	7	8
Spontaneous/planned (medium)	1	3	4
<b>Spontaneous/planned</b> (full)	7	6	13
Planned (no services)	2	0	2
Planned (basic services)	5	10	<b>15</b>
Planned (medium services)	2	3	5
Planned (full services)	12	11	23
Planned (basic/medium services)	0	1	1
Planned (basic/full services)	0	2	2
<b>Total</b>	<b>170</b>	<b>102</b>	<b>272</b>



**TABLE A2: Target population and sampling frame, Maputo household baseline survey**

RESIDENTIAL DENSITY (units/block)	No. OF BLOCKS	HOUSEHOLDS TO BE SELECTED PER BLOCK	TOTAL SAMPLE SIZE
1-5	14	2	<b>28</b>
6-10	4	3	12
11-15	2	4	8
16-20	15	5	75
<b>21-25</b>	<b>23</b>	<b>6</b>	<b>138</b>
<b>26-30</b>	<b>6</b>	<b>7</b>	<b>42</b>
<b>31-35</b>	<b>4</b>	<b>8</b>	<b>32</b>
<b>36-40</b>	<b>5</b>	<b>9</b>	<b>45</b>
<b>41-45</b>	10	10	100
> 45	4	11	<b>44</b>
<b>Total</b>	87		<b>524</b>

**FIGURE AI: Schematic diagram of pad-urban baseline sampling frame**

1	2 . . . .	3 . . . .	4 . . . .	5 : : : : : :FS: :	6 : : : : : :FS: :	7 : . . . . : : . . . .		<b>34 . . . .</b>
<b>35 . . . .</b>	<b>36 . . . .</b>	37 . . . .	<b>38 . . . .</b>	<b>39.....</b>	40 : : : : : :FS: :	41 . . . . : : . . . .	.....	<b>68 . . . .</b>
69 . . . .	70 . . . .	71 . . . .	72 . . . .	73 . . . .	74 : : : : : :FS: : : : . . . .	75 : . . . . : . . . .		102....
<b>443 . . . .</b>	<b>444..: . . . .</b>	<b>445 . . . .</b>	446 . . . .	<b>447 : : . . . .</b>	<b>448 : : . . . .</b>	<b>449 . . . .</b>		<b>476 . . . .</b>
477 . . . .	<b>478. . . .</b>	<b>479 . . . .</b>	480 . . . .	<b>481 : : : : . . . .</b>	<b>482 : : . . . .</b>	<b>483 : : : : . . . .</b>	.....	510 : : : : : :FS: : : : . . . .
511 . . . .	<b>512 . . . .</b>	<b>513 . . . .</b>	<b>514. . . .</b>	<b>515.. . . . .</b>	<b>516 : : . . . .</b>	517.....		<b>544.....</b>

## Annex B

## LANDHOLDER ACCOUNTS (26 CASE DISPUTANTS)

TABLE B1: Summary of dispute causes

SUBJECT MATTER	CASE NUMBERS
<b>Contextual influences</b>	
<b>War:</b>	
War conditions	1, 2, 3, 4, 14, 19, 23, 26
War refugees seeking land/housing	1, 2, 6, 12, 13, 14, 15, 20
<b>Overcrowding and increased population pressure:</b>	
Mixing of populations in new communities	2
Overcrowding in communities	2, 13
Population increase	6, 9
Migrations due to war or migrant labor	6, 9, 13
<b>National administration and policy:</b>	
<b>Government land policy:</b>	
Postindependence government policy	1, 2, 4, 6, 7, 8, 10, 23
Nationalization of private land	1, 2, 8, 10, 16, 20, 21, 22, 25
Government expropriates land in nationalization program	6, 7, 10
Government expropriates land for development project or commercial enterprise	7, 10, 12, 14, 15, 18
Government regulation of land is inappropriate or inefficient (e.g., no titles or slow granting of titles and poor documentation)	8, 10
Government decentralizes land control to local authorities who are not adequately prepared	22
Government does not control land values, thus speculation	23
<b>Government officials:</b>	
Government officials are corrupt/display favoritism	6, 9, 10, 13, 16, 17
Government officials encroach on land interests to obtain personal profit (land or cash)	16, 17, 18
Government officials are incompetent	7, 8, 9
Government officials authorize illegitimate land transactions	9
Government and local officials do not cooperate or communicate with one another	7, 8, 14, 15, 16
Government and local officials do not cooperate or communicate with citizens/communities	7, 8, 12, 22, 23
Government agencies perform overlapping/conflicting responsibilities or deny responsibilities	8, 16, 23

<b>Development activities:</b>	
Project introduced	7, 10
Project introduced that benefits some parties but not others	3
Land development and planning not clear	7, 8, 10, 12
<b>Local administration</b>	
<b>Local authorities' control:</b>	
Authorities expropriate land and/or give it to other people	5, 6, 8, 10, 13, 17, 18
Authorities encroach on land interests to obtain personal profit (land or cash)	3, 6, 7, 9, 10, 16
Authorities encroach on land interests to benefit high-ranking officials or close associates	1, 6, 7, 9, 10, 18, 26
Authorities allocate land that has been settled by squatters	17
Authorities administer land improperly or inefficiently	4, 7, 8, 13, 20
Authorities administer land with favoritism	11, 20, 26
<b>Citizens' actions:</b>	
Citizen encroaches on neighbor's land	1, 8, 10, 24
Landless squatter encroaches on land	4, 17
Powerful community members encroach on land	1, 8, 10, 16
Citizen takes over land and/or builds house without consent of authorities	1, 3, 10, 17, 21, 23
Citizen uses land for purposes other than authorized	5
Citizen sells land that s/he does not own	9
Family member sells land without consent of all family members	2
Citizen sells land and refused to turn over title papers	19
Citizen refuses to sell land without property title	20
Citizen allocates land to one party in order to avoid unfavorable encroachment by another party	21
Ex-landlord tries to reclaim former property	22, 25
Heirs try to reclaim former property	23, 26
<b>Land affairs</b>	
<b>Land use:</b>	
Land rights are unclear	5, 8, 9, 10, 17, 20, 23
Abandoned land reassigned	18
Abandoned land (by Portuguese) not reassigned	20
<b>Land registration:</b>	
Property titles not granted	4, 5, 7, 8, 14, 16
Property titles not respected	10
<b>Land transfers:</b>	
Land transactions secretive	1
Land transfers unclear	8, 9, 10, 19, 20

<b>Land security:</b>	
Land inheritance policy unclear	2, 5, 9, 22, 26
Land inheritance for children threatened	6, 23, 25
Land rights potentially threatened	7, 17, 22
No compensation or compensation for expropriated land does not cover losses	7, 13
Natural resources damaged or destroyed	13
<b>Land development:</b>	
Commercial use of land given priority over citizen residency	14, 15
Citizen will not develop land for fear of expropriation/lack of title	17, 20
Fencing disapproved by neighbors	23

**TABLE B2: Summary of dispute processing**

<u>SUBJECT MATTER</u>	<u>CASE NUMBERS</u>
<b>National or local administration</b>	
<b>Institutions and methods:</b>	
Local authorities approached but fail to act	1, 2, 13, 20, 25, 26
Local authorities unable to act (Dcu involved)	14, 15
Government agencies/courts deny jurisdiction over matter	16
<b>Resolution procedures</b>	
<b>Methods:</b>	
No procedures	14, 15
Mediation by local leader	19
Court adjudication	8, 16
Disputants seek help from government official	18
<b>Outcome:</b>	
Disputants' relationship disrupted	8, 24
Authorities offer land in compensation for expropriated land, but no secure title offered	7, 17
Authorities render one-sided decision	17
Authorities reallocate disputed land	21
Disputant abandons case	22
Disputants decide to sabotage development project if compensation for resettlement not offered	14
Court cannot/does not enforce decision	16
<b>Appeals:</b>	
Time-consuming and expensive	8
Court appealed to because property loss would be high	8
Court appealed to when local authorities are at an impasse	20
Officials who expropriate land are the ones to whom an appeal must be addressed	6, 18

TABLE B3: Summary of dispute policy

<u>SUBJECT MATTER</u>	<u>CASE NUMBERS</u>
<b>Contextual influences:</b>	
End war	1, 2, 3, 4, 5, 9, 12
Encourage return of refugees to original areas	2, 9
<b>National administration and policy:</b>	
Coordinate efforts of authorities	1
<b>Local administration:</b>	
Authorities should find solution to disputants' problems	12, 14, 21, 26
<b>Land affairs:</b>	
Grant permanent land titles	1, 4, 5, 7, 8, 11, 13, 14, 16, 17, 18, 20, 23
Privatize land	1, 5, 14, 16
Promote written rather than oral agreements	25
Improve system for documentation	4
Make credit more equitably accessible	8, 16
Clarify responsibilities of individual authorities	8
Clarify responsibilities of agencies	8
Reduce corruption by authorities (regulate fee assessment, collection, and distribution)	3
Disband local authorities and rely on government ministries	20
Do not permit ex-landowners to recover former holdings	22
Clarify ex-landowner-tenant rights	25, 26
<b>Land resettlement:</b>	
Improve channels of communication between authorities and citizens before resettlement	7
Provide compensation for loss of houses, improvement to houses, destruction of natural resources	6, 7, 12, 13, 14, 15
Provide partial compensation (residual value of total land value, after deductions for maintenance and improvements)	22
Provide compensation for moving costs	15
Provide people who are resettled with building materials	14
<b>Land dispute processing:</b>	
Find land for evicted landholders	12, 14
<b>Community affairs:</b>	
Strengthen farmer associations/cooperatives	6, 7, 8, 18
Implement literacy programs so that people can defend their land rights	10

## Annex C

## LEADER ACCOUNTS (9 INTERVIEWS WITH BAIRRO LEADERS)

TABLE CI: Summary of dispute causes

SUBJECT MATTER	CASE INTERVIEWS
<b>Contextual influences</b>	
<b>Environment:</b>	
<b>Drought</b>	
<b>War:</b>	
War conditions	G
War refugees settling on land without proper authorization	A, 1
<b>Overcrowding and increased population pressure:</b>	
Overcrowding in communities	D, E, F, G
Influx of new or returning settlers from cement city	B, E, F, H
<b>National administration and policy</b>	
<b>Government land policy:</b>	
Postindependence government policy	D, G
Nationalization of private land	A, D, G, I
Contradictory land laws	G, H
<b>Government officials:</b>	
Government officials are incompetent or inefficient	G
Government officials do not cooperate or communicate with one another (or with local authorities)	C, H, I
<b>Development activities:</b>	
Project introduced benefits some parties but not others	C
Project introduced does not consider local priorities	G
<b>Local administration</b>	
<b>Local authorities' control:</b>	
Authorities circumvent or ignore law	A
Authorities grant land to favorites	F
Authorities profit from land transactions	F
Authorities overlook citizen violations of land laws when local circumstances necessitate	A
Authorities play small role in land transactions between citizens	A

<b>Citizens' actions:</b>	
Wealthy citizens use money to gain access to land	H
Citizens assert claim to a lot that belonged to someone else during colonial times	
Citizens deceive authorities (false presentation of status/interests)	A, B, E
Citizens occupy land or build dwellings without permission from authorities	A
Citizens cheat one another (using land improperly for profit)	A, B, F, H
Citizens struggle against involuntary relocation	B, C
Ex-landlords interfere with current landholders	A, B, D, E
Ex-landlords try to reclaim former properties	D, E, F, G, I
Ex-landlords try to resell former properties	F
<b>Land affairs</b>	
<b>Land use:</b>	
Building without authorization	A, B
Using land for purposes other than authorized	A, B, F
Conflicting land rights	G, H
Residential land is greater problem than agricultural land	H
<b>Land transfers:</b>	
Land transactions are secretive	C
Purchased land is occupied by several families	F
<b>Land security:</b>	
Land <b>inheritance</b> for children threatened	D, F
<b>No compensation, or compensation</b> for expropriated land does not cover losses	B
Land occupants can be evicted without warning	B, C, H
<b>Land development:</b>	
Commercial use of land given priority over citizen residency	B

TABLE C2: Summary of dispute processing

<u>SUBJECT MATTER</u>	<u>CASE INTERVIEWS</u>
<b>National or local administration</b>	
<b>Institutions and methods:</b>	
Local authorities act as mediators between disputants	B, E, F, H
Local authorities in no-win situation—caught between disputants	B
<b>Resolution procedures</b>	
<b>Methods:</b>	
Wealthy use court	
<b>Outcome:</b>	
Disputants' relationship disrupted	A

**TABLE C3: Summary of dispute policy**

SUBJECT MATTER	CASE INTERVIEWS
<b>Contextual influences:</b>	
End war	B, E
Encourage return of refugees to original areas	B, E, H, I
<b>National administration and policy:</b>	
Coordinate efforts of authorities	C
Develop coherent legislation	
<b>Local administration:</b>	
Authorities need to propose compromises between disputants	E
Authorities need to find solutions to disputants' problems	E, I
<b>Land affairs:</b>	
Clarify land rights	F
Do not permit ex-landowners to recover former holdings	A, B, D, I
Clear up ambiguities in housing policy	D
Sell nationalized houses to current tenants	D
Cancel land allocations in highly contested areas (e.g., irrigated areas)	H, I
Favor commercial over private land use in order to provide produce for the market, contribute taxes to the state, and create jobs	
Evict squatters	
<b>Land resettlement:</b>	
Provide people who are resettled with building materials	
<b>Land dispute processing:</b>	
Find land where displaced persons can resettle	E
<b>Community affairs:</b>	
Support farmer associations/cooperatives	H, I
Inform people about the requirements of land occupancy and utilization	G



**Annex D**

**DISPUTE CASE SUMMARIES**

***Note: The names of persons involved in the land conflicts recorded in this annex have been changed to protect the identity of the respondents.***



**Case study no. 1:**  
**Land encroachment by elite man**

**Date of interview:** 15 October 1991  
**District:** V  
**Neighborhood:** Inhagoia  
**Disputant:** Mrs. João

**I. Date and type of conflict**

In 1986, Mrs. João's residential lot was occupied by a man sent by the leader of the Grupo Dinamizador (GD).

**II. Background**

Mrs. João has held the lot since 1970. At the time of the dispute, she was living with her mother and brother. In 1986, she received a notice from the leader of the GD telling her that she had to allow the leader of the "10 houses group" to occupy part of her lot since he did not have a house and two other families had already refused to shelter him.

Mrs. João agreed because, in her words, "they give the orders." The leader of the "10 houses group" began buying his construction materials at once. A month later he told the woman that he was going to build a temporary reed house with a zinc roof. Mrs. João informed him that he was able to do so only because the leader of the GD had directed her to give him a place on the lot.

The conflict began when the man began to build the foundations of his permanent house adjacent to that of Mrs. João's brother, who lived on the same lot but in a separate house. The brother asked the man to build his house a bit further away because it would block his house's entrance and the pathway to the latrine. According to Mrs. João, the man could have built his house in the same spot where he had previously built the reed house.

When the man did not abide by the brother's request, the brother complained to the *quarteirão* leader, asking him to do something. The latter informed him that he had nothing to do with the case as long as the owner of the lot had agreed to let the newcomer build the house. The construction continued.

**III. Current situation**

Mrs. João is angry because her brother has suffered from the infringement, but she thinks that it would be fruitless to further fight the problem. She has not yet spent any money in resolving the problem nor has she asked for compensation.

In order to strengthen her right of possession over the remainder of her lot, Mrs. João has acted to clearly delimit the boundary between her area and that of the newcomer. She is not willing to share the bathroom, the latrine, or the kitchen with him.

Mrs. João is angered by the GD's decision requiring her to give part of her property to a stranger. She has nephews and other relatives who have lost their homes as a result of the war; instead of helping them, she was required to give land to a stranger.

#### **IV. Other opinions**

Mrs. João feels that this type of conflict stems from the arbitrariness of local authorities and the pressure exerted by war refugees.

There have been two other conflicts in her neighborhood. The first took place two years ago, when a tenant from APIE decided to build a brick house without the necessary authorization. The local authorities and the residence commissary decided to demolish the house but allowed the resident to continue living on the same lot. The second conflict happened in 1991 when a man managed to obtain a lot, ignoring the GD. However, after he started to build a house on the land, again disregarding the authorities, the officials appeared one day and demolished the building. The man later disappeared from the neighborhood.

According to Mrs. João, more conflicts occur now than before independence. Prior to independence, land disputes were fewer because plots had private owners. Anyone could obtain a lot by paying an annual fee of 600 escudos. There were no housing conflicts because the people knew which houses were empty and which ones were not. Owners would post notices in the doors and windows of homes announcing they were vacant. Not only was there no doubt about which houses to rent, but also there was no need to go through hidden procedures to acquire a property.

The direction and frequency of land conflicts in coming years will depend on the war situation, the level of coordination (or lack thereof) among the authorities, and the level of respect for private property shown by citizens. In Mrs. João's opinion, land conflicts will continue as long as rights of private property are ignored or disregarded by the people.

**Case study no. 2:  
Dispute over land and house ownership**

**Date of interview:** 19 October 1991  
**District:** V  
**Neighborhood:** Luis Cabral  
**Disputant:** Mr. Antonio

**I. Date and type of conflict**

The dispute occurred in 1985 when the brother of the person from whom Mr. António had bought the house made a claim to it.

**II. Background**

Mr. António bought the house in 1984 from a man named Chilaule. He paid 90 contos (90,000 meticaís) for it. The house had four rooms and was built of wood and zinc. The former owner had decided to sell because he wanted to go back to his place of origin in Inhambane. Besides this house, Mr. António owns another in Bagaódio, which he left to his brother.

When Mr. António bought the house, he and the owner signed a purchase agreement. The procedure was witnessed by the owner's relatives so that the transferral of the title would be legally acknowledged. The ex-owner even gave Mr. António a declaration of purchase, which he currently retains.

The conflict began in 1984 when Mr. Chilaule's brother found out about the transaction and decided to sell his own house in Bagaódio. The brother visited Mr. António and asked him to leave the premises in a designated period of time. Mr. António refused to do so after showing the man the declaration of purchase. In 1985, the brother again visited Mr. António's house, destroyed a straw hut on the property, and broke some windows of the main room. Mr. António reported the act to the local authorities (the leader of the *quarteirão* and the secretary of the Grupo Dinamizador). Some time later, when it appeared as though the conflict were over, the brother again showed up and damaged the house. This time Mr. António reported the incident to the police. The man claimed himself as the legitimate heir of the house, since his brother was in Inhambane. The police threatened to jail him if he continued to deface the property and further directed him to reimburse Mr. António for the damages, which the brother paid. The conflict appears to have been resolved, though the man occasionally shows up around the house and neighborhood.

**III. Other opinions**

Mr. António feels that there are more problems with land now than before independence. The problems are caused both by the war and by the government's nationalization of private property. There are many families who have moved from the provinces to Maputo, where they cannot find a place to live. People have no alternative but to escape the war. Relatives of these families living in Maputo feel obliged to help them out in any way they can. People are building squatter housing under

inhumane conditions in swampy areas and garbage dumps. There is not enough room to shelter the people who continue to arrive daily in Maputo.

In Mr. António's opinion, peace is the only solution to the current state of land conflicts. Then, without any doubt, young and old would return to their places of origin. They are not used to the city, where they have to buy everything; they are accustomed to living off the produce of their *machambas*. Even the youngsters would go back to their birthplaces since their ancestors owned lands and apple trees which must be managed by the newer generation. Mr. António has a piece of land in Inhambane, which is currently occupied by the RENAMO forces; once the war is over, he will try to go back and recover this land. Fortunately, there are no land conflicts where he lives, because the same people have been living there for a long time.

**Case study no. 3:**  
**Unauthorized construction of dwelling**

**Date of interview:** 18 October 1991  
**District:** V  
**Neighborhood:** BagamOio  
**Disputant:** Mr. Gentil

**I. Date and type of conflict**

The conflict began in 1988 when the leader of the housing committee demolished the house that Mr. Gentil had begun building, arguing that it had been built without the local authorities' consent.

**II. Background**

At the time, Mr. Gentil was living in his sister's house in Infulene, where he met a friend whose grandfather lived in Bagamóio and owned a lot big enough for several houses. He contacted the grandfather and asked his consent to build a house on part of the lot.

Before beginning construction, Mr. Gentil contacted the Grupo Dinamizador (GD) and registered the declaration of the grandfather, which stated that he ceded part of the lot to Mr. Gentil to build a house. The leader of the housing committee arrived one day during construction and destroyed the building, after informing him that he should have obtained his (housing committee leader's) consent before beginning construction.

Mr. Gentil stopped construction and contacted the secretary of the GD and the block leader, who reiterated their consent to his building a house. At a later meeting to discuss the problem among all parties involved, the housing leader justified his actions by explaining that there were many thieves in the neighborhood who could steal Mr. Gentil's construction material. Should such a theft have occurred, he (the housing leader) would have been responsible for it.

Mr. Gentil did not spend any money to settle the conflict because very little construction had taken place. While the conflict was being resolved, he stored the construction material in the house of the grandfather. After two weeks had passed and the conflict had been resolved, Mr. Gentil began construction anew. Since that time, he has experienced further problems with the leader of the housing committee.

Mr. Gentil continues to feel that the housing leader acted in the way that he did in order to obtain money from him. Fortunately, he had the support of the local authorities, who prevented the housing leader from carrying out these intentions.

**III. Other opinions**

Mr. Gentil is not aware of other land conflicts in the neighborhood. The area where he lives was not as populated as it is now. In the past, anyone wanting a plot could have obtained one by paying the

owner 600 escudos and promising not to build a brick (permanent) house. Beginning in 1983, however, the **neighborhood** rapidly began to be more densely settled due to the flooding of the Jardim zones, the construction of a nearby highway, and more recently the armed conflict and insecurity in rural areas. In his opinion, the conflicts that result from the war will be resolved only when there is peace throughout the country and people are able to return to their homes.



**Case study no. 4:**  
**Dispute over agricultural plot boundaries**

**Date of interview:** 28 October 1991  
**District:** V  
**Neighborhood:** "25 de Junho"  
**Disputant:** Mr.

**1. Date and type of conflict**

The conflict, which occurred in 1984, involved the spontaneous settlement by a number of families of Mr. Estevão's agricultural holding.

**II. Background**

Mr. Estevão has been the owner of his *machamba* since 1964. During several years in which he did not work the plot, a number of families spontaneously occupied the land, resulting in his holding being subdivided into several independent parcels. Such a situation would not have occurred in the past since there was no major incentive for people to occupy land for agricultural production. It was normal for large owners to ask smaller households to occupy small pieces of their holdings to help maintain the land in good farming condition.

Mr. Estevão was one of the first residents to settle in the area, after claiming a *machamba* area roughly 3,000 square meters in size. The borders were breached when a number of peasant households started claiming portions of the plot with the intention of staying. In 1984, Mr. Estevão asked the Green Zones Office (Gabinete das Zonas Verdes) to verify the boundaries of his lot. He then obtained official acknowledgment of his occupation from the Executive Council (Concelho Executivo).

Despite these measures, his problems with the land have continued. Theft has been a constantly reoccurring problem. He used to obtain a significant profit from selling bananas, but now almost his entire harvest is stolen. The same happens with vegetables. The *machamba* is frequently raided by people living nearby. He asked the Green Zones Office for a new demarcation of his property and was told to ask the Executive Council for the documents of the *machamba*, but was informed by the Council that it had lost the documents. Mr. Estevão is now making visits to the cadastral office of the Ministry of Agriculture (DINAGECA) to start anew the process of demarcation and documentation.

In order to protect his ownership rights, Mr. Estevão plans to build a small house on his *machamba*, where he can place a guard. He also intends to build a fence around the lot. With more security, he plans to build pig stalls and raise chickens. Once completed, he is sure that his production and income from farming will improve. He has already started the paperwork for a bank loan to finance these investments.

### III. Other opinions

According to Mr. Estevão, one way to avoid land problems would be to distribute ownership titles among all those who possess a *machamba*. He knows of cases in which people with agricultural tools, tractors, and *charruas* cultivate *machambas* of poorer peasants. When the peasants protest, they demand compensation for the investment they made in the land. If the owners do not have the cash for payment, they wait until the crops are harvested and then demand the crops. This happened to his son's father-in-law in Xinavane.

Conflicts have intensified since independence, an effect caused by the lack of clear title to land. They will continue to worsen once the war is over because there will be a fierce struggle to own land closer to Maputo. He is not presently interested in selling his *machamba*. On the contrary, he wants to invest more—raise animals, improve his crops, and buy an electric pump. However, he would be interested in selling once investments in the *machamba* are made. The price would then take both the value of the investments and the potential profit into account. Even if he sold the *machamba*, he would nonetheless try to buy another.

**Case study no. 5:**  
**Dispute over land and house ownership**

**Date of interview:** 28 October 1991  
**District:** V  
**Neighborhood:** "25 de Junho"  
**Disputant:** Mrs. Simango

**I. Date and type of conflict**

The conflict occurred in 1985. The house and the *machamba*, where Mr. Simango and his wife are currently living, were given to Mrs. Simango by the previous owner. In 1989, a daughter of the former owner claimed the house, declaring herself to be the only heir of her father in Mozambique.

**II. Background**

Mr. Simango lived with his family on the island of Inhaca until the former owner of the house decided to leave for Portugal. The previous owner is the cousin of Mrs. Simango. Upon leaving for Portugal, the ex-owner decided that his cousin should keep his belongings, including the *machamba* (1,500 square meters) and the house. He announced his decision in a family meeting so that every member would know his wish. The title of the property was given to Mrs. Simango, who has since kept it without having it transferred into her name.

In 1989, the ex-owner's daughter one day appeared asking for the title. According to Mr. Simango, the woman is an illegitimate daughter of the previous owner. Given that the former owner's will to leave the documents with Mrs. Simango had been expressed in an extended family meeting, she and her husband decided to call a similar meeting to discuss the daughter's claim.

Family members at the meeting were informed that the daughter had not been present at the earlier meeting, called by her father in 1978. She was only now showing up, out of her own initiative, to claim the things of her father. The family members thus decided that the only and legitimate owner of the property should be the ex-owner's cousin, Mrs. Simango.

The daughter, however, was not satisfied with the family's decision. Some months later she appeared again, this time asking that at least a portion of the house be given to her. This time, Mr. Simango intervened directly and refused the woman's demands. He informed her that he had already spent at least 3,000,000 meticaís repairing and maintaining the house and that he was not ready to share it with someone who would continue to make problems in the future. He would change his mind only if the previous owner changed his mind, and, that person not having done so, refused to accept the woman in the house.

Mr. Simango feels that after all the years of maintaining the house, he should not be obliged to share the property with anyone. If he had not spent as much as he did, or if the house were in bad condition, no one would be interested in sharing the property. To avoid difficulties in the future, Mr.

Simango has made an application to the administration of District V to change the ownership title to his name.

### **III. Other opinions**

Mr. Simango knows of no other land conflicts in the neighborhood, a fact which he attributes to the land being parceled (titled) long ago. The only dispute is about the "empty" land on which some people cultivate vegetables. With regard to those plots, regulations of the Executive Council and the Dcu stipulate that people should register their occupancy within 90 days. He is currently in the process of registering his agricultural landholdings. He further noted that some conflicts with the local authorities result from people using the land for purposes other than those originally declared—a point which the Executive Council can use to expropriate land and give it to others.

**Case study no. 6:**  
**Land confiscation by the state**

**Date of interview:** 5 October 1991  
**District:** IV  
**Neighborhood:** Laulane  
**Disputant:** Mr. Paulinho

**I. Date and type of conflict**

This conflict occurred in 1982 when the Dcu decided to expropriate a parcel held by Mr. Paulinho on grounds that the land was state property.

**II. Background**

When Mr. Paulinho arrived in Laulane in 1964 from the province of Gaza, the neighborhood was almost uninhabited and covered by woods. If a Mozambican wanted land, all that was required at the time was to ask the *regulo* of the zone. For a payment of 50 escudos, the *regulo* would grant a plot of land, demarcate it, and provide authorization for cultivation.

In 1982, six years after independence, the Executive Council decided that the Dcu should begin the process of parcelization. This process involved the demarcation of new plots of land to meet the needs of the vast population that had immigrated to the area during the previous years. This process angered Mr. Paulinho, because his parcel was not included in the delimitation made by the Dcu and because the persons in charge of the neighborhood decided to include his land in the state's special zone reserved for public works projects. Mr. Paulinho noted that the decision to create a special reserve was taken unilaterally by the state institutions involved.

**III. Current situation**

Once the state reserve was demarcated, the Executive Council granted Mr. Paulinho three new plots located near his house. This allotment was to serve as compensation for the land taken away, plus additional land for his two sons. However, development of the new plots proved difficult because he lacked money to invest and the plot from which he had earned most of his income had been expropriated. After some time, he was informed that the Dcu was going to demolish the house in which he was still living on the "old" lot. Later, in 1990, he was informed that the newly assigned plots were being given to someone else. Fortunately, when one of his two sons came back from East Germany, he brought building materials for a new house.

He plans to finish construction of the new house to help validate his right to the property in Laulane. He refuses to leave the old house and thinks that the state should reimburse him for all the damages they caused when they expropriated the machamba—and the reimbursement should include the fruit trees he had planted. He has the property titles for the new plots, which were given to him by the Executive Council in 1982.

#### IV. Miscellaneous

Mr. Paulinho is a member of an association of small producers in which he pays a membership fee. He has been farming for more than twenty years, producing for both subsistence and the market. Two years ago, the Dcu seized from him another *machamba* that was then given to a high-ranking official. He kept a small portion of that *machamba*, but it is not large enough to support the needs of his family. He does not know to whom he can complain about these injustices. The producers' association cannot appeal to government when government officials themselves are seizing the land.

The conflicts which he has experienced started after independence, and land disputes in general have worsened with the influx of war refugees. The *quarteirão* leaders take advantage of the crisis by selling land for agricultural and residential purposes. He knows that such transactions involve large amounts of money; there are cases in which lots are sold for 1,000,000 meticaís.

Mr. Paulinho believes that land conflicts are going to get worse in the coming years, even if the war comes to an end. He intends to go back to Gaza, where he owns agricultural land, once the war is over. He will give his children the plots he has in Laulane.

**Case study no. 7:**

**Land encroachment and resettlement to prepare for police housing**

**Date of interview:** 7 November 1991  
**District:** IV  
**Neighborhood:** Lulane  
**Disputant:** Mr Adao

**I. Date and type of conflict**

The conflict occurred in 1981 when people were removed from a neighborhood to make way for a housing project for workers of the police force (Policia de Mozambique).

**II. Background**

In 1972, Mr. Adao was living in a zone that had been designated a state reserve area. He got his lot through the land administrator (*chefe das terras*), who was subordinate to the neighborhood *regulo*. He paid 5,500 escudos, which was a high sum at the time. Mr. Adã() justified the price by saying that the lot included a large agricultural area in addition to the residential site.

Before the purchase Mr. Adao knew that the land was located in a state reserve zone. When buying the property, he was told not to build a brick house because the state was going to build a cement highway.

In 1981, the persons living in the zone received an eviction order to make way for a state housing project for workers of the police force. Eviction notices were sent to current residents, but the Executive Council also assigned each family a new lot to build a house. The new construction was the responsibility of the Ministry of Interior. When the houses were finished, the families were transferred to their new homes. Each family received a document certifying the right of provisional occupancy.

This document, according to Mr. Adao, does not provide the new house owners with security. First, the document fixes a 90-day term after the assignment of the lot for the beneficiary to start constructing a house made of nonpermanent materials (*materiais ligeiros*). Second, while the Ministry of Interior was responsible for building the new houses, it failed to give the families a document granting definite ownership rights to the property. Third, the *construction* of a house of permanent materials (*materiais duraveis*) is considered legal only after receiving authorization from the Dcu and only after the final property title is delivered. These steps have not yet been accomplished.

The problems stemming from lack of a "definite" title have never been clearly resolved. For a long time, Mr. Adã() believed everything had been legally settled. But as discussions over ownership of the houses have become more frequent and as the need for clearer rights of occupation have become more important, he realizes that there are many unclear issues. He is concerned that new authorities will one day show up with documents evicting the residents for one reason or another. Should such an event occur, the current dwellers would lack a clear legal base to defend themselves.

Mr. Adao has not yet taken steps to protect his possessory rights. At the beginning he found the move to be advantageous because the houses built by the Ministry of Interior were bigger than the previous homes. However, he has begun to realize that there are disadvantages as well. In particular, his previous lot was larger and had several fruit trees which were partially destroyed during the construction phase of the housing project.

### III. Other opinions

Mr. Adão is not aware of other land conflicts in the area. He thinks that Laulane is large enough—one of the biggest *bairros* in Maputo—that not even the war refugees pose a serious problem to residential space. There are complications with agricultural lands in the irrigated areas. He knows of one large project where land is being expropriated by state officials. Mr. Adao described a case of an influential person, belonging to the state apparatus, who showed up with a document granting him the right to occupy plots that were held by persons who had lived there a long time. The producers were furious and collectively went to the district administrator for an explanation, but to no avail. In the end, the producers were attacked by the police and the government official kept their plots, building a fence to protect himself from confrontations.

Mr. Adao is a member of a peasants' association called Samora Machel. The association's *machambas* were parceled and reorganized to improve the use of the land. Although his *machamba* was slightly reduced in size through the process of parcelization, he feels that being a member of the association protects him. In addition to a monthly fee of 250 meticaís, he paid an initial membership fee of 2,800 meticaís. The association is doing paperwork for the procurement of a "group" property title. At the time of the interview, the plots of all association members had been mapped.

During colonial times there were not many conflicts related to agricultural land mainly because the area was relatively uninhabited. The current problems stem from officials who try to profit from the powerless position of peasants relative to local authorities.

Mr. Adao wants to go back to Inhambane once the war is over. Besides his father's property, he has coconut and cashew trees as well as other crops. He adds that it will be difficult to avoid land conflicts in the near future since people are not on equal standing: on one side are the government officials, on the other are the peasants.



**Case study no. 8:  
Land encroachment by elite man**

**Date of interview:** 19 October 1991  
**District:** VI  
**Neighborhood:** Zona Verde  
**Respondent:** Mr.

**I. Date and type of conflict**

The conflict started in 1988 when Mr. Rogério's property was taken by a private farmer.

**II. Background**

Mr. Rogério has several businesses, including two peri-urban *quintas*, one store, one restaurant, and two fishing boats. He obtained the *quintas* in 1974 and 1979. One was given to him by the former owner, a *colono* for whom he had worked until the owner left Mozambique around the time of independence. He acquired the other *quinta*, a farm abandoned by a Portuguese landowner, through petition to the district administrator. During the years following independence, Mr. Rogério found it very difficult to maintain the *quintas* because of scarce inputs and inadequate market incentives. For these two reasons, few people were interested in claiming abandoned agricultural land in the years immediately following independence. Those who were interested had either the means or the influence to obtain agricultural inputs.

**III. Historical context**

The conflict involves the *quinta*—2 hectares in size and located in an irrigated zone—that Mr. Rogério occupied in 1974. Adjacent to this property is a piece of land that, until 1979, was considered unsuitable for agriculture. According to Mr. Rogério, others believed this land was too uneven and swampy to be cultivated. Yet, Mr. Rogério and his workers transformed the land into a productive plot. He felt he had the right to work the plot since it was located outside the area where the Green Zones Office (Gabinete das Zonas Verdes) demarcated land and issued titles. In 1988, nine years after his occupancy, a man called Mr. Sitõe, who occupied the plot next to his, seized a large portion of the plot that Mr. Rogério had cleared. He destroyed 368 banana trees, 25 square meters of tomato plants, and 15 papaya trees that Mr. Rogério had planted.

Although Mr. Rogério is a member of a producers' association, that organization did not help him resolve the problem. He first tried to resolve the conflict by talking with Mr. Sitõe, who refused to discuss the dispute. He then informed the District Administration, which then called the Dcu to make a new parcelization. On three different occasions the Dcu sent a group of topographers to measure the plot. Each time they reached a different conclusion on the lot's size and boundaries, which further confused and complicated the dispute.

Mr. Rogério charges that Mr. Sitõe profited from an unfair delimitation of the plot and also physically menaced him. In February 1989, Mr. Sitõe organized a group of off-duty policemen who

went to Mr. Rogerio's *machamba*, threatened him, and even shot at him. The situation was brought under control thanks to the fast action of the local military base (*comando*), from which soldiers were sent by the secretary of the Grupo Dinamizador (GD).

The GD informed the Pic (Criminal Investigation Police) of the state of events. The Plc sent an agent to investigate the case, together with a man from the Casa Agrária of the district. They determined that as long as the conflict remained unresolved, neither man could work the *machamba*. Another survey was undertaken in addition to the three already performed by the Dcu.

In November 1990, Mr. Sitõe brought claim against Mr. Rogério in city court. Mr. Rogério was found guilty of having acted viciously and of bad conscience and was ordered to pay damages of 4,000,000 meticaís. He contested the decision on grounds of complicity between the Plc agent and Mr. Sitõe. The two owners are waiting for the court to make its decision, which is expected to come in late 1991 or the beginning of 1992. Meanwhile, both are still working their own *machambas*.

Mr. Rogério hopes his rights will prevail, but, in order to put the property titles into effect legally, he needs a decision from the authorities. He had begun the work of legalizing his occupancy of the *machambas* by the time the conflict started; although he requested a definitive property title from the Executive Council in Matola city, he has yet to receive one.

#### **IV. Expenses caused by the conflict**

It is difficult to estimate the cost of damages both parties incurred in the conflict. Besides material damages, Mr. Rogério has also experienced moral suffering. The once close friendship between he and Mr. Sitõe has been severed. Mr. Rogério had helped Mr. Sitõe obtain a loan to work his *machamba*. He also had loaned him a truck, which has since been rendered useless. Besides resources spent directly on the *machamba*, he has had to pay his lawyer 200 contos (Mr. Sitõe has paid his lawyer 1,000 contos). Mr. Rogério feels that additional and sizable expenses will be incurred before the conflict is resolved.

#### **V. Other opinions**

Such conflicts did not exist before independence. The problems started when the government declared that land belongs to the state and that its alienation is forbidden. But the law is frequently ignored. Mr. Rogério bought one *quinta* in 1983 for 1,500,000 meticaís and sold another for 50,000,000 meticaís.

Another source of conflict is the recent acceleration of land appropriation by government officials. This hurts the most established farmers since they, too, want to acquire more land. There should be fewer conflicts once the war is over because people will return to their places of origin. But that will not be enough. The best way to end the controversy would be to give property titles to producers so they can have security as real owners.

**Case study no. 9:**  
**Land reallocation by authorities**

**Date of interview:** 8 October 1991  
**District:** III  
**Neighborhood:** Polana Canico A  
**Disputant:** Mr. Abreu

**1. Date and type of conflict**

The conflict began in 1977 when Mr. Abreu protested a decision by the leader of the block to give part of his land to a woman.

**II. Background**

The problem began when Mr. Abreu, then working as a miner in South Africa, gave his mother responsibility for his property belongings. She died in 1976 while he was still in South Africa. Later, the leader of the block began demarcation of lots in Polana Canico A. In the process, Mr. Abreu's plot was reduced and part of it given to a woman who was a friend of the block leader. Shortly thereafter, she built a reed house on the lot.

When Mr. Abreu returned from South Africa, he went to the block leader seeking an explanation. He was told that the woman was going to stay there only temporarily until another lot was found for her. A year later, the woman started to build a brick house, a clear indication of her intent to remain on the property. The conflict then became serious, resulting in physical aggression, insults, and material damage. When the woman pulled out Mr. Abreu's fruit and shade trees, he responded by doing the same to hers. After further investigation, he discovered that the block leader had created several conflicts of the same kind and was "trafficking" in the distribution of plots, actions for which he eventually lost his job.

Once the block leader was removed from his position of authority, Mr. Abreu met with the Grupo Dinamizador (Go), but again without success. The problem grew worse when one of his brothers and family, fleeing from armed attacks in Gaza, came to live with him. The small plot that was already supporting two families came to be shared by yet a third.

Mr. Abreu started looking for alternative space. He found a lot in Polana "C," which is a new neighborhood located in an extension of Julius Nyerere Ave on the way to the airport, between the university and the countryside of Costa do Sol. Unfortunately, the lot was not suitable for residential purposes since it is located in a zone susceptible to erosion. The Executive Council of Maputo has tried to solve the problem by planting trees, but people occupying the zone continue to pull them out for firewood and building material.

### III. A new conflict

In August 1991, Mr. Abreu found someone who, returning to Inhambane, wanted to sell a lot and a house. The woman, who claimed to be the owner, said she would sell the house and lot for 100 contos, a price Mr. Abreu accepted. He paid her 30 contos, including a cassette player as a guarantee for the remaining 70 contos. Two months later, when he was renovating the house, he discovered that the woman was not the legitimate owner, but by this time she had already spent the money.

The local authorities decided that the woman must sell Mr. Abreu her own plot and house since she did not have the means to reimburse him. Her house and plot were priced at 85,000 meticaís, of which Mr. Abreu had already given her 60,000 meticaís. At the time of the interview, both of them were living in this house, which now belongs to Mr. Abreu. He has been living on his new property since October 1991.

### IV. Other opinions

Mr. Abreu and his wife feel that the kind of conflict they experienced normally originates in the bribes that some of the local authorities accept. They allow "illegal" occupation of plots that are not intended for housing and allocate lots to new arrivals to Maputo, collecting a payoff in the process.

This is one of the neighborhoods where land conflicts are pervasive. Although it is a relatively new **neighborhood**, its population growth expanded rapidly following the spread of war in the southern provinces. The majority of its residents have been subjected to temporary and dangerous living conditions because they had no place else to go. In 1989, deaths occurred in Polana Canico C when some reed houses collapsed under torrential rains. Most of the residents of Polana Canico came from Magude, and many were—and continue to be—professional miners. They used to own good houses and plots. When the war is over, they might prefer to return to their old homes rather than remain in the city. This would help bring land conflicts to an end.

**Case study no. 10:**  
**Land grabbing subsequent to development**

**Date of interview:** 16 November 1991  
**District:** IV  
**Neighborhood:** Mavalane A  
**Disputant:** Mrs. Fernando

**I. Date and type of conflict**

The conflict began in 1988 when a production cooperative seized half of Mrs. Fernando's *machamba* in the Infulene Valley. Her neighbor, a woman farmer, took another part of the *machamba*.

**II. Background**

Mrs. Fernando has owned the *machamba* since 1957. It is a large piece of land on which she grows vegetables and rice. She bought it through a loan, and it has always been highly prized by many people. When her husband died, a cooperative seized half of her property without giving her advanced warning or an explanation. Last year a neighbor took more of Mrs. Fernando's land and began growing vegetables on it.

**III. Authorities involved**

Neither conflict has yet been resolved. Mrs. Fernando claims to have the property title that she obtained with the plot. Her oldest son apparently has other documents that help verify her claims. Mrs. Fernando is afraid that someone will try to steal the documents if she leaves them at home, because in her old age she cannot defend herself. Therefore, she has given the documents to her son, who will go to the tribunal to present their case. The son could not be contacted.

**IV. Other opinions**

Problems of land grabbing began only after independence. After 1975, there were many people who manipulated the idea that "the land belongs to the people" and ignored private property. Some people from the Green Zones Office, from the agricultural cooperatives, and even from the Grupo Dinamizador use their authority to transgress or expropriate private lands. Mrs. Fernando believes the conflicts would diminish if the literacy of the people were improved. In her opinion, it is the illiterate who are more inclined to provoke conflicts and yet not know how to resolve them.

**Case study no. 11:**  
**Resettlement caused by government appropriation of land**

**Date of interview:** 14 November 1991  
**District:** IV  
**Neighborhood:** Mahotas  
**Disputant:** Mrs. Benfica

**I. Date and type of conflict**

The conflict began in 1989 when a police agent occupied two lots belonging to Mrs. Benfica.

**II. Background**

Around 1976, a police brigade assembled the population of Mahotas to announce that they would be moved to a communal zone on grounds that the neighborhood—houses and streets—was going to be modified. That plan never materialized. In 1980, Mrs. Benfica's husband, who is now dead, asked the Executive Council for two lots: one for cultivation and raising animals, and the other on which to build a house. After his death, many people advised Mrs. Benfica to sell the land, but she refused to do so.

One day a police agent "invaded" her land with a tractor and destroyed her crops. Mrs. Benfica reported the incident to the neighborhood Grupo Dinamizador (GD). The secretary of the GD sent a notice to the police agent asking him to come to the GD office. The police officer did not comply and continued working the land. Mrs. Benfica insisted that the GD resolve the case but to no avail. She thinks both the policeman and the local authorities are using the fact that she is a widow to ignore her. She eventually grew tired of the struggle and has since given up trying to recover the plot.

Mrs. Benfica has not spent any money trying to resolve the conflict. If she had money, she would have paid the people from the GD to help her find a solution. Luck was eventually on her side, however. Even though the GD did not help her, the policeman left the plot two years later, and she reclaimed it.

Mrs. Benfica has all the documents related to the allocation of the two lots, including the plan of the house. The only documents she does not have are those relating to the house where she now lives, but she has already made an application to the GD. Her major concern is that the property titles are still considered temporary. She has fifteen lambs, some goats, and a few hens which she is planning to sell before someone attempts to take the lot from her.

**III. Other opinions**

Mrs. Benfica is aware of instances of powerful government officials appropriating peoples' land. She has been living in the zone for many years now, but only in the last few years has she noticed that conflicts are increasing. She believes only the cessation of war will put an end to the disputes because there is no more room in the city for refugees who increase the demand for land.

**Case study no. 12:**  
**Resettlement caused by government appropriation of land**

**Date of interview:** 11 November 1991  
**District:** IV  
**Neighborhood:** Laulane  
**Interviewer:** Mr.

**I. Date and type of conflict**

The conflict occurred in 1984 when a lot belonging to Mr. Basílio was enclosed in a "state reserve."

**II. Background**

Mr. Basílio lived in Hulene until he married in 1980, at which time he decided to build a house for his family. He obtained a transfer permit from the residence commissary and moved from Hulene to Laulane. Once there, he presented the permit to the secretary of the Grupo Dinamizador (GD) and was assigned the lot where he has lived since.

In 1984, a big sign reading "state reserve zone" was placed on his lot. Only after the sign was posted did the GD secretary inform the residents that they would have to move somewhere else in Laulane. He did not assign new plots to the people who would be involved in the transfer, however. No further action was taken, and Mr. Basílio did not have to relocate.

In 1987, authorities approached Mr. Basílio and asked for a piece of his lot to shelter the families of several war refugees. He did not protest the request from the GD, because, in his own words, "They order and we obey." He added that they were not aggressive; on the contrary, they were very polite in their explanation of their need for the land.

Living in an area that is considered a state reserve is no longer a concern to Mr. Basílio. He has decided not to seek land elsewhere because he thinks it would be very hard to obtain through his own initiative. He also believes that the authorities should take responsibility for those people who were removed from their plots and that the government should reimburse them for damages.

**III. Other opinions**

Mr. Basílio is not aware of other conflicts. Recently disputes have been avoided by the actions of people who know their options: they either rent or buy land from the owners. Currently, it is felt that one should acquiesce to the refugees' demands since they are not responsible for the war. Therefore, one should accept the GD's requests for land for refugees. Mr. Basílio feels that peace is the first condition needed before land conflicts disappear. He is awaiting peace before he returns to Manhica to work in agriculture.

**Case study no. 13:**  
**Land encroachment by war refugees**

**Date of interview:** 11 November 1991  
**District:** IV  
**Neighborhood:** Laulane  
**Disputant:** Mr. Banze

**I. Date and type of conflict**

In April 1990, a family of war refugees occupied land belonging to Mr. Banze and built a house there.

**II. Background**

In 1983, after obtaining the necessary consent from local authorities, Mr. Banze and his brother, who were both miners in South Africa, acquired the lot where they currently live. Shortly after buying the lot, they built a house on the property. In April 1990, a family of war refugees occupied the lot [presumably during both brothers' absence in South Africa], destroyed part of the existing stand of trees (cashew, orange, and mango), and built a house on it.

Mr. Banze was infuriated when he discovered what the "new dwellers" had done. When asked to explain their actions, they responded that he had no say in the matter since the Grupo Dinamizador (GD) had authorized their occupation.

Mr. Banze tried several times to find out who in the GD had allowed the strangers to build a house on his lot but has not yet been given a satisfactory answer. Due to the confidence of the "invaders" in asserting their claim, Mr. Banze believes that it might be a trick from the GD. He is waiting for his brother to return from South Africa to resolve the problem. He will at least seek compensation for the destruction of the trees, even if the new family remains on the lot. The conflict is unresolved, and to date there have been no skirmishes between the families.

**III. Other opinions**

Mr. Banze lived in Mavalene before living in Laulane. He does not recall any land conflicts in that *bairro*. Before independence, the houses belonged to private owners or were the property of a *senhorio*. If a wrong act was committed, the *senhorio* would evict the offenders. Currently there are many conflicts in the area because of the large in-migration of war refugees to the city and because the local authorities abuse their power. Mr. Banze plans to ask for a lot on which to build a brick house as soon as he has enough money. Giving property titles to landholders would give them greater security and reduce conflicts.



**Case study no. 14:**

**Land encroachment and resettlement to further commercial development**

**Date of interview:** 12 October 1991  
**District:** III  
**Neighborhood:** Polana Caniço A  
**Disputant:** Mrs. Moises

**I. Date and type of conflict**

The conflict involving Mrs. Moises, a domestic servant married to a soldier, occurred in September 1991, when the Dcu and the District Administration wanted to remove nine families and allocate their land to a private individual who wanted to build a bakery.

**II. Background**

The lot measures approximately 50 x 15 meters. The families learned of the decision to relocate them when they noticed bricks being made on the lot. Soon a sign was erected that read, "State Reserve Zone under the control of the Executive Council."

The families built their houses in 1990 when the Grupo Dinamizador (*GD*) allocated the land to them. Eight of the nine families are war refugees who had come from Albasine, Magumane, and Laulane due to frequent military attacks. The authorities want these people to return to those zones, even though it is public knowledge that these areas are dangerous.

The decision to remove the families was taken without consulting the neighborhood authorities—neither the *GD* nor the block leaders. These authorities were also surprised by the decision and they sided with the families. According to Mrs. Moises, each family spent almost 200 contos to build its home; some, hers included, have not yet been finished.

**III. Current situation**

The families remain on the lot, though construction of the bakery has begun. If they are to be evicted, the families feel that at a minimum they should be given a plot in a safer zone, nearer the city. The Executive Council, through the Dcu, should be able to meet their demands. Mrs. Moises expresses surprise and dismay at the indifference shown by these authorities toward the safety of the population.

The families also claim they should be reimbursed for moving expenses and for the cost of building new houses. The owner of the bakery and the Executive Council should reimburse the families with both money and construction materials. Further, the families should be given property titles to their new dwellings. If these requirements are not met, the families have decided to resist relocation and even to sabotage the construction of the bakery.

#### **IV. Other opinions**

Mrs. Moises feels that this type of conflict stems from lack of consciousness and respect for private property. She believes that if the lot belongs to the Executive Council, local authorities should be made aware of that. Not only were the families not notified, the local authorities also knew nothing of the affairs that had transpired.

Years ago, Mrs. Moises lived in the zone where the neighborhood called Coop is now located. When the government started building the dwellings for the currently residents, the former residents were transferred to Polana Canico A. The municipality then took charge of building houses for those who were moved. Mrs. Moises claims that the Executive Council is remiss in not assuming this responsibility. Although the war certainly exacerbates the land problem, the difficulty is rooted in the lack of respect demonstrated by the Executive Council.

### Case study no. 15:

#### **Land encroachment and resettlement to prepare for university student housing**

**Date of interview:** 12 October 1991  
**District:** III  
**Neighborhood:** Polana Caniço  
**Disputant:** Mrs. Branco and Mrs. Duvene

#### **I. Date and type of conflict**

Due to the war, Mrs. Branco moved from Vilanculos to Maputo in 1990. She is married to a miner who works in South Africa; four persons reside in her household. Mrs. Duvene arrived from Chókwe also in 1990. She is married and lives in a six-member household. The women were involved in the same conflict, beginning in September 1991, when both were told that they must move because their land was going to be developed for university student housing.

#### **II. Background**

This conflict is similar to that in the previous case and happened in the same neighborhood. The lot where the two women (and other refugee families) reside was allocated to them by the Grupo Dinamizador (GD) for constructing their homes. In September 1991, the administrator of District IV told them to leave because the university planned to use the land to build housing for its students. The families asked the secretary of the GD to explain the eviction. The secretary was unable to help since she had not been involved in the decision. She did say that the borders of the university were larger than the area it was presently occupying. The two women thought it strange that the university was planning to expand onto their land when it still had room within its own boundaries.

While the notice was delivered by the Dcu, the Dcu was informed of the decision by the district administrator. The secretary of the GD raised the issue with the administrator, who agreed to contact the university about the case. The women do not know how the conflict is going to be resolved. They simply know that the Dcu wants to transfer them to Laulane and Albasine. Such conflicts arise because many people are trying to find a safe place to live in the city.

The two women have not yet spent any money resolving the dispute. They estimate the construction cost of their homes as between 200,000-300,000 meticaís and feel that they should be reimbursed for the amounts they have invested if they are moved.

#### **III. Current situation**

They hope, however, to stay in Polana Caniço. The conflict has shocked them; they feel it has happened because of the authorities' lack of respect for war refugees. They feel discriminated against after having lost their belongings in the war and escaping to the city. They fail to understand the decision to move them to the outlying zones of Maputo, where there are armed conflicts. Instead, they feel that the authorities should allocate them another plot in Polana Caniço and, in addition, reimburse them for moving costs.

**Case study no. 16:**  
**Land grabbing by high-ranking official**

**Date of interview:** November 1991  
**District:** VIII  
**Neighborhood:** Fomento  
**Disputant:** Mr. Bosco

**I. Date and type of conflict**

The dispute, which happened in 1988, involves a **high-ranking** public official who cleared land and began cultivating a plot held by Mr. Bosco.

**II. Background**

Before talking about the specifics of the land dispute, Mr. Bosco described the general context in which land conflicts among agricultural producers occur. Besides struggling for access to land, people also try to acquire scarce bank loans for agricultural purposes. A few years after independence, people had to get up very early and queue to buy bread, meat, and other products. Six hours later, certain privileged people would show up and join the line, but at the front. Within minutes they would leave with their merchandise while others would remain in the line for eight or nine hours. Sometimes, after a long wait, the owner would say that everything had been sold. Some people would then return home empty-handed to wait for the next day's line. The same thing is currently happening with bank loans. Many people stand in line for long hours while others get their credit through the back door. A bank employee will appear and say that there is no more money to be lent. This is the experience of "small" people seeking agricultural credit.

In mid-1988, Mr. Bosco tried to get a loan for the first time. He asked for 20,000,000 meticaís to buy equipment to start work on his *machamba*, which was located in Changanane. The bank required that he give collateral, pawn his belongings, and pay for a co-participant in the loan. In order to fulfill these requirements, he had to sell his hens.

Mr. Bosco prepared a written request for his *machamba* in February 1988. He gave the application, along with the map of the *machamba*, to the Grupo Dinamizador (GD) from Mafavuca, in Namaacha. The *machamba*, which measures 60 hectares, is located in Changanane; he acquired it **for agricultural purposes.**

**The GD gave him a declaration** of occupancy, which he presented at the local government offices (Estrutura de Base) in Changanane. The latter maintained a list of all persons requesting agricultural land. The list was sent to the District Office of Agriculture (Direcção Distrital de Agricultura) from Namaacha, which then sent a copy to the Provincial Agricultural Office (Direcção Provincial de Agricultura), which was responsible for demarcating the lots and delivering the occupancy titles. The district office asked for a payment of 15,000 meticaís for the paperwork.

Mr. Bosco followed the described requirements. He then cleared the first 12 (of 60) hectares. In December 1990, when he was ready to prepare the land, a man from the Social Center of the Ministry of Mining (Centro Social do Ministerio dos Recursos Minerais) decided to cultivate an area of land that Mr. Bosco had not yet cleared.

Mr. Bosco took the dispute to the district administrator, described the invasion of his plot, and demanded justice. The administrator sent details of the case to the Provincial Agricultural Office. In response, the district administrator received the following document (translated from Portuguese):

**Having consulted the administrative authorities of the district, we verified a contradiction** between the District **Administration and** the Office of the District Administrator (Posto **Administrativo**) of **Changalane** who were not able to decide who would work in the controversial plot, not even with a temporary title. The dispute originated when several institutions were involved in the assignment of the lot. These institutions were: Grupo Dinamizador, Directors of Companies (Directores de Empresa), Administrador de Posto, **and** even the District Administrator. According to the law, the lots should be allotted by the District Office of the Ministry of Agriculture (Distrital da **Agricultura**) **under** the supervision of the district **administrator**. The local base authorities (Estruturas de Base) are only responsible for the defense of the family sector. Given this context we find that Mr. [first name omitted by the authors] Bosco is the most deserving beneficiary as he was the first to be assigned the lot.

It is your duty to decide **and** guarantee the legal assignment of the lot. While completing the work toward legal **documentation**, Mr. Bosco must be considered legitimately entitled to the **possession of the disputed lot**.

[0 Governo da Provincia, Direcção de Apoio e Controlo]

### III. Current situation

The conflict has not yet been resolved. The man is still occupying the lot and refuses to leave until he is allocated a new one, where he intends to transplant his nurseries. Mr. Bosco feels that this is a pretext, and the real reason why he refuses to move is because he is a personal friend of the Provincial Director of Agriculture. Mr. Bosco contacted the State Inspector (Inspector do Estado) to find out which authority could force the man to leave. When the inspector investigated the issue, the paperwork was once again sent to the Provincial Agricultural Office, which sent the documents to court. The city court responded that it could not take the case because it was not a criminal issue.

The process described above happened 90 days ago. Mr. Bosco hopes to find a solution to the problem before the year ends. He is resolved to enforce the declaration issued to him by the authorities, even if he has to appeal to higher authorities.

### IV. Conflict costs

Mr. Bosco cannot remember how much he spent on the dispute since the conflict began. Besides paying for the administrative paperwork, he had to make six trips to Namaacha. He spent almost 60,000 contos for each trip, including 20,000 meticaís for traveling, 20,000 meticaís for lodging, and 20,000 meticaís for meals.

### V. Other opinions

Mr. Bosco does not understand the government's desire to develop agriculture while at the same time granting agricultural loans to persons who have not been involved in farming before. The man who

illegally occupied his lot received a loan from the People's Development Bank (BPD) even before he possessed the land to farm.

Mr. Bosco knows about land purchases taking place in Chagalane. The persons interested in acquiring land apply to the local authorities and pay a price in money or drinks to acknowledge the favors they receive. He also narrated the case of a farmer who bartered his 20-hectare property for three trucks owned by a couple of Italian men.

Conflicts would be avoided if the land belonged to the individual fanner. Issuing property titles is the best way to protect the producer. Otherwise, the bourgeoisie will take the land from the poor people because they are powerful. Conflicts arise because of the widely held view that land belongs to all the people. Yet, if it belongs to everyone, the most powerful will keep it.

**Case study no. 17:**  
**Land plots allocated but occupied by squatters**

**Date of interview:** December 1991  
**District:** VI  
**Neighborhood:** Zona Verde (Infulene Valley)  
**Disputant:** Mrs. Veloso

**I. Date and type of conflict**

This interview was conducted as a result of information obtained in a previous case study. The case involves the occupation of a lot belonging to Mrs. Veloso with the authorization of the Grupo Dinamizador (GD).

**II. Background**

The *quinta* that Mrs. Veloso and her husband are working formerly belonged to a Portuguese man who left the country after independence. When he abandoned the lot, several families occupied it spontaneously and began farming the land. In 1982, inspired by the presidential speech that proposed the policy of making Maputo's green belt into the city's supplier of agricultural produce, Mrs. Veloso and her husband decided to obtain a plot and begin farming.

At that time there were still several vacant parcels; but shortly afterwards many candidates came forward to occupy them. A committee of dwellers was organized to regulate the occupation of land; some of its members worked in the GD or in the administration and were also interested in occupying the empty parcels. A list of applicants was prepared according to the date of request, and the committee began to distribute lots. Once the distribution began, however, it was discovered that much of the land was already occupied by small family farmers, who had settled the land immediately following independence.

The GD took responsibility for informing these farmers that the parcels were being legally reassigned to new owners. According to Mrs. Veloso, the old occupants knew that sooner or later they were going to be evicted from the land they had occupied without legal authorization. The GD held a meeting to inform them of the reasons and details surrounding their eviction. The majority of the families understood the problem and accepted their leaving.

Also in 1982, CETA (a semi-private enterprise specializing in engineering works) began draining and opening irrigation channels in the area. This provided the GD with land to provide to the farmers who had been asked to abandon their land, a significant number of whom were elderly women. In exchange for their work on the irrigation channel, the GD promised the displaced farmers a plot of land. As soon as they harvested their last crops, the farmers were supposed to abandon their plots and the Veloso couple was supposed to take over.

The process of transferring the families from their old plots to their new ones lasted six months. However, one person refused to leave his land—a man who was absent from the earlier meeting of

the GD and the evicted families. When opening the channels, CETA occupied almost 0.5 hectare of Mrs. Veloso's property, including the parcel where the man cultivated his *machamba*. The man then decided to occupy another spot on the same plot that was already under the possession of the Veloso couple.

Mrs. Veloso complained to the GD and the Casa Agrária, urging them to intervene in the conflict. The Casa Agrária asked the man to come to the office to discuss the problem, but he never responded. When the man's wife found out about the denouncement made by the couple to the GD, she went to Mrs. Veloso's *machamba*, insulted her, and threatened to beat her.

### III. Current situation

Given the fact that the man did not respond to the GD's call, Mrs. Veloso decided that he should pay 50 percent of the entire parcel's taxes. If he does not yield to these requirements, the case will be reported to the corresponding authorities.

Mrs. Veloso has a temporary title and a written agreement from the GD that confirms the legitimacy of her occupation. However, she does not have the definitive property title because all the processes of land registration were recently transferred from Maputo to Matola.<sup>3</sup>

### IV. Other issues

Even though the irrigation works carried out by CETA occupied 0.5 hectare of the property, Mrs. Veloso nevertheless dismissed any concern at the time because it was for the public's benefit. However, she was later surprised to see an officer from CETA begin to cultivate land in the most fertile, irrigated part of her property. She does not know how to contest the incident, since the government continues to say that the "land belongs to the state."

Given these conditions, Mrs. Veloso has no intention of investing significant amounts of money in the parcel; neither will she risk asking for a loan and becoming indebted herself. Besides the tenure insecurity associated with her landholding, the zone is not safe from military attacks. The parcel has already been attacked by armed men and is being constantly assaulted by thieves. Currently Mrs. Veloso uses the land to cultivate vegetables, but feels that it would be futile to make significant investments in the land.

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3. In a companion article, Roth, Boucher, and Francisco (1994) indicate that the titles were shifted from Maputo city to Matola in 1989 and, as of the end of the field research in December 1991, were still sitting in disarray in a room of the Matola municipality.



**Case study no. 18:**  
**Land confiscation by officials**

**Date of interview:** 23 October 1991  
**District:** V  
**Neighborhood:** Zimpeto  
**Disputant:** Mrs. Ferreira

**1. Date and type of conflict**

The conflict started at the beginning of 1991 when the *machamba* of Mrs. Ferreira was expropriated by officials from the Green Zones Office (Gabinete das Zonas Verdes).

**II. Background**

In 1978, Mrs. Ferreira, like many other families from Zimpeto, acquired a *machamba* for agricultural purposes. It measures 600 square meters. Her plot was part of the property of a man who left the country in 1975. It is located in an irrigated area where production is for both the market and subsistence.

At the beginning of 1991, a group of *machamba* owners including Mrs. Ferreira revolted when several officials of the Green Zones Office tried to seize their lands and give them to a general director at MABOR (Rubber Manufacturers of Mozambique), who was intending to develop a *quinta* by consolidating six small *machambas*. However, the case was reported to an official in the Green Zones Office who was responsible for the use and protection of *machambas*. With his assistance, the conflict was averted. But it was made clear at the time that people who did not work their properties risked losing them.

After a period of time, Mrs. Ferreira became involved in a second conflict. She visited Gaza for family reasons and left her *machamba* idle. She received a notice from the Grupo Dinamizador (Go) and from the Green Zones Office that in September she would be removed from her *machamba* because she had neglected it. At the beginning of September, her *machamba* was given to a "director" (not the same one from MABOR) from Maputo.

There are five other cases in Zimpeto similar to the one described—women losing their *machambas* because of supposed negligence. Mrs. Ferreira knows that there is a group of "high-ranking officials" avidly looking for fertile lands in Zimpeto. The women whose lands were taken do not think that they would be successful if they fought to get their land back. It is entirely possible, according to Mrs. Ferreira, that the process of land redistribution and re-appropriation is orchestrated by those officials to whom they would have to present their claim. She exclaims, "How would I be able to prove that I am not negligent and that I need the land to survive?" For the last two months, the women have been looking for the official from the Green Zones Office who helped them with their earlier dispute. Without his assistance, they feel that there is no possibility of their retaining possession of their land.

### III. Other opinions

The small farmers who are losing their land have been cultivating their holdings since **independence. They have** never had a **legal property** title; they possess **only the** certificate that was **distributed** to them by the producers' association. The association's members pay an annual fee of 1,200 meticaís that is used to pay for general expenses such as wages of watchmen and advanced purchases of agricultural inputs.

The problems started when state officials in Maputo decided to procure land for themselves. Mrs. Ferreira is perplexed: "If the government which gave us the land is currently expropriating it from us, to whom can we appeal for a solution to the problem?"

There were no such problems in the past because Zimpeto is far away from the city and most of its land is unsuitable for agriculture. Even now, the zone is not densely populated because it is affected by armed conflicts.

**Case study no. 19:**  
**Land sold but title withheld by previous owner**

**Date of interview:** 24 October 1991  
**District:** V  
**Neighborhood:** "25 de Junho"  
**Disputant:** Mr. Pedrinho

**I. Date and type of conflict**

The conflict occurred in 1986 when the seller of a lot refused to deliver the property title to the buyer.

**II. Background**

The lot was acquired in colonial times by a man who in 1980 decided to sell it to a woman. The latter, who was dissatisfied with the purchase, decided in turn to sell the lot to Mr. Pedrinho. This transaction took place in 1986. When Mr. Pedrinho presented the payment of 45 contos, the agreed transaction price, he asked the woman for the property title. He wanted to build a house on the lot and wanted the Executive Council to approve the project and the building plan. The conflict began when the ex-owner refused to give him the documents that proved the purchase. At the same time, the woman asked for a higher price than the one agreed upon originally. The conflict was settled with the backing of a person responsible for the distribution and control of the lots. The Pedrinho family took possession of the property title, without having to pay any expenses beyond the earlier purchase price.

**III. New stage of the conflict**

Once the procedures required to transfer the property title were completed, Mr. Pedrinho signed a contract with a construction enterprise to start building a house. The price for the work in the contract was 4,000,000 meticaís; the construction was to begin once Mr. Pedrinho (who works as a miner in South Africa) returned from South Africa bringing the materials with him.

Mr. Pedrinho advanced 3,000,000 meticaís. When the construction ended, however, it was obviously not worth more than 1,000,000 meticaís. Mrs. Pedrinho is waiting for her husband to come back from South Africa to solve the problem. In contrast with the other interviews, this woman had all the property papers, the transaction documents, the authorization for the construction, and the receipts for the construction expenses. She emphasized the importance of those documents in the event of conflict.

**IV. Other opinions**

Mrs. Pedrinho feels that people take advantage of the war to create conflicts. She has always wanted to be a peasant. She spends the day in the *machamba*, depending on it for her subsistence. She will return to the countryside once the war is over and will leave the house to her sons, who are currently studying in Maputo.

**Case study no. 20:**  
**Land abandoned by foreigner and title unclear**

**Date of interview:** 17 October 1991  
**District:** V  
**Neighborhood:** Jorge Dimitrov  
**Disputant:** Mr. Jacobo

**I. Date and type of conflict**

The conflict began in 1977 when Mr. Jacobo, aiming to secure property rights for investment, tried to transfer land entered in the name of his former stepfather's boss into his own name.

**II. Background**

Mr. Jacobo lived with his stepfather on the property of the latter's boss. In 1974, the owner of the lot decided to return to Portugal. Upon leaving, he said he would return some day, but did not specify when. The man, who owned two lots, prepared a document certifying that Mr. Jacobo's stepfather was in charge of the lot adjacent to the house. The other lot, located in Jardim, was left in the care of another employee.

In 1977, the latter employee died, and Mr. Jacobo asked the Grupo Dinamizador (GD) for the lot. Later, in 1980, he officially asked the Executive Council to grant him possession of the lot but was informed that it would be assigned to him only if the former owner provided documents (a declaration) supporting his claim.

Mr. Jacobo contacted the GD once more in 1980 about the property title to the lot in Jorge Dimitrov, because his stepfather was getting old and wanted to give him all of his belongings. The boss had been absent for many years, and Mr. Jacobo thought it would be convenient to change the property title to his name and continue the former's project of building an auto-garage and gasoline station on the property. Plans had been prepared already for both projects.

He never received an answer from the GD. When he went to the Executive Council to ask for instructions on how to proceed, he was asked for a written declaration from the GD confirming that Mr. Jacobo and his stepfather had been living in Jorge Dimitrov since 1973. The GD secretary refused to sign such a document, arguing that he had a document from the owner of the lot saying that he would return one day to Mozambique.

Mr. Jacobo responded that if the former owner would return and claim the lot, he would abandon it. The GD secretary was incredulous that Mr. Jacobo would leave the property after having invested a significant amount of money in building a garage and gasoline station on it. The secretary demanded that Mr. Jacobo present a written declaration from the lot's owner. However, Mr. Jacobo, upon contacting persons in Portugal, discovered that the owner had died.

According to Mr. Jacobo, the GD continued to hamper his attempts to acquire title because someone else was interested in acquiring the lot. In 1980, the secretary placed a widow, a market woman, on the lot. She was to live there only temporarily, but she soon built a cement-block house, installed electricity, and channeled water to the dwelling. Mr. Jacobo feels that he could not have objected because it was the authorities' decision that the woman stay there.

The lot is very well located between the market and a bus station. Mr. Jacobo has received several offers to sell the lot for significant sums of money. People would willingly establish stores or other businesses on the site. One person wanted to open a pharmacy and a clinic. Mr. Jacobo refused all the offers because he first wanted to obtain the property title to the land.

To **resolve the impasse with the GD and the Executive Council**, Mr. Jacobo plans to appeal to the administrator of District V and to other authorities, if necessary.

### **III. Other opinions**

Mr. Jacobo believes that the conflicts in his *bairro* are caused primarily by the incompetence and negligence of members of the GD. The arrival of war refugees continues to exacerbate the scarcity of land. To avoid further land conflicts, he feels that it is necessary to dissolve the GDS or to appoint an institution that would be accountable to the Ministry of Agriculture or to the Ministry of Construction and Housing. According to Mr. Jacobo, many problems are simply the result of corrupt authorities.

**Case study no. 21:**  
**Land encroachment by church group**

**Date of interview:** 16 October 1991  
**District:** V  
**Neighborhood:** Jorge Dimitrov  
**Disputant:** Mr. Pastore

**I. Date and type of conflict**

The dispute began in 1989 when the Church of the Twelve Apostles wanted to build its parish on Mr. Pastore's lot.

**II. Background**

The legitimate owner of the lot gave it to Mr. Pastore's father in 1969 or 1970. Mr. Pastore inherited the lot when his father died.

The lot has a large extension which has not yet been occupied. In 1989, the minister of the church, along with a group of followers, started measuring the lot for purposes of building a new church. Mr. Pastore told the minister he owned the lot but was ignored. When he contested the infraction to the local authorities, the leader of the block asked him for part of the lot on which to build a kiosk for some of his relatives who were war refugees. Mr. Pastore agreed and gave him the spot that had been invaded by the church people. He was thus successful in defeating the invasion because the church people would not be able to overturn a decision that would benefit the block leader. He did not spend any money to solve the problem, but still lost the land [whether the land was permanently lost or temporarily lost until the refugees found another place is not clear from the testimony].

**III. Other opinions**

Mr. Pastore does not know of other land conflicts in his block. The zones with the most intense land conflicts are the areas surrounding the market and the ravine by the Church of San Roque. He has heard rumors about returning land and houses to the former owners. He nonetheless feels that the local authorities should be able to avoid conflicts because they allocated the properties that had been abandoned by the Portuguese.

**Case study no. 22:**  
**Land claimed by heir of previous owner**

**Date of interview:** October 1991  
**District:** II  
**Neighborhood:** Mikadjuine  
**Disputant:** Mrs. Eduardo

**I. Nature of conflict**

The grandson of the previous owner (now deceased) of the house in which Mrs. Eduardo is living claims to be the legitimate heir to the property. He demanded that Mrs. Eduardo abandon the house so he could take possession.

**II. Background**

In 1973, Mrs. Eduardo began renting the house where she currently resides. The property contains several buildings. The main building, a house, is constructed of wood with zinc panels as roofing. In addition to this main unit there is: (1) a smaller house built of the same materials, (2) a straw hut which serves as Mrs. Eduardo's office for medical consultation (she is a traditional doctor), and (3) a latrine. None of these units has electricity or running water.

Prior to the time when property was nationalized by the state, Mrs. Eduardo paid 260 escudos rent per month, of which 10 escudos were earmarked for public health and hygiene services. After nationalization, in February 1976, Mrs. Eduardo became a tenant of APIE. At that time, her rent was 210 escudos per month, of which APIE paid a certain amount (unknown to Mrs. Eduardo) to the ex-owner (the grandfather) because he was elderly and had no other sources of income.

In 1990, the grandfather died. Since he was a widower and his only son lived outside of Mozambique, the part of the rent that APIE had been paying to him was instead paid to the next of kin—a grandson who resides in the "cement city" of Maputo. At the end of 1990, the grandson showed up at her house claiming the property. The timing corresponded with the National Assembly's debate on the possibility of selling nationalized properties to current tenants or to ex-property owners.

**III. Institutions involved**

Due to the claim made by the grandson, Mrs. Eduardo took the case to the secretary of the Grupo Dinamizador (GD) of the *bairro* of Mikadjuine. The grandson, however, has not returned to press his claim. Still, Mrs. Eduardo worries, knowing that at any moment the grandson might reappear. Should that happen, she would take the case to the secretary of the GD and **the APIE office of District I.**

Mrs. Eduardo does not question the right of the grandson to claim his prerogatives as inheritor, even though he has never presented documentation proving he is the legitimate heir. But she also feels that the conflict should be resolved by the institutions that represent the government in the nationalization of residential properties. Her own rights should be respected, especially because she

has lived in the house for nearly 30 years and has invested personal resources in maintaining the house and property. Within the last several years, she has obtained authorization from the *GD* to build a cement addition to the **house**. **In theory**, *APIE* is **supposed** to reimburse expenses made for improvements to **houses** they control. **However**, the functionaries of *APIE* refuse to **reimburse anything** in the peri-urban zone, arguing that these expenses benefit the well-being of the renters and therefore there is no need for compensation.

Mrs. Eduardo believes she is not free from the threat of losing everything she has invested in the house. She fears that the grandson may win the right to the house or **that *APIE* will evict her**. As of the date of the interview, Mrs. Eduardo had incurred no monetary costs in the conflict.

What Mrs. Eduardo wants most is to purchase the house she is renting from *APIE*. It makes no difference to her whether she deals with *APIE* or with the grandson. She claims she is willing to pay whatever price is **suggested**. **If** she were not **able** to negotiate the **purchase** of the house, she would want at least compensation for the maintenance and improvements she has made in the property.

#### **IV. Other opinions**

The conflicts involving nationalized property have recently intensified. Debates which began at the end of 1990 about the divestiture of state properties have boosted the expectations of ex-owners for reclaiming properties they lost following independence. Mrs. Eduardo is not aware if other conflicts occur in her *bairro*. However, she states that conflicts did not exist in colonial times because there was an articulation (relationship) between the *regulos* (traditional *bairro* chiefs) and the landowners. Rental rates and taxes were determined in coordination with the Ministry of Finance.

After independence, the worst problem a tenant faced was eviction for not having paid the rent. Otherwise, there were no conflicts because all property was under control of the state. As time passed, however, the state relinquished much of its power, causing the many land conflicts that now arise over property rights.

In Mrs. Eduardo's opinion, if the government were to recognize the rights of ex-owners, they would certainly be placing the current tenants and ex-owners in direct conflict. The tenants would not accept eviction after having lived in the houses for so long and after having invested so much of their time and money in maintenance and improvements. She feels that after assessing the value of investments made on maintenance and improvements, the tenants should be given the chance to pay the residual value of the property (that is, total property value less the value of investments).



**Case study no. 23:  
Dispute over land inheritance**

**Date of interview:** 3 October 1991  
**District:** II  
**Neighborhood:** Xipamanine  
**Disputant:** Mr. Souza

**I. Date of conflict**

The conflict began in March 1990 when the daughters of Mr. Souza's first wife (now deceased) showed up at his house to claim possession of the property where Mr. Souza is living.

**II. Background**

In 1973, Mr. Souza's first wife acquired the plot upon which she built her house. At that time, she purchased the property from the *regulo* for 2,600 escudos. The payments were spread over a 23-month period, consisting of 250 escudos for the first two months and 100 escudos every month for the remainder of the period. When she married Mr. Souza, she already had two daughters. At that time, Mr. Souza moved from his previous residence to the disputed house, where he is still living.

Mrs. Souza died in 1984, leaving Mr. Souza and the two daughters to live together in the house. Shortly thereafter, the daughters married and moved away. In March 1990, the daughters asked Mr. Souza to cede part of the parcel to them in order to build a house for their cousin, who had recently arrived from the countryside as a result of the war. For several months, Mr. Souza talked with the daughters' families in an attempt to resolve the dispute within the household.

In October 1990, the deceased wife's sister and her husband arrived at the house and demanded that Mr. Souza cede the property to them. They argued that since it was Mr. Souza's wife who had purchased the parcel, the rights to the property automatically passed to her family. Therefore, as a widower, he had no license to remain in the house and, no longer being part of the family, was not the legitimate heir.

Mr. Souza's attempt to reach an agreement proved unsuccessful. Shortly thereafter, he discovered that his wife's family was planning to build a house on the property, at which time he took the case to the *bairro* authorities. The *bairro* leader (*chefe do quarteirão*) declared that the house could not be built without Mr. Souza's consent. However, the in-laws refused to accept this decision. On various occasions when Mr. Souza was absent, the sister's family began to place construction materials (stones, cement blocks, and sand) on the property.

Mr. Souza is now reluctant to leave home; he believes that his in-laws would take advantage of his absence by beginning to build a house on the property. Their inclination to do so has already been proved by their disregard for the *bairro* authority's decision as demonstrated by the placement of construction materials on the place.

Until now, the conflict has not generated monetary costs. However, once it is apparent that resolving the dispute within the family is impossible, Mr. Souza will spend money to involve the district's administrative authorities.

### **III. Other opinions**

Several women who are neighbors and friends of the deceased wife joined in the discussion at the end of the interview. They were unanimous in their view that this type of conflict, in which the family of a deceased individual attempts to claim the land of the widower, has never before occurred in the *bairro*. The more frequent type of conflict arises when residents want to make investments in their property which affect their neighbors. For example, when a neighbor decides to construct a fence to demarcate his/her property and one or more of the neighbors cannot afford a fence, the neighbor who builds it may feel that s/he has the right to expand the property at the expense of others. These cases generally end up being resolved by the Grupo Dinamizador (GD). In 1990, there were three such cases.

In the opinion of Mr. Souza, this type of conflict (that is, the fence conflict) was less frequent in colonial times since the properties were simultaneously sold and demarcated by the buyer and seller. Property rights were clearly and publicly established. If any doubt or any type of conflict arose regarding property borders, it was easy to find the institution or individual who could officially establish the boundaries. After independence this responsibility was passed to the housing commission (*comissão de habitação*) of the *bairro*. Now this commission is responsible only for distributing land, not resolving conflicts. The situation of land conflicts has worsened due to the soaring cost of living and the war, which directly or indirectly continues to affect Maputo. Generating better relationships among neighbors and granting residents property titles are necessary to reduce land conflicts.

**Case study no. 24:**  
**Dispute over residential plot borders**

**Date of interview:** 3 October 1991  
**District:** II  
**Neighborhood:** Chamanculo B  
**Disputant:** Mrs. Mondjane

**I. Date and nature of conflict**

In 1989, Mr. and Mrs. Mondjane had a dispute with a neighbor over the boundary line between their residential plots.

**II. Background**

Mrs. Mondjane asked her neighbor's permission to extend her yard into her neighbor's property. She wanted to construct a garage to store her sons' cars when they came to visit on weekends, but she needed a small portion of the neighbor's yard. Without the garage, there was no other way to protect the vehicle at night.

At first the neighbor accepted the request. Yet, when Mrs. Mondjane began building the garage, the neighbor protested the violation of her property. She claimed that she had agreed initially only because she did not think that Mrs. Mondjane was serious about constructing the garage.

Both Mrs. Mondjane and the neighbor presented the case to the Grupo Dinamizador (Go). The Go ruled in favor of Mrs. Mondjane because the neighbor failed to give a valid reason for why she reversed her earlier decision permitting the construction and because the construction had already begun. The conflict was resolved without monetary costs. The greatest cost was the loss of friendship between Mrs. Mondjane and her neighbor.

**Case study no. 25:**  
**Reassertion of claim to nationalized houses**

**Date of interview:** 2 October 1991  
**District:** II  
**Neighborhood:** Chamanculo D  
**Disputant:** Mr. Wilfredo

**I. Date and nature of conflict**

The conflict occurred in 1989 when Mr. Wilfredo attempted to reclaim the houses that were taken from him by APIE after the nationalization that followed independence.

**II. Background**

Mr. Wilfredo owns three houses in Chamanculo which were nationalized in 1976. He has children and grandchildren who are now in need of housing. When he retired in 1991, he asked APIE to return the nationalized houses to him, and, if this were not possible, that they sell him the houses. He claims that he needs the houses since he is old, no longer works, and survives only by doing temporary jobs.

The Grupo Dinamizador (GD) was informed by Mr. Wilfredo of his attempt to recover the houses. Beyond delivering a declaration which confirmed that the properties of Mr. Wilfredo had indeed been nationalized, the GD could do nothing more to help him. No costs were incurred in this conflict.

**III. Current situation**

The conflict remains unresolved. APIE eventually rejected Mr. Wilfredo's request, provoking his anger and indignation. While he was still working, Mr. Wilfredo did not have the right to receive a subsidy from APIE (a percentage of the rent is paid by the renters to APIE). Now he feels that since he is no longer working, he should at least be provided the subsidy. He plans to resubmit his request to APIE, along with documentation confirming his retirement, so that they could at least return one of the houses and/or grant him the appropriate percentage of the rental revenue.

**IV. Other opinions**

These types of conflict, involving attempts to reclaim nationalized property, have worsened since 1990, when the Assembly raised the possibility of divesting APIE's stock of houses and property. Mr. Wilfredo is unaware of other conflicts in the *barrio*, but feels that land conflicts in general are more frequent now than in the past. He also feels that if the properties were to be sold, the conflicts would become much worse. The owners would want to buy them back and the renters would refuse to vacate. In order to avoid these conflicts (if indeed the houses are to be sold), the rights and responsibilities of the renters and the owners must be made clear and explicit.

**Case study no. 26:**  
**Dispute involving house squatting**

**Date of interview:** 4 October 1991  
**District:** II  
**Neighborhood:** Chamanculo D  
**Disputant:** Mr. Xavane

**I. Date and nature of conflict**

The conflict began in 1983 when friends of Mr. Xavane's brother, who had been allowed to live in two rooms of the brother's house when he was still alive, failed to vacate the house after Mr. Xavane inherited the property following his brother's death.

**II. Background**

The house and lot originally belonged to the brother of Mr. Xavane. The brother was single and, while still alive, had several rooms in his house that were unoccupied. A friend of the brother, who was a soldier, asked if he could live in the empty rooms. The brother agreed. After his brother died four years ago, Mr. Xavane, who is a painter and farmer in Marracuene, inherited the house and lot.

Since Mr. Xavane has a large family and was living in Marracuene (an outlying district with security risks), he asked the soldier-friend to leave so that he could occupy the house with his own family. The house, being in Chamanculo, provides much safer living conditions than life in Marracuene. Mr. Xavane acquired a parcel for the soldier's family in *bairro* T-3, purchased building materials for a house, rented a truck to move the materials to the site, and began constructing a house for the soldier's family, all in an attempt to facilitate the friend's move. The soldier's family moved to the new house once it was finished, but instead of completely vacating Mr. Xavane's house, the soldier placed two additional family members in the same rooms he had occupied and threatened Mr. Xavane with a gun.

**III. Current situation**

The house that Mr. Xavane inherited is in deplorable condition and needs major repairs before Mr. Xavane would feel comfortable installing his own family. But since the conflict is at an impasse, he is waiting for the Grupo Dinamizador (GD) to resolve the case before he makes any improvements. In the meantime, the family members whom the soldier placed in the inherited house are not paying rent, either to APIE or to Mr. Xavane.

Mr. Xavane and his family tried to force the two individuals to vacate the house earlier in 1991 by removing the zinc roof sheets which cover the two rooms where the individuals live. But the soldier's family members simply found more material to cover the house and did not leave. In spite of frequently pressing the case to the GD, nothing has been resolved because, in Mr. Xavane's view, the soldier and the new occupants are friends of the local police. Mr. Xavane claims that if these

individuals do not vacate the house by January 1992, he will destroy the dwelling and build a new one, since the house is already in poor condition.

To date, he has incurred costs totaling 100,000 meticaïs to resolve the case, including expenditures for the truck rental and the materials he bought to build a new house for the soldier's family.

#### **VI. Other opinions**

Mr. Xavane feels that this type of conflict arises because people do not respect inheritance and the property rights of valid owners. He feels that land conflicts, while not very frequent, are more common now than ten years ago. If the *bairro* authorities do not help the owners in resolving such conflicts, and if bribery continues, Mr. Xavane feels there will be an inevitable increase in the number of land disputes in the future.

**Annex E**

**SECRETARY INTERVIEWS**





## Case A:

## Discussion with acting secretary, Grupo Dinamizador, Mikadjuine

**Date of interview:** 29 September 1991  
**District:** II  
**Neighborhood:** Mikadjuine

*I. Bairro context*

The adjunct secretary estimates that the population of Mikadjuine is 9,000 people, distributed among 28 blocks (*quarteirões*). The largest ethnic group is Muslim, among which the highest rate of private house ownership can be found. Muslims also make up the largest group to hold land upon which taxes to the Executive Council (Concelho Executivo) are still paid.

The Grupo Dinamizador (GD) knows which houses were nationalized and fell under APIE control and which ones are privately owned. There are houses that were never nationalized because their owners "gave" them to relatives or friends who pretended to be the legal owners.<sup>4</sup> During the last 15 years, these individuals continued to pay rent to the real owners of the houses. If the GD finds houses being illegally rented in this manner, it is required to intervene by modifying their status to conform to the nationalization policy. Even though there are strong expectations that the land law will be ratified, the local authorities must rule according to prevailing law.

**II. Conflict sources****1. Nationalization of land and houses**

The predominant conflicts in the neighborhood are related to land nationalized in July 1975. These confrontations occur with every type of dwelling affected by the policy of nationalization, principally the prohibition on renting and on private exploitation of dwellings. In many cases, the people living in nationalized houses are neighbors of their former landlords. Sometimes they even share the same yard. Due to resentment of the government's action of nationalizing property, ex-landlords frequently have conflicts with the occupants of those houses that are currently under state control. Such conflicts are frequently taken to neighborhood authorities for resolution, usually to the GD.

In some instances, former owners intervene to prevent tenants of APIE from making changes or improvements on land which they lost under nationalization. These conflicts occur because former owners have never accepted the expropriation of their properties and because they are aware that if the new occupant makes improvements, there is greater incentive for them to fight for the right to maintain possession of the house.

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4. Owners of multiple residential properties were forced by law to relinquish all but one (which they were allowed to keep) to the state (APIE). If the affected landlord chose to remain in the country, he was entitled to a percentage of the rent received by APIE.

## 2. Dishonest transactions

Another type of conflict involves trickery, particularly among relatives. Recently the GD arbitrated a dispute involving a women, who, upon her return to Maputo after a period of absence, discovered that her son-in-law had sold her house for 600 contos (1 conto = 1,000 meticaís). The case did not go to court because the GD was able to resolve the conflict in favor of the woman.

The only way to reduce the number of controversies such as the ones described above is to prevent the ex-owners from **harassing** the tenants of the state-expropriated houses. Rational behavior by all parties is necessary. Above all, the problem that the state created should not evolve into conflicts and feuds among persons in the community.

## 3. Influx of war refugees

In Mikadjuine, the arrival of refugees due to the intensification of war in the southern provinces has resulted in the occupation of previously vacant plots. The Directorate of Construction and Urbanization (Direcção de Construção e Urbanização) should have the power to authorize the construction of permanent houses (those built of cement blocks). Currently, *bairro* authorities authorize the construction of temporary houses (those made of reeds or zinc sheets). If a migrant wants to build a permanent house, s/he must submit a written statement surrendering the right to any future compensation from the state should the state need that property for construction of a public project.

## III. Agricultural land

Because Mikadjuine is predominantly residential, its population goes to other outlying areas such as Boane and Kilometro 15 to look for agricultural plots.

## IV. Possession and transfer of use rights

In general, the GD does not participate in the transfer of agricultural land or residences. These transfers are carried out by the private parties involved in the transaction. The GD does not mediate in any kind of monetary arrangement between buyer and seller. The usual procedure is that once the two parties have reached an agreement, they invite the GD to witness the new occupation and registration of the property.

**Case B:**

**Discussion with acting secretary, Grupo Dinamizador, Xipamanine**

**Date of interview:** 3 October 1991  
**District:** II  
**Neighborhood:** Xipamanine

**I. *Bairro* context**

Because of its central location, Xipamanine is densely populated and strongly influenced by the dynamic of the more urbanized cement city, which it borders. According to the acting secretary, the *bairro* has a population of approximately 24,000 persons. Since there is no agricultural land in the neighborhood, the interview dealt principally with housing issues and matters related to business and industry.

**II. Conflict sources**

**1. Unclear land rights**

Land conflicts have been exacerbated in Xipamanine because some of the residents have tried to gain lodging space for their recently arrived relatives who have sought refuge from the ongoing war in the countryside. The conflicts occur because, in spite of nationalization, ex-owners still believe the land is theirs. Problems arise, for example, when former landholders realize that a house has been built on their previous holdings. In a recent incident, an individual constructed a house on a lot owned by an individual of Indian descent. The Grupo Dinamizador (GD) decided to demolish the house because it had been built without local authorization and because it caused difficulties with the ex-owner.

Claims for houses are also lodged by potential heirs to the lots. Sometimes the heirs continue to pay taxes and thus do not accept occupation of their property.

Another recent conflict originated when a group of people requested permission to build a church on an apparently empty lot. The GD asked the Dcu about the status of the lot, realizing that it was registered under the name of the Chamusse family. The owner of the lot, who was in Mozambique, learned of the attempt to build a church on his property. Instead of proceeding immediately to protest the claim, he waited for the group to clean the lot. Only after the property was cleared and prepared for occupation did the owner inform the church group that the land was his and that he was going to fence it, thus giving rise to the dispute.

When the secretary of the GD was told that the conflict was worsening, he called both sides together. The owner, expressing deep disappointment, stated that he would not forgive the transgression, because his lot was not "the land of nobody."

After further discussion, the GD discovered that the church group had been using two separate explanations for its desire to occupy the lot. It had told the secretary that it wanted to build a church while advising the owner that it wanted to build a house. It became clear that the group wanted to acquire a large house on a separate lot to serve as the church. The owner of the house that was to be

the future church would be given the contested lot and the materials to build a new house. But the owner of the disputed lot would not yield, especially after he learned of the misunderstandings related to the group's real purposes. The man was firm in his decision and did not acquiesce until the GD had confirmed his right over the lot. The church group thus lost the labor it had invested in clearing the land.

## 2. *Bairro* development projects

Many conflicts originate when individuals undertake neighborhood development projects which involve unofficially occupied land.

One of the most controversial cases involved an entrepreneur from Maputo and 18 families who lived in a contested zone. The lot belonged to a Portuguese man who had left the country in 1974; he had built a compound with a group of houses to lodge his tenants. After the period of nationalization, the rented houses came under the custody of APIE, to which the tenants paid their rents.

Recently a businessman obtained authorization to build a nightclub and a hotel on the lot. At first, he asked the Dcu only for the space where a hotel had been previously located. But when Dcu officials were appraising the lot, they informed him that before independence the property title had also included the area encompassing the 18 houses of the compound. The businessman then demanded the whole tract, as it was registered in Dcu files.

One day, the man knocked at the door of each house, telling the families they should leave. This infuriated the families, not only because of the way in which they were informed of the decision, but also because they were current with their rent payments. The families became very angry and armed themselves with iron bars to defend their right to stay. The GD intervened immediately to calm the families and to avoid physical injuries.

First, the Dcu asked the businessman for his authorization to occupy the lot, which he presented. Finding the documents in order, the GD had difficulty reaching a solution that would satisfy both sides. He was accused by both the businessman and the families of siding with the adversary. The businessman argued that he had been granted the lot because he had shown the potential to generate a project that would benefit the community economically. On the other hand, the families objected that the Dcu had prioritized a project to build a hotel and nightclub over the rights of 18 families.

In addition, the families criticized the businessman for demanding a lot that had never been his. If he were the legitimate owner, things would be different. Instead, the families felt that he was able to claim the grounds and evict them only because he was influential with the Dcu. The real owner had left the country after independence and, according to the law, had lost his rights to the lot because he was not in Mozambique and because he was a foreigner.

But the businessman persisted. Besides the authorization of the Dcu, he later produced the plans for the project he intended to implement. He had also convinced the Dcu to designate 16 lots in Zimpeto (District V) where he suggested the families be resettled. In the beginning, the businessman did not want to assume any responsibility for moving the families or for building them new houses. But once the GD had obtained the families' acceptance to leave the disputed lot, the entrepreneur decided to finance the cost of moving the families to their new place.

The conflict lasted six months, ending by November 1990. By then, the priest of a nearby church began to protest because the opening of a nightclub on the property would, in his opinion, adversely affect the neighborhood youth.

### **III. Post-war hopes and expectations**

#### **1. Return of refugees**

If the war were to end soon, most people expect that the war refugees would return to their places of origin, especially those who presently have not been able to achieve a means of livelihood in Maputo. To live for a long time with only 7,000 meticaís per month, as some families do, is an inhuman mode of existence.

Furthermore, land conflicts will not be resolved easily in a context of war. To a certain extent, the resolution of problems will be achieved once the outskirts of the city become safer, because the city can no longer grow on the inside. Peace is needed so that the city can grow on its outer fringes, toward those places where presently it is not possible to live because of threat of violence.

#### **2. Pressure from Maputo**

Compared to in-migration from rural areas, migrants coming to Xipamanine from Maputo are more important sources of property conflict. More and more previous residents of the cement city are now moving to this *bairro*. They are selling the keys to their city apartments in exchange for the materials to build a house in Xipamanine. Other residents in the cement city simply sublet their houses or apartments in foreign currency or in meticaís and take up residence in Xipamanine.

People are able to return to the *bairro* from Maputo because they can sell their city apartment keys to Mozambicans primarily of Indian descent. The acting secretary suggests that these Indians want to control the housing market even before peace is made. Growth of the urban housing market has encouraged owners to recover their former suburban properties. If this trend continues, many more problems related to property disputes will occur.

## Case C:

**Discussion with secretary, Grupo Dinamizador, Polana Canico A**

**Date of interview:** 6 October 1991  
**District:** III  
**Neighborhood:** Polana Caniço A

**I. Institutional conflicts**

Conflicts in Polana Canico A, a densely populated urban *bairro* bordering the cement city, mainly stem from the lack of coordination between the centralized Dcu and the local district and *bairro* institutions. The following three conflicts illustrate the various dimensions of this lack of coordination.

**1. Case 1: Private individual versus local institution**

This conflict, not yet resolved, originated when the Dcu granted a concession to a private individual for the lot presently occupied by the buildings of the Grupo Dinamizador (GD) and the elementary school. The individual intends to build a bakery there and has the support of the Dcu, which argues that because it has never been officially claimed, the lot is illegally occupied by the GD.

According to the testimony of the GD secretary, the Dcu had never before shown any concern about its illegal occupation of the lot. Nor did the Dcu involve the GD at any stage of its allocation of the lot to the private individual. By failing to involve or even inform the GD of the allocation process, the Dcu violated the principle that local institutions (*estruturas*) should coordinate lot allocations among themselves. The Dcu had decided to allocate the lot without any consultation. Local authorities found out about the concession only when the person to whom the lot had been allotted showed up to claim it.

**2. Case 2: Youth group versus church**

A second conflict occurred between the Organization of Mozambican Youths (Organização de Juventude Mocambicana) and a church (Igreja dos Velhos Apostles). The latter sought a concession from the Dcu to the lot where the neighborhood soccer field is situated. The Dcu granted the lot to the religious group in order to build a church. This was not expected by the young men, who refused to give up their field. The GD was not aware that the concession had been granted to the church group by the Dcu until informed by members of the youth organization. This conflict remains unresolved.

**3. Case 3: University housing versus neighborhood residents**

Still in the same *bairro*, another conflict with the Dcu occurred because the director of the Dcu had ordered the relocation of several families living adjacent to Eduardo Mondlane University. The Dcu told the GD of the *bairro* to inform the neighbors that the university intended to build houses for university students and that the area occupied by the houses had long ago been assigned as the university's expansion area.

This case, together with that of the bakery, mentioned above, would require the relocation of 60 families. *Bairro* authorities were greatly shocked and offended by the allocation of these properties to the university. The local authorities and the university administrator had only recently reconfirmed the campus perimeter, which did not include the area in which these families reside. Moreover, as one of the *bairro* officials pointed out, facing the street that divides the university from this neighborhood, there is a large patch of idle land which is owned by the university.

According to the information presented by the secretary, when the GD approached, the university administrator claimed to be unaware of the procedures the Dcu had undertaken in the name of the university. Hence, they decided to take up the problem with the district administrator (Administrador do Distrito), who said he would discuss the problem with the Dcu director. This case also remains unresolved.

## **H. Conclusion**

Two points were emphasized by the secretary of Polana Caniço A:

First, the Dcu seems to decide the reallocation of lots within neighborhood borders without coordinating with either the district or the *bairro* authorities.

Second, the conflicts generally originate from the recent increase in (a) private ventures, including investment by small businesses and private institutions, and (b) the expansion of Maputo into areas of this *bairro*.

## Case D:

## Discussion with secretary, Grupo Dinamizador, InhagóiaA

**Date of interview:** 15 October 1991

**District:** V

**Bairro:** Inhagóia A

### I. *Bairro* context

**Inhagóia A** was never officially demarcated and parceled. Before independence, most of the land belonged to Mr. Lima, who rented out the parcels for an annual fee. A guard was responsible for the property. Those who had the money could rent more than one lot. Many built two or more houses, living in one and renting out the others.

According to the secretary, housing conflicts dominate agricultural conflicts in Inhagóia A. People seeking access to an agricultural plot go to other *bairros* within Maputo or to the less secure agricultural lands outside the cement city such as Boane. Most of the residents seeking agricultural land from Inhagóia A have acquired plots in the Infulene Valley (Districts V and VI). There are over 200 residents of Inhagóia A with *machambas* in Infulene. Many others retain access to a *machamba* through the FAO's experimental plot near Michafutene.

### II. Conflict sources

#### 1. Nationalization of housing and land

Within the last several years, those who owned lots or houses before independence have reappeared to reclaim their properties. If they go to APIE, they are told to file a claims form (*requerimento*), which they then take to the Grupo Dinamizador (GD). Ex-owners feel pressed to reclaim their properties as conflicts arise within their own families. Frequently their children get married but, due to lack of alternatives, continue to live in their parents' house. After a while, problems emerge.

Other claims are filed by ex-owners who, before the armed conflict, had moved to the interior of the country. Many have been obliged to return to Maputo as a result of the war and have sought to reclaim their properties.

#### 2. In-migration of war refugees (*deslocados*)

Generally the refugees who come to this neighborhood first seek a relative's house, where they are offered temporary shelter. They then ask the GD to help them find a permanent place to live.

Finding housing is more difficult for those refugees who have no relatives in the *bairro*. According to the secretary, "We have no alternative except to ask those persons to go to Boane or Zimpeto. Zimpeto is a peripheral neighborhood of Maputo which has been subject to frequent armed attacks, while Boane is approximately 20 kilometers outside Maputo City. If a refugee accepts, the



GD writes a declaration [*declaraioo*] asking the authorities of the other neighborhoods to help them find a place to stay."

### 3. Out-migration of cement city inhabitants

The arrival of people from Maputo is a problem. Generally, inhabitants of Inhagóia A originally came from the southern provinces of Inhambane and Gaza. Immediately after the period of nationalization, some people left the countryside as well as the peripheral *bairros* of the city to occupy apartments in Maputo; a relative was normally left behind to care for the house in the place of origin.

As long as living was cheap, there were few problems in the cement city. But now there are people who cannot afford to pay their electric bills, and the time is coming when they will not be able to pay their rent. They are now remembering what they left behind. Only a few are able to make a decent living in the city while most of the immigrants are waking up from the dream in which they have lived during these past years. Many now want to return to the less expensive peri-urban *bairros*. But they are beginning to realize that things have changed there, too.

When former owners return, they find that their properties have undergone changes. Some discover that the tenant has replaced the reed walls with cement blocks. These tenants refuse to vacate the property without at least being compensated for their investment in the house. When the people involved are not able to solve the problems on their own, the GD or the district administrator is called upon to mediate and find a solution.

### III. Post-war expectations

People's decisions to return from Maputo to their places of origin will depend more on economic conditions than on the political situation. While it is true that many people left their houses as a result of the war, it is possible that when peace arrives, there will be a return to what was common decades ago—the man will live in the city to earn a salary while the woman and children stay in the countryside. They will visit each other every now and then. The house from the countryside will send agricultural products to the city (beans, manioc, and corn); similarly the man will send urban products (mainly rice and sugar) to his family in the countryside. Effectively each family will be two separate but dependent units.

## Case E:

**Discussion with secretary, Grupo Dinamizador, Jorge Dimitrov**

**Date of interview:** 17 October 1991  
**District:** V  
**Neighborhood:** Jorge Dimitrov

1. *Bairro context*1. **Unclear land rights**

The secretary emphasized that many conflicts are occurring in the nationalized houses that are managed by APIE. Since 1989, many ex-owners have visited the office of the Grupo Dinamizador (GD) to reclaim their houses that were nationalized in 1976. Some of them have demonstrated persistence and determination in recuperating their properties; others make their initial demands but do not show interest afterward. In either case, the *bairro* authorities are made aware that residential property rights in the peri-urban areas are not well defined. For that reason they try to dissuade current tenants (*inquilinos*) from investing in the houses they occupy until they are sure that no one is going to reclaim the property. In spite of these efforts, many renters have made improvements in the houses where they live.

2. **Recent involvement of local authorities in conflicts**

During the last year the GD intervened in the resolution of three conflicts. In all cases the dispute was resolved in favor of the plaintiff. In two cases, those who claimed to be former owners argued that they wanted to bequeath the houses to their children. They were also able to prove that the current tenants were destroying the house. After an initial disagreement, the local authorities were asked to mediate. They endorsed the rights of the ex-owners but also tried to defend the rights of the families who were being evicted. Eventually the conflicts were resolved when the owners acquiesced to building reed-straw houses for the evicted families.

3. **Lots reserved for public projects**

A large area within the neighborhood of Jorge Dimitrov is demarcated as a state reserve (*reserva do estado*). Initially this reserve was set aside to implement several nonresidential projects such as small businesses, industry, and schools. Instead, with the intensification of violence in the southern countryside, local authorities have been using this area for temporary housing for the flood of incoming war refugees. According to the secretary,

When we were assigning lots in the reserved area, we asked the refugees to write a letter **saying** that if asked to leave, they would not demand **any** compensation. We also told them that they were only allowed to **build** straw, wooden, or zinc houses. But in 1990 we **stopped** assigning lots **both because** the **neighborhood** was **overpopulated and because** we were concerned that we would have problems when **trying** to evict people from the lots located in the reserve zone **and** other areas not **intended** for **housing**. At that point every space was occupied, including the lots that were **supposedly** reserved for World Bank projects, the paper recycling factory, and many other projects.

Land and housing conflicts have increased due to the presence of both war refugees coming into the peri-urban area from the countryside and people leaving the cement city to acquire residential land in the peri-urban *bairros*.

The task of residential settlement is not carried out exclusively by the *bairro* authorities. Since 1987, some of the block leaders (*chefes do quarteirão*) have been distributing lots in the reserve zone. These block leaders have also been involved in the sale of residential lots [see appendix E of Roth et al. 1994].

## II. Conflicts over residential purchases

In the last several years the number of persons wanting to buy colonial *quintas* has increased. Conflicts arise when these individuals discover that the parcel, as it was originally demarcated and is still registered in the municipality's books, has been occupied already by several families. The following examples of this type of conflict occurred during 1991.

### 1. Family of government member versus local residents

One of the most recent cases involves the wife of a prominent member of government. She applied to buy *a quinta* adjacent to the principal church in Jorge Dimitrov. After the Dcu accepted her request, Mrs. Mucumbi called together those families who lived in the *quinta* and told them she intended to cultivate the land where they had built their houses. Although the people listened to her explanations, they refused to leave, arguing that they had been living there for a long time. Some of the families claimed that their children had been born there. They became infuriated when she continued with her demand to occupy the *quinta*. Even though Mrs. Mucumbi is the wife of a member of government, they felt that she had no more right to occupy the lot than they have.

After several failed attempts to convince the affected families to abandon the *quinta*, Mrs. Mucumbi tried aggressive tactics [no specifics given]. However, the families whom she was trying to evict belonged to two popular neighborhood organizations—the Associação Força do Povo and the Cooperativa Maguiguane I. Both organizations have strengthened and unified the families to such a point that the GD secretary advised Mrs. Mucumbi to renounce her claim to the families' *machambas*. She refuses to do so, arguing that she was granted the entire extension of the *quinta*, including the house, the orchard, and the irrigated land adjacent to the Infulene irrigation channel. This conflict remains unresolved.

### 2. Local authorities involved in land sales

Other conflicts occur when persons wanting to take up residence in the *bairro* arrive claiming they had lived there before and now want to return. After independence, many people left the *bairro* and went elsewhere, frequently to the cement city, looking for a place to live. Upon leaving the *bairro*, they normally left a relative in charge of their land and property. Many of these individuals are returning to reclaim the properties they vacated years ago. According to the GD secretary, many of these individuals want their lots back in order to sell them and not, as they claim, to give them to other landless relatives.

Recently one young local authority committed suicide after trying to sell the same lot to several persons. He became desperate when he could not clear up the confusion he had created. The eventual

buyers had given him 1,000,000 meticaís for the lot. After building a reed hut (*palhota*), they were able to sell the lot and the house for only 10,000 meticaís.

### 3. Conflicts between family members

Another conflict occurred in 1986 between an individual from Marracuene and his cousin, to whom he had left a house in Jorge Dimitrov. Recently the man showed up asking the cousin to return the house. The cousin refused to leave, arguing that he had been living in the house for more than ten years and was its legitimate owner. There was no written proof supporting the two men's claims. Therefore, the cousin was evicted. After his eviction, the cousin returned to re-occupy the house. He was imprisoned and was still in jail at the time of the interview.

### 4. Private resident organizing land sales

The biggest conflict in the **neighborhood** was caused by a private resident who organized a thriving business of selling lots. He even had bodyguards to defend him. He lost his business when he sold the same lot to several different persons. He was imprisoned for some time and, upon his release, the persons whom he had cheated took their revenge by burning his house.

**Case F:****Discussions with secretary, Grupo Dinamizador, Maxaquene C**

**Date of interview:** 6 October 1991  
**District:** III  
**Neighborhood:** Maxaquene C

**I. Assimilating the war refugees**

According to the Grupo Dinamizador (GD) secretary, refugees arriving in this *bairro* come mainly from the southern districts of Manhiça, Magude, and Macia. Upon arriving in Maputo, they first seek out relatives. Almost all the refugees coming in from Maxaquene have either close or distant relatives in the *bairro*. No one shows up asking for a place to stay without having family contacts.

Consider the secretary's family as an example. In early 1991, one of his uncles, fleeing the war, arrived in the *bairro* and moved in with his son. The latter had his own family, including a wife and children, and lived in a small one-bedroom house. Along with the uncle came his two wives and children as well as a brother and his wife. With these additions, a former six-person household expanded to 20 people.

The uncle was offered a house when he first arrived. Initially he did not accept, but by the end of the week he decided to move to the house. Nevertheless, he still visits his son's house daily.

Refugees resort to the GD after having failed to find housing within their family networks. They ask the GD for a "little place" where they can live with their family. The problem is then assumed by the official in charge of housing, who has to find a 10 x 16 meter lot. If one is available, the GD authorizes its occupation. The concession of the lot does not imply any payment since the law prohibits land sales.

Such was the procedure for land allocation while there were still lots available; but now there are none. On the contrary, there are blocks that should have only 25 houses, but currently have 50. For this reason the GD is advising the refugees to go to another neighborhood and gives them a letter of recommendation. Some manage to find a lot on their own; generally they buy one in spite of the law. This is possible because there are powerful persons who work in South Africa and are always willing to sell land.

**II. Conflicts with ex-owners**

At the moment there are no procedures for dealing with owners who attempt to reclaim their former properties. In discussions between the government and local authorities, some officials proposed that houses should be given back to the former owners while others thought that current tenants should have the right to buy the houses. The secretary feels that the nationalization of reed houses in the

peri-urban zones was a mistake, **but** that, nevertheless, it was a fact.' The pressing need now is to solve the problems caused by that mistake. According to the secretary, "Many of the neighborhood secretaries have told the government that the houses should not be given back to their former owners; to do so would provoke another war. It would cause great confusion among current tenants and ex-owners, who for one reason or another have already lost their houses. For example, when some houses were demolished, the GD kept the zinc roof strips and in some places streets were built. No compensation was paid. What are we going to give back now?"

The secretary felt that the most appropriate and least controversial decision would be to sell the houses to the tenants, even if at a symbolic price, because many tenants have spent a lot of money improving the houses. Nevertheless, he feels that the houses should not be donated to the tenants. If the houses are sold, the government could then give the sale price of the house to those ex-owners who wanted to reclaim their properties.

### III. Conflicts due to new projects

The secretary talked about the project that built houses for teachers of the Industrial Institute (Instituto Industrial) near the Praça da OMM. The project stipulated that the current tenants should be moved to Laulane. The authorities bought the materials to build reed houses and the project beneficiaries provided the doors and locks. Instead of being managed by APIE, the new houses were the beneficiaries' property.

There are also regulations that ban the construction of brick houses in certain areas. The tenants who occupy those places know that they are temporary dwellers and that someday they will be asked to leave. The secretary reflected on one pressing problem:

What worries me is that the lots were distributed in 1977, **and** at that time there was an architect who thought that the lots should measure 10 X16 meters instead of 16 X24 meters. At that time I was **secretary and thought that everything had been approved. The** lots were **given** out for free, maybe in pursuit of the principles of socialism. Now the Dcu has come with a different architect saying that the zone is not yet urbanized. They want to get involved and redo everything again. That could cause chaos.

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**5. Both permanent buildings (those made of cement or brick) and temporary dwellings (those made of reed and zinc sheet) were nationalized** after independence. Owners, who were themselves allowed to keep one house (see note 4), naturally opted to retain the more durable **and** valuable dwelling, turning over those of more temporary nature to the state. While not a terribly divisive issue at the time because land was in **abundant** supply, ownership rights to the reed **housing and property** have recently become a hotly **debated** issue. Those **individuals** who lost dwellings face the risk of **permanently** losing a portion of their land if the new occupants make **permanent** improvements, which act to **strengthen** the **tenants'** rights in the property. The scarcity of residential land has also created a booming real-estate market in recent years. Former owners are now trying to re-assert their claims, no **doubt partly** to capitalize on the **soaring land prices now being realized** in the **land market**. In April 1992, the National Assembly voted to **end** APIE's **authority** over these temporary houses. The tenants were **guaranteed** the right to remain by **purchasing** the property over an extended number of years. The **pre-independence** owners, if they are Mozambican citizens, are to be reimbursed the price of the house—an amount not to exceed 10 times the annual rent received by APIE (*Noticias*, 2 April 1992).

#### IV. Ex-residents returning from Maputo

After independence some people sold their houses and hurried to claim the vacant apartments being offered by the government in the cement city; others left their houses to relatives. One current resident was left a cement-block house by his brother, who went to occupy an apartment in Maputo at the time of independence. At the time, the brother wanted only to maintain claim to the zinc roofing strips. He returned recently, but claimed the whole house. The brother, having resided in the house for the last 15 years, already had a refrigerator, a stove, and many other household items. He was in a very difficult situation because he did not know where to find a house for his family and belongings. He decided to call a family meeting to tell them what his brother had done. With the intervention of the GD, he managed to stay in the house.

Similar problems have divided several families. There are persons who are heartless even with their siblings. People sometimes offer building materials and 300,000—400,000 meticaís to persons who are willing to sell their land and house. People go crazy over the knowledge of such offers and, to reap economic benefit, seek to reclaim property they had abandoned 15 or 20 years before.

The secretary recalls even more severe family conflicts. The family of the wife of a recently married couple offered a house to the newly-weds. The wife died soon thereafter, and after 90 days of mourning, the widower took another wife. The deceased wife's family accused him of having killed his former wife. They forced him to give back the house because it had been given to his wife and not to him. The husband, however, refused to leave.

When the GD was presented with the conflict, it decided that the husband should abandon the house within 90 days. But the time passed and he still refused to leave. The case went to the *bairro* court, which gave him another 15 days to vacate, but he insisted on staying. The case was then forwarded to the district court. With both sides having some local influence, the dispute finally arrived at the office of the presidency. The president himself directed the district attorney to resolve the case. He met with the district administrator, who gave the husband one last chance to leave the house. But, again, he would not leave. The administrator ordered the GD and the police to notify the man of the date on which they were going to evict him. When the time for eviction came, the committee visited the house and threw the man's belongings into the street. At noon, the husband, who had been away in Moamba, showed up in a truck and moved his personal effects elsewhere.

#### V. Post-war expectations

Although native Maputo residents want the refugees to go back to their homelands, things are not so easy. Each family member is making his or her own plans. The elderly will return to where they came from, but young men and women will either stay in Maputo to study or go to South Africa. In the secretary's view, "The houses [reed huts] will never disappear. Some people will leave but others will come and occupy them. Some can sell the houses and return to their homelands. But there will also be new waves of people who will show up, including soldiers from either RENAMO or FRELIMO and refugees currently living in camps in neighboring countries. The end of the war will not bring the end of property conflicts."

## Case G:

## Discussion with secretary, Grupo Dinamizador, 25 de Junho

**Date of interview:** 28 October 1991

**District:** V

**Neighborhood:** 25 de Junho

## I. Conflict sources

### 1. Nationalization of houses

Before independence people traditionally bought lots to give their children as inheritance. When land was nationalized, people found themselves confronted by a different set of rules. Some had just paid off their lots; others had only signed a contract and had not yet made payments; still others had paid for their lots, built houses, and rented them out.

Almost everyone was happy with the nationalization. Because most people had nothing to begin with, nationalization gave them the opportunity to acquire land and property. In the beginning, even Mozambican landowners were happy with the measure since they thought it was directed only at the white Portuguese. But the revolution against exploitation affected everyone. FRELIMO supported the armed struggle because of its conviction that they would not simply substitute the Portuguese flag with the Mozambican flag or simply replace a white exploiter with a black one.

The people are now divided. Politics have changed, and those who were damaged by revolutionary measures feel that it is time to reclaim their rights. There are several causes of conflict. First, the government has issued many contradictory laws in the span of only a few years. Second, the rights of one group of persons are beginning to conflict with those of another group. Third, the Economic Recovery Program instituted in 1987 and the war have both worsened the standard of living. Life has become difficult for many people.

Another problem comes from the fact that many people are unfamiliar with the requirements of land utilization. As noted by the secretary, "In order to maintain the right over land, it is necessary to develop a productive infrastructure on it. But many people do not do that. They work and work until one day somebody shows up saying, 'This is my land; I have a document that proves it.' And then the conflict starts."

### 2. War refugees

In 25 de Junho, there are approximately 300 families who are considered war refugees. Most are from Manhiça, Marracuene, and other districts in the regions surrounding Maputo. If the family demonstrates a capacity to build their house, the local authorities can authorize construction. Generally those who can afford to build a house are individuals with relatives working in South Africa. Normally lots are assigned only to refugees who have relatives in the neighborhood; those who do not are granted only temporary occupancy.



Each family decides how its members are going to live within the confines of the lot. They can live together or build separate houses for each nuclear group.

Due to security problems in **peripheral *bairros***, some families have moved into **this *bairro*** to have security at night. They only sleep in 25 de Junho and every morning go to Intaca, Infulene, Michafutene, or another outlying *bairro*, where many work on their agricultural plots.

### 3. *Bairro* development projects

Development projects undertaken in the *bairro* are coordinated by the Grupo Dinamizador (GD), the Green Zones Office (Gabinete das Zonas Verdes), and the authorities related to each project. Whoever wants to develop a project has to go through the GD. Problems start when initiatives do not follow the usual procedures.

For example, by independence all the land in the *bairro* had been parceled. One of the current problems is that areas designated during the colonial period for industrial use have been occupied by houses. Also, in 1980 the Executive Council (Concelho Executivo) and the Directorate of Construction and Urbanization (Dcu) wanted to introduce a new plan that consisted of dividing each lot in half so that the same space would shelter two families instead of one. The purpose of this plan was to increase access to health care and other urban services for very poor families. But the people from the *bairro* never agreed because of the habits of Mozambican families—households start with a few members at first, but become very big after a couple of years.

## II. Post-war expectations

The secretary feels that once the war is over, families will revert to the life style that was enforced during colonial times: employed men and children going to school will stay in the city, while women will return to their places of origin. The war has cut the umbilical cord that tied country and city. Almost certainly people are going to reestablish their former ways of life. Much will depend on what people find in their birthplaces in the countryside.

## Case H:

### Discussion with secretary, Grupo Dinamizador, Laulane

**Date of interview:** 4 November 1991  
**District:** IV  
**Neighborhood:** Laulane

#### I. Bairro context

Laulane is divided into residential, industrial, and **agricultural** zones. The *bairro* has a large area of **naturally** irrigated land where intensive horticulture is practiced. Not long ago this **neighborhood** was considered to be far away from the city, and for that reason many lots had absentee owners while others were completely vacant. In 1978, the Executive Council (Concelho Executivo) of Maputo carried out the first land allocation in the *bairro*, and in 1985, the second. The second was characterized by lack of coordination between the Dcu and the Grupo Dinamizador (GD) and by the arrival of many war refugees. The allocation of many lots during this period provoked severe problems.

#### II. Land sales

The majority of conflicts arise with regard to residential lots. Recently a man sold a lot to a person for 70,000 meticais [see annex E in Roth et al. 1994] then sold it again to another person for 200,000 meticais. At this point the GD had to mediate to defend the first buyer.

#### III. Conflicts between local authorities and the Dcu

The worst problems have been with the Dcu, mainly in the last several years, because it has declared itself the highest authority on matters related to land allocation. At the same time, people have started selling lots on their own, and many times the GD has had to solve problems created by the Dcu. For example, not long ago a topographer from the Dcu started placing markers on lots that belonged to several persons, causing problems the GD had to resolve.

#### IV. War refugees

The war refugees occupy lots in whatever manner they want, for there are no resources for planned and controlled occupation. The majority make arrangements to stay in the *bairro* through contacts with their relatives. But the final decision of allocation of temporary lots is made by the block chief (*chefe do quarteirão*).

#### V. Agricultural conflicts

There is an important difference between agricultural areas that have been officially parceled and those that have not. Many conflicts occur in the parceled areas because people present documents showing that they have rights to a demarcated parcel. Starting around 1985, there were so many conflicts in the demarcated irrigated zones that the local authorities decided to cancel the land allocations in order to reduce the controversy. The measure did not have the intended effect, because many people from

Maputo began showing up with written authorization to occupy the land. Some individuals with money tried to occupy plots that had already been assigned.

In an attempt to avoid additional conflicts, the GD promoted the establishment of small farmers' associations (*associações de produtores*). These associations were aimed at protecting the small farmers' interests. Since then, the problems have diminished significantly. The small farmers have become aware of their ability to organize themselves and have gained tenure security. Organization of the small producers has been such that the producers' associations are officially recognized by the government. Also, people no longer show up from the cement city with written authorization for occupation of these lands.

**Case I:**

**Discussion with secretary, Grupo Dinamizador, Zimpeto**

**Date of interview:** 29 October 1991  
**District:** V  
**Neighborhood:** Zimpeto

**1. Conflicts related to war refugees**

According to a pre-independence development plan, Zimpeto was divided into three zones: residential, industrial/commercial, and agricultural. Because of Zimpeto's location as one of the outlying peri-urban *bairros*, continually subject to armed attacks, it has fewer war refugees than other *bairros*. Refugees fleeing the war typically migrate toward more secure zones nearer the cement city. Nevertheless, the industrial zone in Zimpeto has been occupied already by war refugees.

The vast majority of the refugees come from Gaza and have relatives in the *bairro*. Some come from conflict zones nearby such as Intaca and Kongolote. These refugees usually spend the night in Zimpeto and return to their plots during the day.

Some of the refugees who came from Intaca built reed huts (*palhotas*) in the agricultural zone. The administrators of Districts V and VI had already made it clear that the zone was not planned as residential. They warned the refugees that it was a dangerous zone in which to live and tried giving them an area situated behind MABOR (a local industry) called F02. The people requested permission to remain there, but the authorities of F02 demanded a written promise that they would abandon the site once the war was over. The district administrator did not want to get involved, for he envisioned problems when the authorities asked the refugees to leave.

**II. Conflicts on agricultural lands**

Before independence the agricultural zone was reserved for large Portuguese landowners (*quintaleiros*) and entrepreneurs. There were numerous enterprises such as the Empresa Algodoneira (cotton-processing plant), the Vulcanizadora (rubber-processing plant), the Fábrica de Licores (alcohol company), and the hospital. The land belonged to either the *quintaleiros* or the entrepreneurs. Most of the rural land was controlled by the traditional local leader (*regulo*). When the *bairro* was urbanized, it was divided into lots which were then bought by different persons. According to current law, a person can legally own only the lot where his or her house is located. If anyone tries officially to claim a lot that formerly belonged to someone else during colonial times, the previous owner, if still in the *bairro*, will not allow its occupation.

After independence, Zimpeto had only owners, no tenants. The only rentals that occurred involved plots in the agricultural zone. Presently it appears that some of the Portuguese owners want to return.

One former Portuguese proprietor has already regained a *quinta*. He is the owner of a business that makes metal fences for *niachambas*. People say that he is not the real owner but that he bought

the factory from someone who had *a quinta* in the **neighborhood**. **When** the purchaser arrived, he found that the *quinta* had been occupied already. The purchaser, however, had acquired authorization from the Dcu to possess the parcel. Though this concession was given without consideration that the parcel was occupied already, the new claimant appeared with policemen to evict the tenants. The case was taken to court by the current residents and is pending.

Many people use the *quintas* for subsistence production. According to the secretary, "In such cases I agree that people who can afford to produce for the market can claim the land. The city needs the produce, and it is not fair that a family keeps the land to cultivate it only for their own consumption needs. The person who can implement a commercial project on those lands, in addition to producing more, pays taxes to the state and creates jobs."

Most of the conflicts in the irrigated plots emerge because of the drought. If the drought were to end, many farmers would go to the rain-fed plots and abandon horticulture. People are not interested in kale. At present they are producing kale and lettuce only because they cannot cultivate corn and peanuts due to lack of rain.

### **III. Conflicts from local development projects**

The process used by the Dcu to allocate land to projects, ostensibly claiming job creation, creates many conflicts with those families who have occupied the land already. According to the secretary, there are only two solutions: either stop granting land to new people, or evict persons who squat on the land. Coherent legislation is needed in either case. It is likely that priority will be given to those people who can implement profitable business ventures, because they are the ones who provide money to the government through their investments. The small farmers do not.

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