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# *LTC Research Paper*

## **Security, Conflict, and Reintegration in Mozambique:**

### **Case Studies of Land Access in the Postwar Period**

by

**Gregory W. Myers, Julieta Eliseu, and Erasmo Nhachungue**

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IN MOZAMBIQUE: CASE STUDIES OF  
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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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## EXECUTIVE SUMMARY

In 1992 a peace accord was signed in Mozambique. Since then, many positive changes have taken place. Hostilities have largely stopped and the long process of national reconstruction has begun. Many of the more than 5 million people displaced by war have resumed agricultural production. Political institutions are being examined and various reforms discussed. Democratic national elections are scheduled to take place in 1994.\*

At the same time, aspects of this dramatic transformation are negative, possibly economically and politically destabilizing, and may undermine the advances made in the last year. Despite existing laws and general good intentions, the Government of Mozambique is allowing, and occasionally facilitating, a massive land grab.

In many areas of the country, prime land is being distributed by the state to new and returning private national and foreign interests. This is making good land scarce for small- and medium-sized landholders. In Mozambique, land is not an abundant resource, free from competition or conflict. In all areas of the country, for all types of producers, land tenure security is weak. The formal (statutory) land tenure system does not grant strong rights to landholders. This leads to unproductive land speculation and underinvestment as well as to poor resource use and ecological degradation. The formal system of land access in Mozambique is not transparent and competitive nor is it seen as legitimate by a large percent of the rural population. The land tenure system is creating a new class of postwar displaced and is causing tension between government and civil society as well as among the different classes of Mozambican society. This can only lead to conflict.

In the last few years the state has been granting land concessions to private national and foreign commercial enterprises. Some land is also being granted to former colonial interests, while very little is being given to smallholders. Concessions are also being granted to joint venture enterprises and members of the government, and the government is proposing to award land to demobilized soldiers.

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\* As this paper was going to press, Mozambique completed its first democratic elections (27-29 October 1994). On the eve of the first **day** of balloting, RENAMO declared it was boycotting the elections due to "election fraud and irregularities." On the second **day** of voting, after much **negotiation** with **international** donors, the UN, **and** governments of Zimbabwe and South Africa, RENAMO reversed its position. In the three days following elections, RENAMO has claimed that it will "protest and reject" the vote when it is tallied and demand yet unspecified compensation. While it appears clear that the ruling FRELIMO party will win the presidential poll and at least 50 percent of the National Assembly seats, it is not apparent how the two sides will respond to the vote once all ballots are counted. The specter of Angola's elections hangs over Mozambique.

Concessions are being granted at the central, provincial, and district levels of government by different ministries, including agriculture, mineral resources, and tourism. Concessions are being given for agricultural land, mineral exploration, hunting reserves, grazing, forestry and timber, and tourism zones at a rate that has increased substantially over the last two years. This trend shows no sign of abating.

We estimate, based upon confirmed data and unconfirmed reports, that as of June 1994 approximately 40.7 million hectares of land have been granted in concessions or "sold" to private commercial enterprises. This figure represents 50 percent of the country's total land area, including mountains, swamps, rivers, and other nonproductive areas. It represents 113 percent of the country's total arable land. This figure, 40.7 million hectares, may not accurately reflect total land area bestowed by government to private interests. First, we have only partial data from a few districts in five provinces and have excluded the more extreme unconfirmed reports of concessions covering millions of hectares. We also know that RENAMO is awarding hunting, and possibly agricultural, concessions in its areas of political control; however, we have thus far been unable to gather any concrete data about these grants. As a result the area could be substantially larger. Second, we know that some of these concessions overlap, which may reduce the total area held by private interests. Both points are discussed more fully below.

Three principal problems exist in Mozambique's land tenure system. First, the formal land-tenure system is weak and ineffective, permitting both legal and extralegal land grabbing without securing land rights for the new landholders. Second, the formal judicial, administrative, and political structures are weak and ineffective. The state is unwilling or unable to effectively administer the land laws which do exist. And third, the formal land-tenure system, with its accompanying laws, does not reflect the economic, social, and political realities in rural Mozambique.

Despite growing public concern over the magnitude of these concessions and increasing numbers of land conflicts, both of which have been reported frequently in the Mozambican media, government has largely avoided the subjects of land tenure and land administration. Officials often state that there are no land or land tenure problems in Mozambique and that the current land-tenure system is adequate. They argue that there is plenty of land for everyone. At the same time, they insist that there are few cases of overcrowding and, where land shortages do exist, they will be resolved when all the displaced people move back to their "areas of origin." The government insists that it has the capacity to administer land, including the distribution of land and land rights, as well as the capability to resolve conflicts.

Government officials often justify concessions to larger commercial interests, rather than smallholders, by arguing that these larger farms are more efficient. They state that smallholders lack "sufficient capacity" to exploit the better, more strategically located lands. This argument has frequently been used to justify displacing smallholders in favor of nonnative commercial interests. Indeed, there is a continuing bias in government against smallholders, smallholder production, and even small commercial interests. The bias is also directed against customary rules and processes, local tradition and customary authority. This

undermines the government's efforts to achieve legitimacy while weakening local systems of governance, ultimately inhibiting democratization.

The government does not have the resources to adequately administer land in Mozambique. It cannot administer the formal land-tenure system as it is now constituted. There are conflicts over land distribution among central, provincial, and district levels of government as well as among different ministries. For example, different levels of government are granting concessions for the same land to different individuals or enterprises, while the different ministries are granting concessions for the same land to different people for different purposes (agriculture, mining, hunting, etc.). There are several layers of overlapping claims to the same land in many areas of the country. This is complicating an already confusing legal landscape established under the colonial government. After independence the government further compounded the problem by "intervening" some properties and nationalizing others. In addition, all land was theoretically nationalized and all previous rights were extinguished. The various land laws and the constitution contradict one another and are vague on fundamental questions. For example, the Constitution and Land Law of 1979 nationalized all land, abolished private land rights, and reduced freehold rights to leasehold rights. However, the law also states that any property not intervened, nationalized, or abandoned would remain the property of the original legally recognized owner. Now, twenty years after independence, people are returning to Mozambique to reactivate titles, claiming that they were never abandoned. Reports from several locations in the country confirm that many individuals have been successful in reactivating rights to their old holdings.

In addition to problems with land administration, the government has difficulties with land distribution. Government presumes it knows which lands are "free for distribution." This is not always the case. Central, provincial, and district governments often do not know where free land is located largely because there is no system for recording this information. Because of long-standing antagonisms there is little cooperation between government officials and local customary authorities who might help government to administer selected lands in the country. The question of whether government should distribute land, particularly without the participation and consent of local communities, has not been addressed at all.

An ominous problem has recently emerged involving the government and RENAMO over who has the right to distribute land. It has been reported that RENAMO has made, or promised, land concessions in areas under its political control. At the same time, RENAMO has accused the government of giving away the country's national wealth through land concessions.

Land access for smallholders, including returning refugees, displaced families, and local natives, is proving to be much more complicated than envisioned by government officials

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\* Farms that were "intervened" were taken over by the government after independence. The legal status of intervention is not clear, but in Mozambique it is considered one step less than nationalization. In an attempt to clarify legal status before alienation, government has recently attempted to nationalize many farms that were intervened after independence. See Myers, West, and Eliseu (1993); Myers and Tanner (1992); West and Myers (1993); and Tanner, Myers, and Oad (1993).

before the peace accord was signed. Smallholders are not moving away from the congested areas en masse. Smallholders are motivated by the same factors that affect larger commercial interests. They want access to the same strategically located lands, infrastructure, markets, and transportation. Smallholders are also motivated by security concerns. Many of them do not believe the war is over and are therefore afraid to return or move to rural areas. They often prefer to remain in the more congested areas, borrowing or leasing land or working as tenant laborers. Some smallholders are not sure where they should go since they have been displaced so many times. In some areas, smallholders have been displaced from their land and have no place to go. The landless population is growing in some localities as the government continues to grant concessions. The reintegration of the refugee and displaced populations will not be accomplished quickly or smoothly. This process will be disruptive and will probably take several years.

Although government has already initiated a discussion of decentralizing administration, this process needs to move forward.<sup>8.\*</sup> There is a strong need for comprehensive discussions of land policy reform, natural resource management, and decentralized access and control over natural resources and other forms of property. These discussions should address fundamental questions, including what type of property rights will be permitted in postwar Mozambique. Mozambique needs the investment that is essential for postwar reconstruction. Investment must be encouraged if Mozambique is to move away from being donor-dependent and achieve greater food security; this investment must be legitimate and productive and its processes and mechanisms must be seen as transparent by all Mozambicans.

#### **A. Recommendations for government**

1. Central government should suspend the granting of land concessions until the land law is revised or clarified.
2. At the earliest opportunity after elections, government should open a public discussion concerning land law and property rights in Mozambique. The land law should be assessed, then revised or replaced.
3. A revised land law should legalize land transactions, including those that are already taking place. Privatization of land markets may well give women and other land users with secondary rights greater opportunities to gain control of property and hold resources. But this should be studied carefully, since this type of regime, particularly if combined with individualization and/or registration, may lead to the concentration of all rights in the (male) heads of household or lineage heads, stripping women and others of their secondary user rights.

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\* After this paper was written, the National Assembly passed an important piece of legislation, the Decentralization of Municipalities Law. This law **apparently** distributes greater powers to "municipalities" in each district. The law is vague on certain points; for example, it **appears that** municipalities **have not been given the power to tax and determine where resources are invested. An analysis of this law is forthcoming in a paper** by Harry West and Gregory Myers.

4. A revised land law should create secure, negotiable, private rights. As part of this revision, government may consider registering property rights in selected areas of the country, particularly those that are of the most economically strategic importance.
5. Provincial governments should strive to devolve land management to the district and locality level.
6. District and locality governments should incorporate local communities and their leaders in the process of land management. Open forums should be created in which representatives of the government and local community members can exchange ideas regarding their needs and objectives.
7. All levels of government should strive to recognize local community political structures and their leaders and involve them in the management of land and natural resources and the resolution of conflicts.
8. The land tax code should be reassessed, revised as necessary, and enforced. Commercial landholders should pay land taxes that reflect the market value of their lands. This would help to discourage some types of land speculation.
9. Government should avoid entering into joint ventures, which continue to place demands on state resources without substantial returns to the treasury, and should seriously consider privatization of its existing joint-venture enterprises.
10. Government should invest more resources and vest greater authority in the Ad Hoc Land Commission to study land issues and make recommendations. Its terms of reference should be expanded and it should report directly to the Council of Ministers or the National Assembly.
11. Government should continue its review of the judiciary, and ways should be found that allow interaction between statutory and customary legal regimes. As part of this process, government should review the inheritance laws and determine if there are ways to modify them to create more secure rights for women and others with secondary land rights.
12. Government should begin to keep records of land concessions and other government land transactions.
13. Government and civil society should consider the creation of civil body that has the power to review land grants and concessions and, where they overlap, determine which have precedence. This body should be empowered to determine who should be paid compensation—and how much they should be paid—for land rights that were lost yet legally acquired.

## **B. Recommendations for RENAMO**

14. RENAMO should stop making land concessions in areas under its control.

15. RENAMO should allow the free movement of people and goods throughout the areas under its control.

### **C. Recommendations for civil society**

16. Civil society should insist that government and RENAMO stop making land concessions.
17. Civil society should open its own dialogue regarding land and property rights in Mozambique. Government should be encouraged to participate in this dialogue.
18. Civil society should insist that all land concessions be subject to judicial review.
19. Local communities, with the assistance of locality and district government, should discuss the creation of local land-management boards or other institutions that will empower them to defend their land rights and negotiate the exchange of rights with nonlocal interests.
20. The Universidade Eduardo Mondlane should initiate research into questions relating to property and land rights, customary authorities and political institutions, and the role of civil society in the democratization process.

### **D. Recommendations for donors and NGOs**

21. Donors should encourage the government to stop making land concessions. International assistance should be tied to this action.
22. Donors should help create an environment in which government and civil society can communicate and negotiate over land law and tenure reform.
23. Donors should continue to fund programs that build national technical capacity and skills, particularly with regard to dispute resolution and resource administration, and programs that generate information leading to a more informed public debate about land and property relations in Mozambique.
24. Donors should encourage civil society to pursue the above noted recommendations.

# SECURITY, CONFLICT, AND REINTEGRATION IN MOZAMBIQUE: CASE STUDIES OF LAND ACCESS IN THE POSTWAR PERIOD

by

**Gregory W. Myers, Julieta Eliseu,  
and Erasmo Nhachungue**

*The war is not over, FRELIMO and RENAMO are  
only taking a holiday.*

Peasants in Tete Province,  
September 1993.

*I have this picture in **mind** of a great land-rush, with  
people waiting at the border ready to rush forward.<sup>8</sup> to  
claim their land. South Africans and Zimbabweans  
are lined up at the borders and waiting.*

Representative of international assistance  
organization, August 1993.

## I. INTRODUCTION

Just over a year ago, in October 1992, the Peace Accord was signed in Mozambique. Many positive changes have taken place since then. With a few exceptions, hostilities have ceased between government (FRELIMO) and RENAMO forces. United Nations detachments have arrived and are supervising the process of demobilization. Although a date for elections has been postponed several times, the pertinent law has been passed by the National Assembly and multiparty national elections are scheduled for October 1994. Political parties have formed and registered and are discussing some socioeconomic and political issues. Some roads used for commercial transport have been cleared of land mines, and plans to clear and rehabilitate other strategic routes have moved forward.<sup>8</sup> Markets in rural areas have begun to reemerge, and transport enterprises have started to move goods between cities and between urban areas and rural districts. These developments have coincided with two consecutive years of good rainfall in many areas of the country. Significantly, many individuals displaced by war, drought, or government policy have resumed agricultural production. Hundreds of thousands of Mozambicans have left refugee camps, accommodation centers for the displaced, communal villages, and other locations to which they had been displaced. Indeed, the countryside in postwar Mozambique is in a state of intense transformation.

Nevertheless, mistakes are being made by government and civil society' that will have a lasting adverse affect on economic growth and political stability. Despite numerous land-related problems reported in the daily press,<sup>2</sup> by rural Mozambican's,' private investors, nongovernmental<sup>4</sup> and other civil organizations operating in rural areas, the government has been largely silent on the issue of land tenure reform. A recent report prepared jointly by the government and the United Nations on the transition from emergency assistance to reconstruction fails even to mention land issues (Mozambique and United Nations 1993). In a recent meeting of the Coordinating Council of the Ministry of Agriculture—designed to develop agricultural strategies for the next five years—the government announced that it was unwilling to discuss the issue.' The new political parties have also neglected the issue.

On the other hand, some recommendations regarding land-policy reform that have been proposed are too simplistic, uninformed, and fail to reflect the present political reality in Mozambique. For example, it was recommend that chiefs "resume" political responsibility for their communities and control over natural resources within their jurisdictions.' While this is a positive step forward,<sup>8</sup> it will not by itself resolve the current problems of land access and tenure security in Mozambique. Others have suggested that there are no problems with the current land laws and that reform is unnecessary; they suggest that the problem lies in the administration of the law.' Still others have blamed traditional authorities and customary laws.'

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1. In this paper, the term "civil society" is used broadly in reference to social, economic, political, cultural, and religious organizations outside the "formal" and "customary" governmental structures. This includes educational, trade, and credit organizations not directly tied to government. The concept of civil society in Africa has been discussed more fully elsewhere; see, for example, Bratton (1989); Hyden and Bratton (1992); LeMarchand (1992); Migdal (1988); and Molutsi (1991).

2. See, for example, *Noticias* (10 April 1993, 3 May 1993, 9 December 1993); *MediaFax* (3 May 1993, 30 September 1993, and 27 October 1993); *Domingo* (13 March 1994); and *Savana* (20 May 1994). **In the period between January and June 1994, there have also been numerous reports of land disputes and other land-related issues broadcast on Radio Mozambique and the two national television stations.**

3. See Weiss and Myers (1994), particularly comments by Srs. Timotio, Macuacua, Tembe, Jambo, Mugavo, and Muchanga.

4. National and expatriate staff working for several nongovernmental organizations reported numerous cases of land grabbing and disputes at the local level. These organizations include CARE-Mozambique, Food for the Hungry International, World Lutheran Federation, OXFAM, World Vision, and the Mozambican NGO KULIMA. In addition, staff from the United Nations High Commission for Refugees have described land conflicts and disputes to the LTCIMOA research team. Mozambican church groups, the National General Union for Cooperatives, and other local social organizations have also recounted land-related problems.

Representatives of the National General Union for Cooperatives reported "very serious problems with high-ranking government officials in Maputo Province over land," saying that government officials were refusing to resolve disputes involving smallholder farmers. They suggested that some of these officials were responsible for some of the worst land disputes. A representative of KULIMA recently stated that large joint-venture enterprises were taking land from smallholder farmers with government complicity (see Weiss and Myers 1994).

5. Ministry of Agriculture, Maputo, 25-29 March 1994.

6. See, for example, Lundin (1992a, 1992b, 1993); Irae Lundin, personal communication, November 1993.

7. Joao Carrilho, personal communication, September 1994; and televised interview, Maputo, August 1994. See Weiss and Myers (1994).

8. See the debate presented in Weiss and Myers (1994).

As evidence in this report will show, there is indeed a need to initiate a comprehensive discussion on land policy reform, natural resource management, and decentralized control over resources. This discussion must address fundamental questions about what types of land rights will exist or, more specifically, what types of property rights will be permitted; who will have the power to distribute land rights; and how and by whom land disputes will be settled. For example: Will property rights be freehold, private leasehold, or state leasehold? Will individuals be permitted to buy and sell land or land rights? Will the law recognize community, lineage, family, and individual land rights? Will the state, customary authorities, or some "democratically" selected body distribute land and land rights? Will state or customary law be used to resolve disputes? Will local chiefs, state officials, locally selected leaders, or a combination of these parties hear disputes?

At the heart of these questions lie even more profound issues relating to the role and nature of the state and other political institutions, the relationships of these institutions with the citizens, and the form and nature of governance in Mozambique. In this report we will raise several concerns with regard to land that we hope will help policymakers in Mozambique define the parameters of this discussion.

This paper reports the results of a year-long study focusing on land access in Mozambique in the postwar period. As researchers we wanted to understand how smallholders and larger commercialized interests gained and maintained access to land, and how formerly displaced people gained or reacquired land. We were interested in the way smallholders (reintegrating refugees, displaced families, and others), larger commercial interests, and joint-venture enterprises used the formal or customary legal system to acquire and hold their land. We also sought to understand the relationships between larger commercial interests and smallholders, and between these two groups and the state with regard to land. We were particularly interested in the way authority (both formal and customary) exercises control over land and natural resources and how this authority is perceived by all landholders.

This report is organized into six sections. The following section presents a brief discussion of research objectives, concepts, and methodology. In the third section we summarize the land tenure systems—formal and customary—and the processes of land access and acquisition at a general level in Mozambique. The formal land-tenure system, land administration, and land laws are reviewed and their limitations discussed. We consider land availability and scarcity and state-granted land concessions. Data are presented to illuminate the location and origin of these concessions. Customary land law and methods of access are examined and the limitations of this tenure system are noted. We summarize what we have learned about the reintegrating populations and how they are gaining access to land. Finally, we discuss land conflicts in Mozambique. The overall objective of this section is to present a global picture of how people are manipulating the land tenure systems to gain access to land and how these systems are either guaranteeing or denying security of rights. This section will create a framework within which to understand the cases studied.

In the fourth section we discuss the findings from four case studies and their implications for economic development and political stability as well as for the transformation of the state and the evolution of government, or more possibly the devolution of political control over

resources to the local level in Mozambique. In both the third and fourth sections we present maps, diagrams, tables, and graphs to illustrate and support our discussion. A synthesis of the findings and our conclusions are presented in section five, and policy recommendations are suggested in section six.

The authors wish to state that officials of the Government of Mozambique were generally responsive to our questions and supportive of the goals of this research. Even when evidence indicated governmental mistakes, many state officials were willing to contribute to our understanding of the issues.

The field research for this study was carried out after the signing of the cease-fire. However, since a climate of war still prevailed in many areas of the country, the study was carried out in the context of war and a population traumatized by its devastating consequences. Many people interviewed were convinced that the war would resume and were insecure about their present and future situations; consequently, some were understandably reluctant to openly discuss issues as politically sensitive as those related to land access. Nevertheless, we found many respondents forthcoming and sincere.

The authors wish to state that the observations, analyses, and conclusions presented here are tentative, and that there is a great need for further investigation of land tenure, land access, and land-dispute resolution in Mozambique. It is our hope that this paper will stimulate a further dialogue on land rights in Mozambique, an issue that is emerging as central to the redefinition of the state and the system of governance in the postwar period. We accept responsibility for any errors or omissions in this paper.

## II. RESEARCH METHODOLOGY

This study began in November 1992, shortly after the signing of the peace accord on 4 October 1992; it is part of a larger collaborative project between the Land Tenure Center (LTC) and the Ministry of Agriculture (MOA). The inquiry, which began in 1991, focuses in part on land policy reform. It is funded through USAID/Mozambique's Private Sector Support Technical Assistance Project.

Case studies were conducted in several areas of the country (map 1)<sup>9</sup> as part of this investigation. Although many sites have been visited in the last year, this paper reports on four cases in the provinces of Gaza (Chokwe and Chibuto districts), Sofala (Nhamatanda District), Manica (Vanduzi District), and Tete (Angonia District). All together, we interviewed more than 425 people at these sites. This study also includes data drawn from other sites visited in Maputo, Gaza, Inhambane, Sofala, and Nampula provinces as well as data collected in an earlier study in 1992 on state-farm divestiture in Mozambique (map 3).<sup>10</sup> Additional material for this report was drawn from a variety of sources in the private sector and donor community and at the central, provincial, and district levels of government.

In this project we were interested in gathering broad, historical pictures of land tenure, land access, and local control or authority over land and natural resources in a variety of settings. We were particularly interested in the transformation that these systems or institutions had undergone during the war as well as transformations experienced as a result of the economic and political changes of the last year. A secondary objective was to develop a baseline description of land tenure relationships that are emerging in the postwar period.

In this paper we use the term "customary" to denote political, legal, and cultural institutions that are used by Mozambicans at the local level. These "systems"—products of the tension and collaboration within rural society and between rural society and a wider social, political, and economic order—give meaning to, shape, and regulate peoples' lives. They have meaning because they are historically rooted and because they have been transformed as rural Mozambicans have experienced new economic opportunities and political constraints. These systems create political and economic opportunities for actors, who manipulate local rules and customs to their advantage. The process of use and manipulation of customary rules transforms customary institutions, which in turn create new opportunities and constraints for individuals, families, and communities."

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9. Maps 1-6 appear at the end of section 3.

10. See Myers, West, and Eliseu (1993); Myers (1994b); West and Myers (1993); Myers and Tanner (1992); and Tanner, Myers, and Oad (1993). In these earlier studies on state-farm divestiture we interviewed more than 200 people in 4 provinces (Gaza, Sofala, Manica, and Cabo Delgado).

11. See West and Myers (1992).

In this debate, there is often a serious misunderstanding about the difference between customary institutions and rules and customary authority (i.e., chiefs, kings, and the like). This misunderstanding frequently leads people to conclude, incorrectly, that a discussion about decentralized control over natural resources implies a return to "antiquity" and the rule of "chiefs"—as they have often been mythically characterized in the precolonial period—as the absolute managers of land and other natural resources. This misunderstanding, unfortunately, has influenced the debate over the management of land in Mozambique. Several participants representing different levels of "official" government at the recent Second National Land Conference in Mozambique (Weiss and Myers 1994) expressed alarm at the idea of empowering local communities, using locally defined rules and procedures, to control land within their community's jurisdiction. Some participants thought that this would be a reversion to tribalism and inhibit the fair and open distribution of land. Others stated that it would be undemocratic.<sup>12</sup> This position—that local authorities and customary rules are undemocratic—is not a new one. Shortly after independence FRELIMO took the position that customary institutions, authorities, and rules were backward, representing feudalistic society, and launched a campaign against them. This campaign had a dramatic effect on social relations in many rural communities, promoting conflicts and schisms within these neighborhoods.

We use the terms "smallholders" and "larger commercial farmers" (or interests) to denote two broad economic categories of farmers. We use this terminology in place of the FRELIMO party/government-created wordings, "family sector" and "private sector," which are artificial and do not accurately reflect relations of production in Mozambique. By government definition, the private sector is made up of farmers who theoretically employ wage labor, have access to credit, and produce for the market. Private sector farmers are seen as having "greater capacity" to exploit resources (land, capital, and labor) than the family sector. The family sector is defined by government to include farmers who do not employ wage labor (but exploit only family labor), have little access to capital, and do not produce for the market. They are seen as subsistence producers. Again, these categorizations do not reflect reality.

Many private-sector farmers have little access to capital, employ family rather than wage labor, and consume much of what they produce. At the same time, most family-sector farmers produce for the market and hire labor to augment the family work force. Many family-sector farmers have access to capital through the market and remittances from off-farm employment. The categorizations also are destructive because they are used to control or divert resources to a select group of individuals; this will become more clear in the discussion of the case study below.<sup>14</sup> The important points to note are that these categories are not discreet, but highly porous, and that they are used to control and influence the distribution of

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12. Weiss and Myers (1994), especially the comments of Sr. Cadmiel Mutemba, governor of Tete Province; Sr. Francisco **Pateguana**, governor of **Inhamitanga** Province; and Sr. Lemos Chalulo, district director of agriculture, Manica Province.

13. See Myers, West, and Eliseu (1993); West and Myers (1992); Geffray (1990); Hanlon (1990); and Sidaway (1992).

14. See also Tanner, Myers, and Oad (1993); and Myers, West, and Eliseu (1993).

wealth in Mozambique. Admittedly, the terms smallholder and larger commercial interests require further articulation, which is largely beyond the scope of this paper.<sup>15</sup>

There is little social science research in Mozambique that focuses on gender, particularly women smallholder farmers and their economic relationships within the household. It is beyond the scope of this paper to review this nascent literature.<sup>16</sup> We recognize that our own study does not strongly address this set of issues. Nevertheless, we know that a majority of farmers in Mozambique are women (Casimiro 1994; Weiss and Myers 1994), and when we discuss smallholder production we are in fact speaking about female producers. When we conducted interviews we always tried to speak to the women on the farm in a location away from other family members. Unfortunately, when men were present, women were sometimes reluctant to speak openly. At the same time, we frequently encountered men who asked their wives to give their opinions in response to our questions. Where it is important, we have noted gender-specific responses in our discussion. Ultimately, while competition and struggle do occur within the household in Mozambique, we do not believe that it is the site of a "battle zone" between men and women; rather, the household represents a cooperative organization in which each member struggles to better his/her own life and the welfare of the family.

A case study methodology was employed in this investigation. Information and data for study were gathered in two phases. First, we reviewed the formal land laws, regulations, and administrative structures for land acquisition and conflict resolution. We gathered data on land concessions, population movements, and capital investment in land resources at the central, provincial, and district levels of government. We interviewed policymakers and administrators at all three levels as well as academics and other individuals (from private and government sectors and the donor community) who have a professional interest in or responsibility for land administration and land policy reform in Mozambique. A comprehensive literature review was conducted in Maputo before the field investigations were carried out.

The material gathered in the first phase of this research helped us to identify potential field-research sites to be studied in the second phase. The sites were selected to display a variety of socio-cultural and economic characteristics. These factors included the following:

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15. We also acknowledge that there are other misconceptions regarding smallholders and commercial interests. For example, it is often assumed that when we speak of smallholders we are talking about black (indigenous) Mozambicans. Conversely, it is often assumed that commercial interests, particularly during the colonial era and in the period of structural adjustment, are white **and** foreign (usually Portuguese). Both positions are erroneous. There are many white **and** mixed-race Mozambicans, born in-country, who consider themselves indigenous or native to Mozambique. Some of these individuals have small holdings **and** would be **considered "smallholders" as defined above. There are also white Mozambicans who abandoned the country at independence and now wish to return.** At the end of the day, **the question becomes: "Who is a Mozambican?"** The issue is beyond the scope of this paper, but from the outset we explicitly state our sensitivity to this highly complex and politically charged problem. We are cognizant of Mozambique's history, **particularly** class and racial relations. However, because of the complexity and development of these relations, we make no assumptions in the postwar period **regarding** race and class. To the point: Smallholders may be black or white, just as commercial interests may be black or white or Mozambican or foreign.

16. Davison (1987, 1988); Arnfred (1988); **Berg and Gundersen** (1991); **Boucher** et al. (1993); Isaacman and Stephen (1980); Urdang (1989); Liberman (1993); Pehrsson (1993); and Casimiro (1994, 1986). See Weiss and Myers (1994); **and Ken Wilson, personal communication, January 1994.**

1. geographic location—sites were selected in all three regions of the country (northern, central, and southern) and in areas in the interior and on the frontier;
2. physical security—although security constraints were taken for the well-being of the research team, we endeavored to investigate areas that had been both relatively secure and relatively less secure during the war;
3. climate—sites were selected in rain-fed and irrigated areas;
4. economic investment—sites were chosen from areas that have historically experienced economic investment (e.g., irrigated areas and lands near commercialized centers, infrastructure, or transport routes) as well as areas that are relatively poor by comparison; and
5. culture and ethnic diversity—field sites were chosen to reflect differences in local cultural and political institutional arrangements (e.g., patrilineal or matrilineal kinship structures).

The research protocol was modified from site to site depending on the issues encountered. The field team constantly evaluated incoming data and, when necessary, modified or added new queries to accommodate unanticipated information. A consistent research strategy was followed at each site. The team first interviewed provincial and district officials, including locality-level extension agents. Data were obtained on population movements, agricultural investment by both smallholders and larger commercialized interests, land acquisitions and concessions, and local and indigenous (or customary) power structures. In addition, the team often tried to interview representatives of the NGOs operating in the area of the field sites. We attempted to obtain the official position with regard to land access in the identified area. Maps were developed on-site from available DINAGECA (Direção Nacional de Geografia e Cadastro) maps or from visual identification, and within the research sites officials were asked to identify specific locales that were experiencing higher levels of reintegration, investment, or land conflict.

The team then interviewed selected local people, focusing on smallholders (including indigenous populations, reintegrating refugees, and displaced families) and larger commercial interests. The local people interviewed were also asked to identify on the maps the lands and areas that they believed to be experiencing notable levels of reintegration, investment, or land conflict. A concerted effort was made to interview women farmers at each field site, and often a woman member of the research team would identify and interview female community members in the absence of their male counterparts or other male community members. This was done once it was discovered that women farmers and landholders were usually more forthcoming when men were not present.

Where possible the research team presented officials and private sector individuals with the views of the local population and asked for their reactions as well as crosschecking "official" information with the local population. In several instances discrepancies between these views led to another round of field research. At least one week was spent at each site, and in all four cases field locales were visited more than once. Where possible information

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17. National **Geography and** Cadastre Unit with the Ministry of Agriculture; it is responsible, among other duties, for **land demarcation and** issuance of **land** titles.

gathered was also compared to material collected two years earlier during the investigation of state-farm divestiture.

One limitation of the methodology of the study relates to the timing of investigation. Field research was conducted over the course of one year; all sites were not visited at the same time. Consequently, fluctuations in the process of land access or level of investment or conflict may not have been discovered. Observed differences may be a result of inherent economic, political, or cultural differences among the locations, or they may be part of a larger pattern of development of the area over time in the postwar period made apparent in particular sites only because of the timing of researchers' visits. Comparisons among the sites should be made only on a general level. For this reason we have included four different cases in this study in order to present a broad picture of land access and evolving tenure relations in the immediate postwar period.

A second limitation of the study is that we have little or no baseline information regarding land access, land tenure, and customary authorities in Mozambique from the prewar era.<sup>18</sup> It is therefore difficult to judge what transformations have taken place in local customary arrangements as a result of war, drought, government policy, and so forth. In many instances we have relied on the oral histories of the respondents to indicate what changes have occurred in the cultures, rules, and authorities and what these changes mean for the residents. Oral histories are an important methodological tool, but questions asked and responses given are open to interpretation by both respondent and investigator.

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18. See Alexander (1994).



### **III. AN OVERVIEW OF LAND ACCESS IN POSTWAR MOZAMBIQUE**

People gain access to land in Mozambique either through the formal or statutory system or through informal or customary systems. In this section we summarize what we have learned about formal and customary land tenure and the limitations of these systems. We note the types of rights people are acquiring. We also address the question of land availability or scarcity and discuss the impact of state-granted land concessions on land access and disputes in Mozambique. Finally, we illustrate how contradictions between formal and customary systems of land tenure are leading to land conflicts throughout the country.

#### **A. ACCESS UNDER STATUTORY LAND LAW**

##### **1. LAND LAW**

The constitution and subsequent legislation enacted in Mozambique after independence in 1975 were greatly influenced by the experiences and laws of neighboring countries. The leaders of newly independent Mozambique were particularly motivated by developments in Tanzania as well as in other Lusophone African countries. Many of Mozambique's policies with regard to production systems and property rights were modeled after those articulated in Tanzania; therefore, it is not surprising that Mozambique nationalized land shortly after independence.<sup>19</sup>

The constitution and two subsequent pieces of legislation articulated and defined land law and the formal land tenure system. ARTICLE 8 of the Constitution of the People's Republic of Mozambique (1975) states: "The land and the natural resources located in the soil and subsoil, in territorial waters and on Mozambique's continental shelf, are owned by the state. The state shall decide the conditions for their exploitation and use." The 1975 Constitution further declares that all land in the country belongs to the people through the state. It is clear that a central intention of this law was to liberate (i.e., nationalize) land from foreign interests that had, in many instances, stolen land and resources from the people of Mozambique; in this respect its goals may be considered laudable. However, a second intention of the law was to strip "large" landowners of their resources and to give land "back" to the Mozambican people. It is at this point that the intention of the law becomes problematic. Many middle-class nationals, both black and white, lost legally acquired resources. As a result, foreign as

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19. For a discussion of the early political evolution of FRELIMO, see Isaacman and Isaacman (1983); Machel (1974, 1975); Mondlane (1969); Munslow (1983); Egero (1990); Saul (1973, 1985); Vail and White (1980); and First (1983).

20. See also ART. 35 of the 1975 Constitution.

well as domestic capital fled the country, leading to economic and political crisis. This crisis is discussed elsewhere.<sup>21</sup>

As we demonstrate below, even if the goal was to give or redistribute land to the people of Mozambique, this occurred very infrequently. In fact, the people of Mozambique, including smallholders, were often stripped of land and resources or their tenure rights were greatly reduced by the state. It is likely that this contributed to the economic crisis following independence and fueled the subsequent civil war.<sup>22</sup> Essentially, this law and subsequent land and property legislation gave the state—rather than the people—control over land and natural resources. The principles articulated in the 1975 Constitution with regard to land were repeated in the 1990 Constitution. The new Constitution made no major changes to the legal status of land; however, it did recognize and protect "rights acquired by inheritance or occupation."<sup>23</sup> However, as we see below, this admirable principle has not been systematically applied.<sup>24</sup> The new Constitution also theoretically permits leasehold relationships between private persons, but this too is unclear.

The second major piece of legislation to affect land tenure was the 1979 Land Law (6/79). In this law the state formally nationalized all land in the country. All previous forms of title are extinguished and reduced to state leasehold. ARTICLE 1 states: "In the People's Republic of Mozambique land is state property and the state establishes the conditions for its use and exploitation. In the People's Republic of Mozambique, land cannot be sold or in any way alienated, rented, mortgaged, or pawned." However, existing infrastructure and other unexhausted improvements on the land can be alienated.

This law, while not conferring strong rights on landholders, clearly states their obligations.<sup>26</sup> Each landholder is to use the land "rationally," carry out activities without affecting the interest of the state or others, preserve and increase the fertility of the soil and

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21. See Hanlon (1990); Isaacman and Isaacman (1983); Hall (1990); Vines (1991); Urdang (1986); and Sheldon (1991).

22. See Cahen (1987); Geffray (1990); Hanlon (1990); Myers, West, and Eliseu (1993); and Drumtra (1993).

23. Rights acquired by inheritance or occupation were, in principle, granted under earlier legislation (Land Law of 1979, and Land Regulations of 1987). It has been suggested that these rights were not clearly defined or stated in the earlier legislation; consequently, the authors of the new Constitution felt it necessary to reiterate them.

24. Although security of tenure is theoretically guaranteed for the family sector (smallholder) farmers by occupation, the Land Law is not clear with regard to what constitutes occupation. This lack of clarity leads to "legal" land evictions and land grabbing. This is discussed below.

25. See Garvey (1994); and Joao Carrilho (former director of Ad Hoc Land Commission, Ministry of Agriculture, Maputo), personal communication, April 1992. The 1975 Constitution specifically prohibits the lease of land by private individuals. It states that land may not be sold, transferred, leased, mortgaged, or pledged. The 1990 Constitution contains the same prohibition and the same phrasing, except for the word "lease." It is not clear if the new law permits the leasing of land. Carrilho has suggested that the 1990 Constitution contained a typographical error and that the word "leased" should also appear as one of the prohibitions.

26. See ART. 6 of the 1979 Land Law.

avoid erosion, and prevent land contamination. Land not used according to these obligations, even if "secured" by a lease, may be confiscated by the state. The law recognizes the existence of customary land use without conferring any special rights on it. If land is confiscated, the law states that the former rights-holder is entitled to unspecified compensation.<sup>27</sup> However, the law also states in ARTICLE 35 that landholders who have their rights revoked will not be compensated for the loss of any investments, including infrastructure, construction, or other improvements. These two provisions of the law create a significant disincentive to investment.

The 1979 Land Law itself is vague in many provisions, and it appears that its framers intended this to be so until more specific regulations could be developed. Between 1979 and 1992, a number of presidential and ministerial decrees—and several laws—were enacted that have made minor modifications to land law.<sup>28</sup>

The third significant piece of legislation to affect land tenure, the Land Law Regulations (Decree 16/87), was not enacted until September 1987, eight years after the Land Law was established. This decree was much more specific than the Land Law, reflecting economic and political changes that had occurred in Mozambique in the intervening years. For example, the preamble to the decree asserts that one objective of the law is to decentralize authority over conceded land. This reflects recommendations of the Fourth Party Congress in 1983 that control of some state functions be transferred to the provincial level. Indeed, the regulations specify responsibilities or competencies to be exercised by the council of ministers, ministers, provincial governors, and locality executive councils with regard to land and other natural resources; however, other provisions of the decree—and later laws and decrees—had the opposite impact, which was to centralize control over land and natural resources.<sup>29</sup> Consequently, contradictions within this law, between this law and<sub>30</sub> other laws, and between the laws and government's stated objectives have led to confusion.

The regulations stipulate that security of land tenure for private sector farmers is guaranteed by registration of title, and that security for family sector farmers is guaranteed by occupation. Two types of document are available: Certificate of Family Occupation, and Title of Use and Exploitation. Land titles are in the form of leases, granted for a maximum of fifty years under the Land Law Regulations. Private sector farmers are required to apply for a title, while family sector farmers need not acquire a certificate. Regardless of the security implied, the regulations also (in conjunction with the 1979 Land Law) authorize the state to seize or confiscate land for a variety of reasons.<sup>31</sup>

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27. See ARTS. 34-36 of the 1979 Land Law.

28. See Myers, West, and Eliseu (1993).

29. See Myers, West, and Eliseu (1993); Martins (1994); and Garvey (1994).

30. See Boucher et al. (1993, 1994); Roth et al. (1994); Weiss and Myers (1994); Myers, West, and Eliseu (1993); Martins (1994); and Garvey (1994).

31. The **Land Law Regulations** state **that anyone who has had land taken by the state, including land redistributed to other family sector farmers, private sector farmers, or state officials, is entitled to compensation** (ARTS. 49-52). In practice, this rarely occurs.

Another important part of the Land Law Regulations relates to land held during the colonial period. The law states that any land held (by lease, freehold, or other means) prior to 25 June 1975 (independence), which was not nationalized, confiscated, declared vacant, or "intervened" by the state, may be "validated." <sup>32</sup> In other words, rights to those holdings may be reactivated. This applied to land held by either nationals or nonnationals. The law stipulates that individuals had three years from 9 September 1987 in which to reactivate their titles. This was an extraordinary principle, for it not only opened the door for returning colonial interests to reclaim assets—whether acquired and exploited legally or extralegally—but also generated enormous confusion over ownership rights for much of the most valuable land in the country. <sup>33</sup> As discussed below, this has complicated land access for indigenous Mozambicans, including reintegrating displaced populations. It has also inhibited tenure security, and thus investment, for all producers. It has been suggested by officials in Mozambique that although this "window of opportunity" has expired, former colonial land and property holders are still returning to reclaim assets under this provision.

As noted above, other laws, decrees, and ministerial diplomas have been enacted or issued since the Land Law Regulations of 1987. These laws have had minimal effects on the tenure system and land administration. Laws passed in 1991 and 1992 largely address the alienation (or privatization) and distribution of property held by the state sector. <sup>35</sup> Although these laws, discussed more fully elsewhere, refer to nonlanded property, they have been used (unofficially) by some ministries and provincial governments as the basis for privatizing and alienating land within their jurisdictions or spheres of influence. <sup>36</sup> These laws could be used as the foundation or precedent for the creation of a new, more privatized, land-tenure system in the future.

## 2. FORMAL LAND ADMINISTRATION

The process for acquisition of rural land, for either commercial or smallholder farmers, suffers because the law is unclear about what constitutes occupation. The procedure also suffers from confusion over the categories of "family sector" and "private sector" and from the ad hoc application of the law. <sup>37</sup> In general, commercial (private sector) interests exploit the formal legal system, while smallholder (family sector) farmers rely on the customary systems of land tenure to gain access to land and secure their rights. Each category exploits the weaknesses of the other.

According to district and provincial officials interviewed, smallholders who are in need of land should communicate with the local customary officials and other landowning families

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32. See ART. 79 of the Land Law Regulations.

33. See Bruce (1989, 1990).

34. It remains to be seen what the impacts will be of the new Decentralization of Municipalities Law (1994).

35. See Laws 3/91, 5/91, 13/91, 14/91, 15/91, 17/91, 27/91, 28/91, 30/91, 31/91, and 6/92.

36. See Myers, West, and Eliseu (1993); and Garvey (1994).

37. Myers, West, and Eliseu (1993); Garvey (1994); Martins (1994); Weiss and Myers (1994); and Carrilho et al. (1990).

in the area (this is discussed more fully below). If smallholder farmers are unable to acquire land in this way, they are encouraged to approach the local executive council." The executive council, made up of government appointees, is supposed to work with district-level extension officers, who in turn consult local individuals of "high standing" in the community. Generally, government officials do not grant land to smallholders; however, if state-appointed officials do assist smallholder farmers, they generally assign land that previously belonged to private colonial farmers or that had been identified by the authorities as unoccupied.

Government officials state that once land is acquired by smallholders, the process stops, without the issuance of a title or registration, because further action is unnecessary to secure tenure rights. According to them, occupation is sufficient to secure use rights.<sup>39</sup> This is said by officials to be part of the formal system for acquiring and securing land by smallholder farmers. The process described by officials suffers from three critical inconsistencies: First, it implies that local (customary) authorities have an officially recognized role to play in the acquisition and distribution of land, and that they are consistently consulted with regard to land access for smallholders; second, it suggests that the rights of smallholders are secure based simply upon occupation; and third, it presumes that no tension exists between local communities and customary authorities, among competing customary authorities, or between local communities and government officials. All of these assumptions are problematic and are discussed further in the subsection on customary law.

The official process by which commercial and private-sector farmers acquire and secure land-use rights differs from that for smallholders. According to the 1979 Land Law and 1987 Land Law Regulations, any party acquiring land for commercial agricultural purposes must register the holding through the formal tenure system and pay an appropriate land tax. Different levels of government are supposed to participate in the process depending on the amount of land requested. Again, in principle, an individual who needs land approaches the local population (or local land chief, *regulo*, or other recognized representative) and asks for land. The interested individual then contacts the district or provincial office of DINAGECA to begin the process of registration. Once an application is submitted, the provincial office of DINAGECA investigates the application to determine if the land is suitable and available for use. Provisional right to occupy the land is granted if a favorable report is received from the district office. The land is then surveyed by DINAGECA and a usage permit is issued. In theory, the entire procedure from application to receipt of title and registration should take about four months—and officials claim that the time is often half of this. In actuality, many applications require a year or more to be processed. The registration process and its many

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38. District Agricultural Officer (DDA), Chokwe, Gaza Province, personal **communication**, April 1992; District Agricultural Officer (DDA), Nhamatanda, Sofala Province, personal communication, July 1993; and Joao Carrilho, personal **communication**, April 1992.

39. District Agricultural Officer (DDA), Chokwe, Gaza Province, personal communication, April 1992; District **Agricultural** Officer (DDA), **Nhamatanda**, Sofala Province, personal **communication**, July 1993; Chief, Provincial Services of DINAGECA, Sofala Province, personal **communication**, July 1992; Chief, District Services of DINAGECA, **Nhamantanda**, Sofala Province, personal communication, July 1992; **and** Chief, Provincial Services of DINAGECA, Manica Province, personal communication, August 1992.

problems are discussed in greater detail elsewhere.<sup>40</sup> In practice, however, it is apparent that private sector applicants rarely consult with local customary officials, and that land is granted to them without confirmation of its vacancy. In addition, many applicants apparently bypass district authorities and secure rights to land without their approval or participation in the process.

The official process of land acquisition and registration is illustrated in diagrams 1 and 2. The process is cumbersome, time consuming, opaque, and open to abuse. Research has revealed that there are many opportunities in the system to avoid accountability and bypass rules and officials involved. There is a significant difference between the way the system is supposed to work and the way it actually works.<sup>41</sup> For example, in theory, an individual who wants land must contact the locality (post)<sup>42</sup> officials and verify that land is available and unoccupied. In fact, however, individuals and companies often go directly to the locality administrator or to the provincial authorities, bypassing local agricultural (and DINAGECA) officials and the attendant verification process. At the same time, research revealed that many applications for land and land concessions do not complete the formal concession and registration process, but rather stop at either of two points in the process. These points, noted on diagram 1 as "interruption points," are where the process breaks down.

The process stops at an interruption point for a number of reasons. In some cases the breakdown occurs because the applicant does not have the financial resources to complete the transaction. Another possibility relates to inability of government to carry out its duties. If the office does not have adequate resources or manpower, the application may become mired in the system. A third possibility relates to the objectives of the applicant. Some applicants do not want to complete the process. Many individuals interviewed who had acquired concessions said that they were not registering or did not intend to complete the registration process until they were more sure about a number of issues, including their rights to the land, security and the peace accord, and a reform of the property laws.

The government does not have the capacity to administer the formal land-tenure system as it is now constituted. In many locations throughout the country, provincial and district officials claimed that they did not have the resources to fulfill even the most minimal requirements of the distribution process. They complained that they did not have the vehicles or manpower to determine whether land was already occupied before granting concessions,

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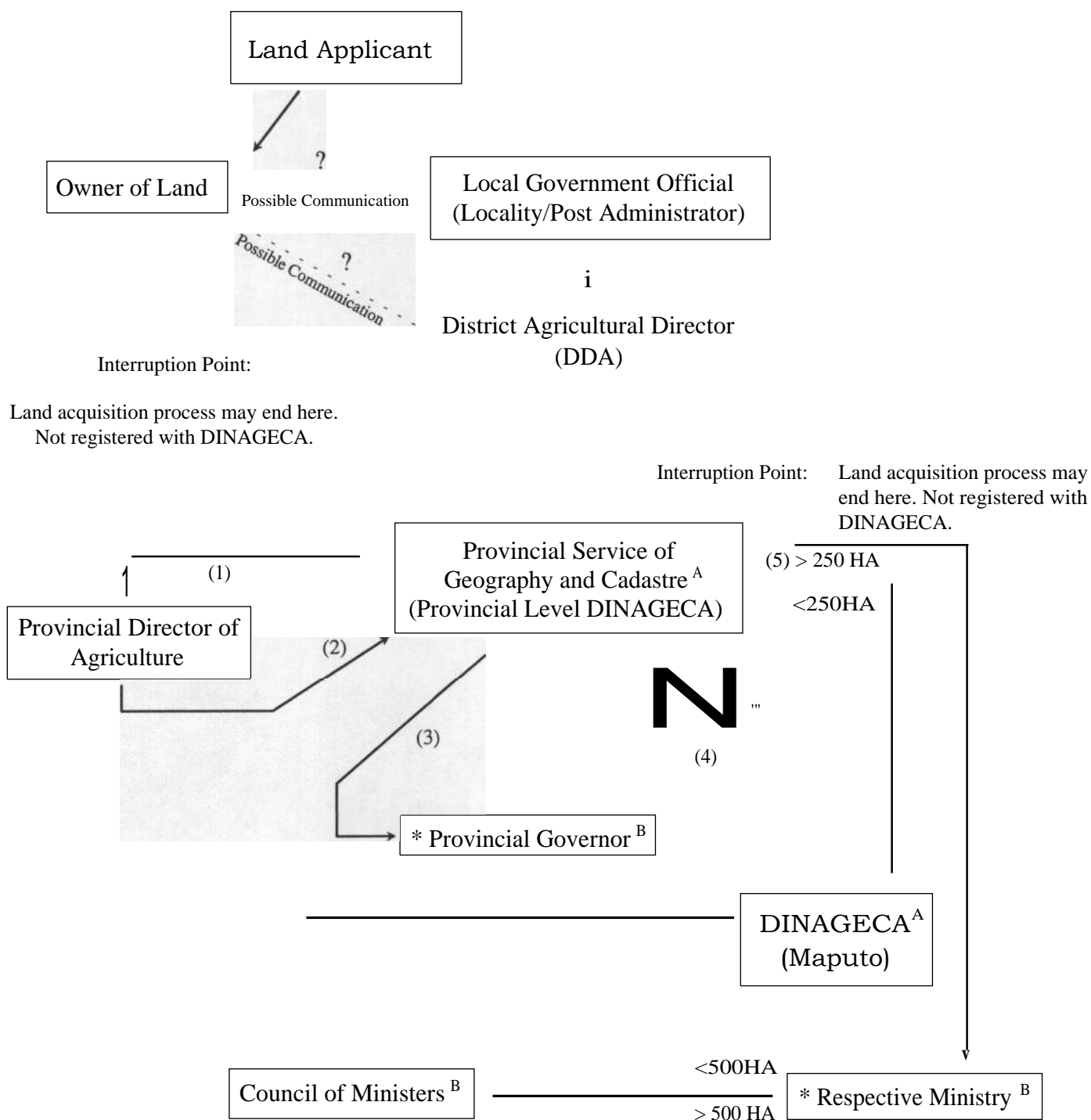
40. See Bruce (1990); Roth, Boucher, and Francisco (1994); Myers (1993a); Myers, West, and Eliseu (1993); Martins (1994); Garvey (1994); Roth et al. (1994); Boucher et al. (1994); Ferrão (1994); Weiss and Myers (1994); and Joao Carrilho, personal communications, April 1992 and December 1993.

41. Ibid.

42. Government is divided into several levels, four of which are discussed in this report: central, provincial, district, and locality or post.

# DIAGRAM 1

## Schematic Diagram of Formal Land Acquisition and Registration Process



\* Reportedly, governors and ministries grant concessions in excess of their statutory limits.

Note: This chart depicts the formal land acquisition process. It is not intended to reflect whether land is acquired legally or extralegally.

<sup>A</sup> Registration Point

<sup>B</sup> Official Approval Point

## DIAGRAM 2

### Schematic Diagram of Formal DINAGECA Registration Process (22 Steps)

(1) Documents Checked.    -- >    (2) File Created.    -+ (3) Information and Registration.

(<sup>5</sup>) Exploitation of Land Proposal. <' — (4) Intention to Register Posted.

(6) Announcement and Publication of Intention.                      (7) Sign Off.

(10) Site Verified as Available.    E--- (9) Land Demarcated.    4 — (8) File sent to DINAGECA.

(11) Technical File Created.                      (12) File Verified.

(13) Technical Information Recorded in the Cadastre Atlas <  
and Forwarded to the Administration Services.

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(14) Application Approval.                      (15) File Card Created.    -<sup>1</sup> (16) Registration of Title With Registrar.

(19) Sign Off. <-- (18) Title Issued.                      (17) Title Created.

(20) Department of Finances Informed.

(21) Title Received Upon Receipt of Document Proving  
Payment of Fees to the Department of Finances.

(22) Duplicate Title Sent to DINAGECA.

Note: The final step in the process, whether the concession is granted at the central or provincial level, is registered by DINAGECA.

and that they often relied on the word of the applicant that the land was free for distribution.<sup>43</sup> Other officials complained that their decisions were often overridden by higher-level authorities who did not have adequate information about their localities or districts. In both Sofala and Gaza provinces, for example, district officials complained that provincial authorities had distributed land to nonlocal interests without their participation or consent, leading to confusion and competition over the land between the new interests and the local landholders. In both instances district officials were pressed by local populations to secure new lands for their use. Provincial-level officials have also commented that they lack resources to administer the 1979 Land Law and 1987 Land Law Regulations. In all provinces where we conducted case studies, government officials at the provincial offices of DINAGECA stated that they have very little capacity to maintain a registry, and that they lack the resources<sup>44</sup> to monitor concessions granted by other ministries or by provincial offices of DINAGECA.

One of the problems with the current land policy is the presumption that the government knows which lands are free for distribution to either reintegrating populations, displaced people, demobilized troops, returning colonial concerns, or new private interests. Research indicates that government does not have a clear idea of where these "free lands" are located, nor does it have a functioning system for discovering, marking, and recording this information. Locality or district-level officials sometimes approach customary authorities for details. This is a constructive process that should be encouraged but, as noted further below, occurs infrequently—and even when it does, local land rights are often not respected.

In addition, a new, perhaps more ominous problem is the potential conflict between RENAMO and the government over who has the right to distribute land and who has the right to distribute land in which part of the country. Some informants report that RENAMO has been granting concessions for agricultural and hunting lands in areas under its control (see maps 4 and 5). It has also been asserted that RENAMO gives preference to any returning colonial interests. If these allegations prove true, they raise grave and unsettling political and legal questions. At the same time, RENAMO has been highly critical of what it believes is a land give-away program sponsored by the government.

### 3. LAND AVAILABILITY AND SCARCITY

Government officials at the central, provincial, and district levels of government have stated that there is plenty of land available, and that they encourage private foreign and

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43. District Agricultural Officer (DDA), Chokwe, Gaza Province, personal communication, April 1992; District Agricultural Officer (DDA), Nhamatanda, Sofala Province, personal communication, July 1993; Chief, Provincial Services of DINAGECA, Sofala Province, personal communication, July 1992; Chief, District Services of DINAGECA, Nhamantanda, Sofala Province, personal communication, July 1992; and Chief, Provincial Services of DINAGECA, Manica Province, personal communication, August 1992. See also Weiss and Myers (1994); and Garvey (1994). This point, however, was hotly debated at the Second National Land Conference. For example, the governor of Inhambane, Sr. Francisco Pateguana, stated that he personally visits every location where a concession is pending and checks to see that the land is vacant before it is approved (personal communication, May 1994).

44. Ibid.; see also Ferriio (1994).

domestic interests to invest in their districts or provinces.<sup>45</sup> The argument that there is plenty of land for everyone is often based on the misuse of data about population and land area. It also derives from a misunderstanding of the land tenure systems (both formal and customary) and the way in which they affect land availability.

The appearance of abundance is complicated by the existence of vast, seemingly unoccupied areas in some parts of the country. This appearance belies the actual availability of land. In many of these areas the "open" land is, in fact, held under the customary system of tenure.<sup>46</sup> Other potentially productive land is vacant because smallholders fear or expect the return of former colonial-era landholders. Still other areas are vacant because the land is good only for grazing or is unsuitable for agriculture.

Mozambique has a little fewer than 80 million hectares of land and a total population of approximately 16.5 million people (UNHCR 1993). According to these figures, every man, woman, and child should have access to 4.84 hectares of land. However, it is estimated that only 18 million hectares are suitable for agriculture.<sup>47</sup> Even using this figure, some argue that every Mozambican should still be entitled to at least 1 hectare of land. However, this is still a simplification of land availability in Mozambique and suggests an incomplete understanding of customary land-tenure regimes.

Part of the competition for land occurs because there is a limited amount of land that is readily accessible and in proximity to other economic opportunities. Commercial and smallholder farmers are attracted to the same areas—those that have physical infrastructure (roads, wells, etc.), markets, transportation, and relatively good security. Few individuals interviewed stated that they wanted to move to isolated rural areas far from infrastructure, markets, transportation, security, and other amenities.

We do not suggest that land shortages exist in all areas of the country. In some regions of Mozambique land is plentiful—or shortages are less acute—than in areas of high population concentration and investment. In still other locations, land is relatively abundant but inaccessible or located in areas that are economically inviable or useless. While commercial investment in the agricultural sector is important and should be encouraged, the fact remains that there are land shortages in many areas of the country. These shortages are, to some extent, created and exacerbated by the formal land-tenure system.

Although we lack definitive demographic data, the rural population appears to be concentrated in several areas, many of which are within 5 kilometers of the coast (map 2). Most of these sites are also areas of great capital investment. They include the most productive agricultural land in the country, including land situated along the Beira corridor, land in the Zambezi Valley, land along the Limpopo River, agricultural land in Maputo

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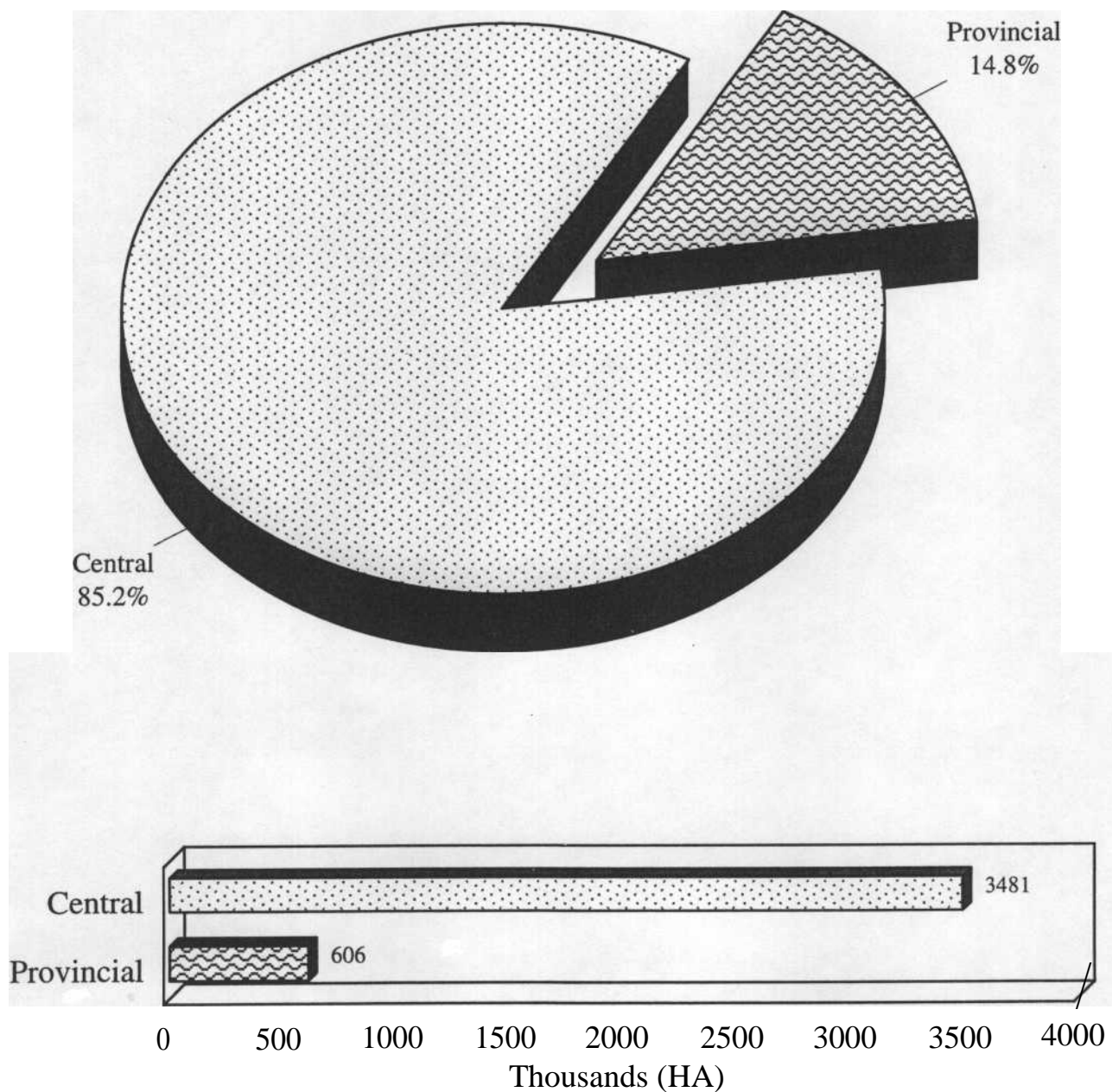
45. See, for example, *Domingo* (1993); Provincial Director of Agriculture, Tete Province, personal communication, March 1993.

46. It may not all be farmed at the same time, for some is held in fallow and other parts are held for future family **expansion**. At the same time, fallow **land may be used** for **grazing** or other **agricultural** purposes.

47. Ad Hoc Land Commission, Ministry of Agriculture, Maputo (1992); World Bank 1990.

# DIAGRAM 3

## Agricultural Land Concessions: Cumulative Comparison, 1986 - 1993\*



\* Includes agricultural, hunting and joint venture enterprise concessions (3.481 million ha.).  
See Table 1.

Province, land in the Green Zones, land near or around the former state farms (maps 1 and 3), and other agricultural land near urban areas. In addition, land close to the borders with Malawi, Zimbabwe, South Africa, and Swaziland—as well as coastal land—is of great commercial value. These areas represent millions of hectares. They were the site of significant investment during the colonial period; many continued to be the site of state investment after independence. The same areas are now being sought by new commercial interests, both foreign and domestic, for agriculture, grazing, mineral exploration, hunting, and tourism (see below).

Our case studies reveal that, for most Mozambicans, land is not an abundant resource, free from competition and conflict. Much of the population, which is concentrated in several key areas, does not have access to a sufficient amount of land, and the rights to land people do hold are not secure. Land scarcity leads to competition, which in turn leads to conflict.

#### 4. STATE LAND CONCESSIONS

##### a. Agricultural concessions

In the last few years, and particularly since the end of 1992, the state has been granting large land concessions to private foreign and domestic commercial interests. While some of these concessions are being granted to former colonial interests, few are being made to smallholders.<sup>48</sup> The state has also been granting large land concessions to joint-venture enterprises (e.g., LOMACO, SODAM, SEMOC, and SAMO)<sup>49</sup> and to members of the government. In addition, the government is proposing to grant land concessions to demobilized troops. Concessions are being given at the central, provincial, and district levels of government and by different ministries, including agriculture, mineral resources, and tourism. Concessions are being granted for agricultural land, mineral resource exploration, hunting reserves (see map 4), grazing, forestry and timber, and tourism at a rate that has increased substantially over the last two years. This trend shows no sign of leveling off or diminishing. Tables 1-3, graphs 1-3, and diagrams 3-9 illustrate the nature of concessions at the central and provincial levels of government.

We also know that RENAMO is granting hunting and possibly agricultural concessions in its areas of political control. We have little concrete information about RENAMO's position on land policy or its other land-related activities. In September 1993, official representatives of RENAMO in Maputo informed our investigators that they would give first

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48. We know of only three locations in the country where smallholders have been able to participate in the process of acquiring land rights, and even then they competed as "second class" citizens. These sites are in Chokwe (Gaza Province), Buzi (Sofala Province), and Marracuene (Maputo Province). In one other scheme in Manica Province, the Italian development agency, Italian Cooperation, has worked with the provincial government to create "reserve areas" for smallholder producers (see Myers, West, and Eliseu 1993).

49. LOMACO is a joint-venture enterprise owned by Lonrho (UK) and the government of Mozambique; SODAM is a government joint venture with JFS (Joao Ferreira dos Santos); and SAMO is a joint enterprise owned by the government and Entrepосто. JFS is also a private enterprise. SEMOC, discussed below, is also a joint-venture enterprise.

priority for land concessions to returning Portuguese colonial interests.<sup>50</sup> Private interests interviewed in Maputo acknowledged that RENAMO was selling off hunting concessions and local smallholders were being told to vacate their lands. This issue clearly requires further investigation.

There is no agency or department within government that is tracking or recording all the concessions being made by the ministries or the provinces. Although DINAGECA is supposed to record land titles and registration, there is in fact no department within the Ministry of Agriculture that is tracking all of the different concessions being granted by that single ministry (e.g., agricultural, grazing, hunting, and forestry). It is also clear that the central government is largely unaware of the concessions that are being granted at the provincial level. The data we have gathered over the last year are compiled from several sources.

Annual and cumulative numbers for concessions granted by the Ministry of Agriculture from 1986 to 1993, as listed in the *Boletim da República*, are illustrated in graph 1, "Agricultural land concessions: Reported by the Ministry of Agriculture." Since 1986 agricultural land grants of more than 68,000 hectares have been recorded in the *Boletim*, more than 70 percent occurring since 1990. These are figures for land concessions that have completed the formal registration process with DINAGECA and the Ministry of Agriculture and have been cataloged by the *Boletim da República*. The fact that these land transactions have been officially recorded does not indicate whether the land was acquired legally or extralegally. As noted above, there are many more concessions in the process of formal registration that have yet to appear in the *Boletim da República* because the DINAGECA registration process is exceedingly slow.

Agricultural concessions by province for the period 1986 to May 1993, as recorded in the *Boletim*, are illustrated in graph 2, "Agricultural land concessions by province: Reported by the Ministry of Agriculture." Although this graph shows only the data available in the *Boletim* (68,000 hectares), it is still useful because it reflects the relationship among the provinces with regard to formal registration. It may also indicate a new contentious relationship between the provinces and the central government with regard to land concessions.

Government officials in different provinces claimed that the provincial departments of DINAGECA had to pay a fee for each concession in order to complete the official registration process in Maputo and have it recorded in the *Boletim*.<sup>52</sup> However, DINAGECA officials in Maputo claimed that provincial governments were not charged a processing fee.<sup>53</sup> It is also possible that the governments in some provinces, such as Manica and Nampula, are

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50. At a meeting of the Mozambican Working Group (sponsored by USAID, ODC, and the Center for Strategic and International Studies) in Washington, D.C., on 30 March 1994, representatives for RENAMO would not deny that the organization is granting land concessions in areas where it maintains political control.

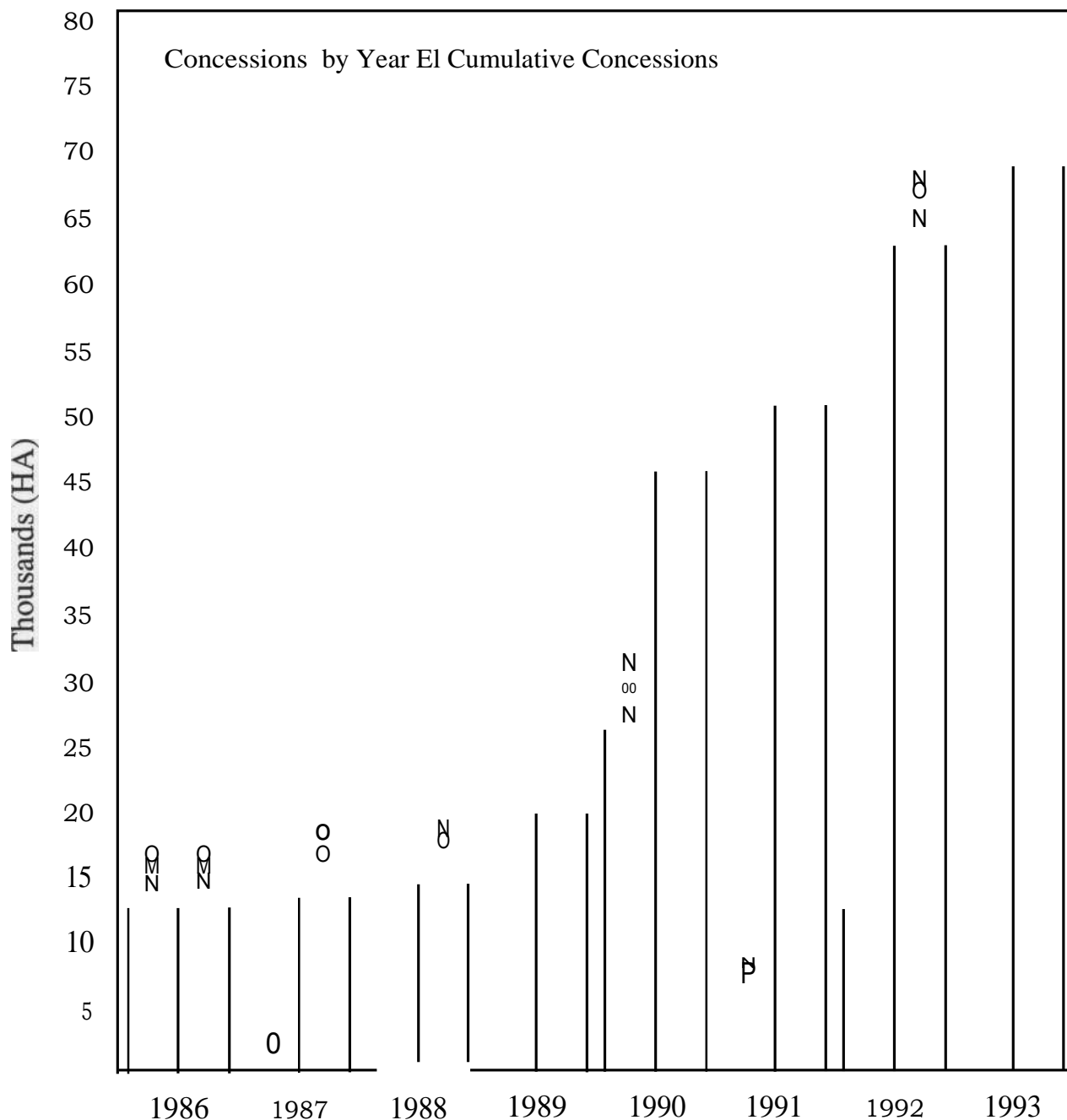
51. Farmers and officials have reported that the registration process can take anywhere from two months to two years. See also Boucher et al. (1993); Boucher et al. (1994); and Roth et al. (1994).

52. For example, Chief, Provincial Office of DINAGECA, Nampula Province, personal communication, August 1993.

53. Virgilio Ferrão, DINAGECA, Maputo, personal communication, September 1993.

# GRAPH 1

## Agricultural Land Concessions: Reported by Ministry of Agriculture, 1986 - 1993\*

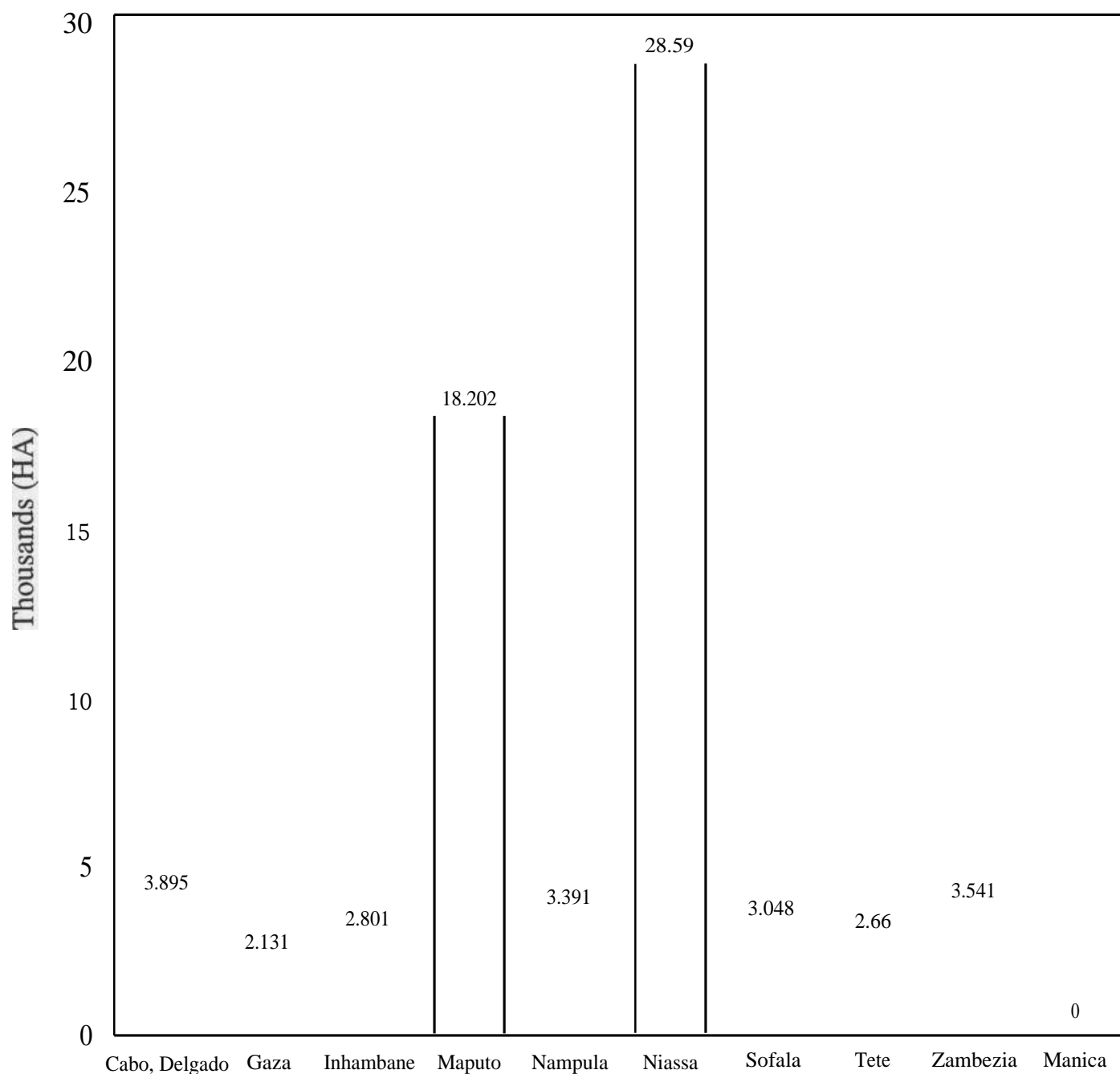


\* Reported in the Boletim da Republica. Does not include other Ministry of Agriculture concessions.

Land Tenure Center, December 1993

## GRAPH 2

### Agricultural Land Concessions by Province: Reported By Ministry of Agriculture, 1986 - 1993



\* Reported in the Boletim da Republica. Does not include other Ministry of Agriculture concessions.

Land Tenure Center, December 1993

choosing not to participate in the formal registration system. It has been suggested that they are doing this because they do not want the central-level government to administer land (including concessions) in their provinces. It is clear that some of the provinces are attempting to assert more autonomy from the central government. This may become more pronounced as Mozambique moves toward elections.'

In addition to those concessions reported in the *Boletim*, DINAGECA in Maputo also cites several agricultural concessions granted by the Ministry of Agriculture (MOA). These concessions total more than 724,000 hectares. It is unclear why they are not cited in the *Boletim*. In all, the available data suggest that the MOA has officially granted concessions totaling at least 792,000 hectares.

The research project has also attempted to compile data on agricultural land concessions made at the provincial and district levels. This has been a difficult task since the data are often unavailable or disputed. District-level government officials frequently mentioned data on land concessions that were "approved" or in the process of being approved; but when we attempted to verify these statistics with provincial authorities, we were often told that they were incorrect or had not been reported. We were able to gather data from selected districts in Nampula, Gaza, Manica, Maputo, and Inhambane provinces. These data serve as important indicators of which provinces are making land concessions and the magnitude of the concessions being made. Although the largest concessions, covering the greatest area, are being made at the central level, a substantial number of agricultural concessions covering large areas are being made at the provincial level. Graph 3 illustrates this phenomenon.

According to the *Boletim* and DINAGECA in Maputo,<sup>56</sup> only 6,981 hectares of agricultural land have been granted in Gaza Province. But for about the same period of time, the province contends that it has granted more than 170,000 hectares. In 1986, the *Boletim* and DINAGECA listed agricultural land concessions totaling approximately 13,145 hectares in the province of Nampula,<sup>57</sup> while the province reports that it granted nearly 75,000 hectares for just 7 of its 18 districts for the period 1990 to 1993.<sup>58</sup> The *Boletim* cites no concessions for Manica Province; however, DINAGECA cites agricultural concessions totaling 46,957 hectares. The province itself indicates that it granted 126,259 hectares of agricultural land in concessions in the period 1988 to 1993. In Maputo, the Provincial Office of Agriculture counts land concessions totaling nearly 200,000 hectares, while the central

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54. This is also an indication of the government's attempt, following the 4th Party Congress, to decentralize certain administrative functions. Normally we would consider this a positive move; however, the central government is often unaware of what is **happening** at the provincial level and frequently grants competitive concessions. In addition, this lack of communication means that central government is less able to demand compliance with any tax, investment, environmental, or other national law that affects the overall welfare of the country.

55. See DINAGECA (1993). This document is unclear, but it suggests that the MOA has **approved** approximately 100 concessions that have not been reported in the *Boletim*. It is possible that some of these concessions are for residential or industrial property; however, the number of nonagricultural concessions is thought to be small.

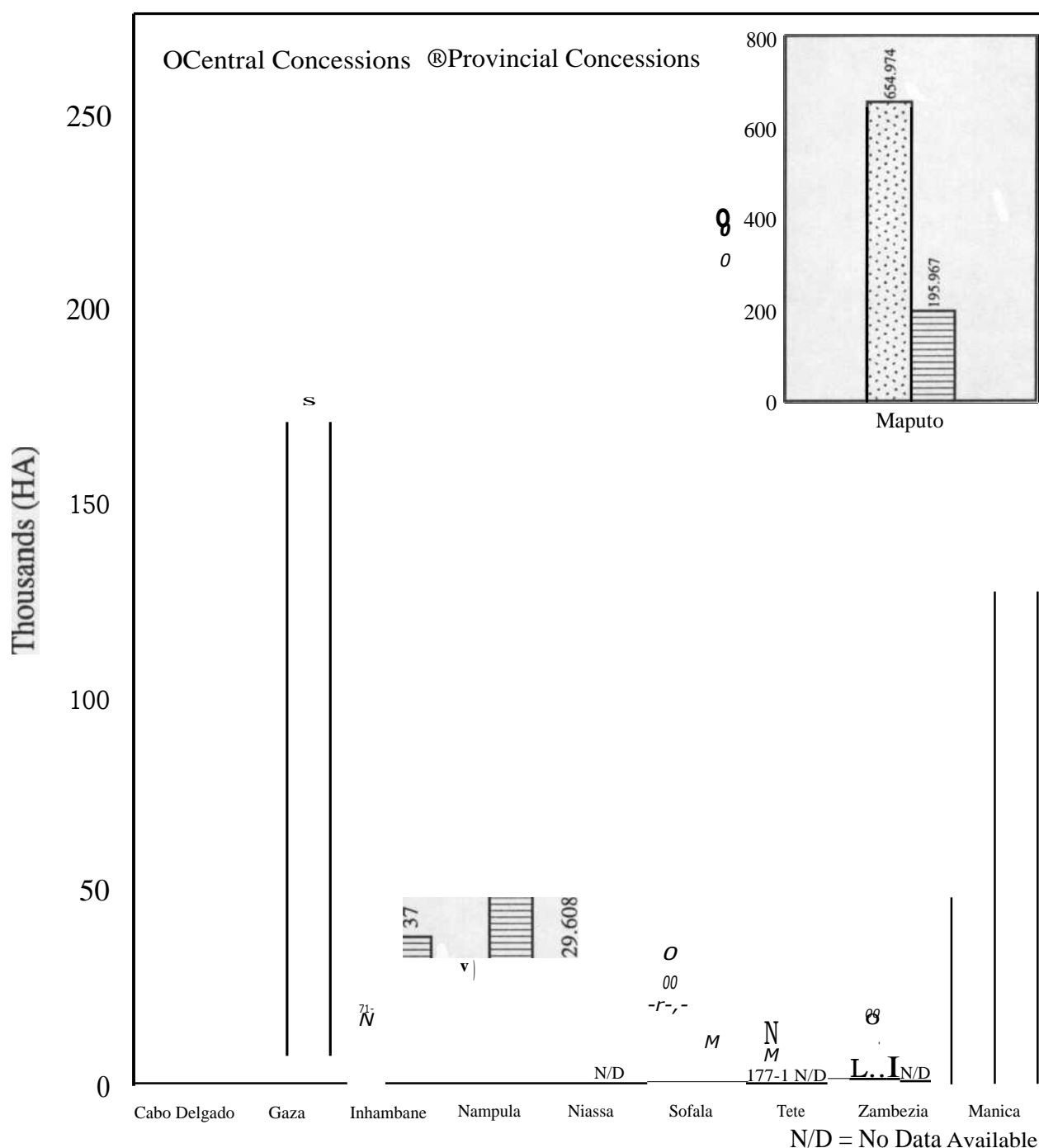
56. See DINAGECA (1993).

57. The last year in which land concessions for Nampula are reported in the *Boletim da República* is 1986.

58. These districts include Ribaua, Malema, Mecuburi, **Lalaua, Angoche, Monapo, and Nampula.**

# GRAPH 3

## Agricultural Land Concessions: Reported by Provincial\* and Central\*\* Government, 1986 - 1993



\* Reported by Provincial Offices of DINAGECA from selected districts.

\*\* Reported in the Boletim da Republica and by DINAGECA, Maputo.  
Does not include other Ministry of Agriculture concessions.

Land Tenure Center,  
December 1993

government in the *Boletim* and DINAGECA refer to concessions of approximately 655,000 hectares.<sup>59</sup>

Data from selected districts in five provinces suggests that at the provincial level, 606,000 hectares have officially been granted for agriculture, grazing, and forestry in the same period (see graph 3 and table 3).<sup>60</sup> We repeat that the data available for agricultural concessions reflect only those official and legal concessions that have entered or completed the registration or concession process. In each province investigated, officials stated that the concessions reported represented only a fraction of actual concessions. For example, in Manica Province officials stated that the concessions granted at that level, 126,259 hectares, represented less than one-half of the total concessions made. In fact, a number of private farmers in many locations said that they had received land concessions at the provincial level, but had not yet begun or completed any type of land registration.<sup>61</sup> Consequently, the amount of land conceded in the provinces probably far exceeds the recorded figures.

Although we do not yet have data for the remaining five provinces or for all districts in the five provinces where we have collected data, the differences in publicly reported concessions between the provinces (606,000 hectares) and those listed in the *Boletim* (68,000 hectares) are indicative of a major and consequential problem. A much larger area of the country is being granted to private foreign and domestic interests at the central level, but a substantial number of concessions, which are not being recorded in Maputo, are being granted at the provincial level. Central government is largely "unaware" of these concessions.

Concessions made by the MOA to date far exceed the 68,000 hectares cited in the *Boletim da República* and the 724,000 hectares claimed by DINAGECA, Maputo.<sup>62</sup> Indications are that the MOA has granted concessions in excess of 3.48 million hectares for agriculture, hunting, and joint-venture enterprises.<sup>63</sup> These data are presented in table 1 and illustrated in graph 3.

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59. As is the case for concessions granted at the central level, the fact that these land transactions have been recorded at the provincial level does not indicate whether the **land** was **acquired** legally or **extralegally**.

60. Again, we emphasize that we have data for only some of the districts in five of the ten provinces. Further, the data for the provinces indicate that most of the concessions at this level were made during the period from 1991 to 1993.

61. See Alexander (1994); also, Jocelyn Alexander, personal communication, December 1993.

62. Concessions may not need to be registered and reported in the *Boletim da República* to **be official**. Jenifer Garvey says that **although** titles **must be published somewhere in an** official gazette to be legal, they often go unreported (personal communication, November 1993).

63. In this report, **land granted** to joint ventures is classified as **land** for "direct" and "indirect" **production**. Land classified as direct production is controlled and planted directly by the joint-venture enterprise, while land classified as indirect production is planted by the smallholder sector. The joint-venture enterprise is usually able to control the use of this land, since it is granted monopolistic control of markets for the commodities produced. The areas of indirect production, also known as "areas of influence," are often very large in comparison to land held under direct **production**. For example, in Cabo **Delgado** Province the joint **venture** LOMACO has approximately 39,000 hectares of direct production land and monopolistic control (i.e., indirect production) of **approximately** 1.449 million hectares. In this report we consider indirect production land as a category of land concession.

The total figure, 3,481,000 hectares, includes those agricultural concessions enumerated in the *Boletim* (68,259 hectares); agricultural concessions reported by DINAGECA, Maputo (723,741 hectares); hunting concessions (597,000 hectares); and concessions made to joint-venture enterprises for direct production (92,000 hectares) and indirect production (2,000,000 hectares). It does not include land granted for the other types of concessions being given by other ministries or by the provinces, and it does not include land concessions in process. Again, more than 90 percent of the recorded concessions have been granted since 1991.

**Table 1 Land concessions granted and reported by the Ministry of Agriculture, 1986-1993**

Concession type	Concession area (ha)
Agricultural *	792,000
Hunting	597,000
Forestry	N/D
Joint-venture enterprise	92,000
Subtotal area	<b>1,481,000</b>
Agricultural indirect production	2,000,000
<b>Total area</b>	<b>3,481,000</b>

\* Minimum estimate. As reported in *Boletim da República*, 68,000 hectares; as recorded by DINAGECA in Maputo, 724,000 hectares.  
N/D = No data.

Our research suggests that many of the agricultural concessions are being acquired for purposes of speculation. Private commercial farmers who acquired land as a concession said either that they were not exploiting the land or that they were exploiting only a portion of it. In some cases, these farmers stated that they lacked the resources to utilize the land and that they would do so when they had access to enough financial capital. Others said that they were waiting until they were sure that the war would not resume or until they were sure that they would have secure title. Still others declared that they had no intention of investing and would sell the land (as parcels) when it became more valuable. Some of these "farmers" also stated that they would push off local smallholders who were on their new lands, while others said they might allow smallholders to remain if they would agree to work as farm labor.<sup>64</sup> It is impossible to estimate the potential adverse impact that this process will have on agricultural production.

Many of the recipients of agricultural concessions appear to be unsure of their land tenure status. For example, some recipients in Gaza Province stated that they were not sure if the

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64. Interviews with land concession recipients in Sofala and Manica provinces, July and August 1993. This event has been reported elsewhere; see Garvey (1994).

government would ask them to vacate their lands for redistribution (Tanner, Myers, and Oad 1993), while others said that they thought they might be asked to give up the land after elections.<sup>65</sup> Some are more secure than others because of political connections or wealth. Regardless of their status, however, recipients of concessions enjoy a greater level of security than smallholders anywhere in the country.

Somewhere between these two categories—concession recipient and smallholder—lies a hidden minority of Mozambicans, both black and white, who lost land and other property after independence. Many of these people fled the country, but others chose to remain—and many of those who chose to remain are attempting to reacquire lost property with varying degrees of success. In some instances, these individuals are in competition with new domestic or foreign interests for their own confiscated land and property. In the current political, economic, and legal environment, there are few mechanisms to represent their interests. This may prove to be an unfortunate development, since this class of local entrepreneurs seems more likely to invest than those who are currently acquiring and holding land for speculation.<sup>66</sup>

#### **b. Mining and other concessions**

In addition to concessions for agriculture, the government is granting land for mineral resource exploration. The information collected by the research project reflects only those mineral concessions granted at the central level of government. Data from the Ministry of Mineral Resources indicate that the Directorate of Mines has granted approximately 11 million hectares of land for mining concessions since 1991 (see table 2); however, sources within the ministry claim that this figure underrepresents the mineral concessions granted at the central level.

It is clear from our research that the provincial governments are also granting land for mineral exploration. We have limited information indicating the size or number of these concessions, but unconfirmed cases have been recorded in several provinces, including Niassa, Nampula, and Zambezia. These cases suggest that at least 1 million hectares countrywide have been granted in concessions by the provincial governments in the last two years (see table 3, p. 33).

Some of the mineral rights concessions grant exclusive rights over the land, others grant nonexclusive rights, and still others grant simple exploratory rights. We do not know what percent of this land is agricultural land, but one case study in Nampula Province (not discussed in this paper) revealed that the mining concessions frequently overlap with smallholder agricultural land. Although mineral concessions do not always grant exclusive use, it is possible that the recipients may demand that smallholders vacate the area of their

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65. Interviews with smallholders and private sector farmers in Chilembene, Chokwe District, November 1993.

66. This conflict between the state and the middle class in Mozambique is the subject of a forthcoming paper (Myers 1994c).

**Table 2 Distribution of mining concessions, by province, 1993**

<b>Province</b>	<b>Area granted (ha)</b>
<b>Maputo</b>	16,974
Gaza	430,000
Inhambane	1,175
Sofala	233,000
Manica	52,407
Sofala and Manica	466,000
Zambezia	124,051
Tete	1,368,215
Niassa	92,065
Cabo Delgado	409,905
Multiple provincial concessions	8,000,000
<b>Total area</b>	<b>11,193,792</b>

Source: Reported by Ministry of Natural Resources, Maputo, 1993.

concessions. This possibility is supported by field observations and by unconfirmed allegations of government officials in Maputo.

In addition to land concessions for agriculture, grazing, hunting reserves, and mineral exploration, the central and provincial governments are granting concessions for tourism as well as forestry and timber exploration. These concessions have been partially investigated and unconfirmed cases have been reported. For example, one Zimbabwean claimed "buying" 5 miles of coastline to establish a tourist industry in Inhambane Province. There are numerous instances of similar acquisitions along the coastline and on the Mozambican islands. In a rather remarkable case it has been disclosed that the religious organization Heaven on Earth received rights to 20 million hectares.<sup>67</sup> Several cases were mentioned with regard to forestry, including one concession in Cabo Delgado Province for more than 1 million hectares, and another concession in Manica Province in excess of 50,000 hectares.

Two additional types of land transfer are relevant to this discussion. Research conducted on the state farm sector between 1991 and 1992 revealed that, by 1992, much of the land in the sector had been "acquired" (legally or extralegally) by commercial interests and

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67. See *MediaFax*, 24 January 1994; *New York Times*, 10 February 1994; *Savana*, 20 May 1994. **These concessions cover several blocks, which are scattered throughout the country. It has been revealed that the Government of Mozambique and Heaven on Earth have signed a document granting 20 million hectares to the enterprise. This certificate was signed by the Minister of Finance, Sr. Comiche. (Although government officials declare that this concession was declined, sources in Cabo Delgado Province state that Heaven on Earth has begun operations.)**

government officials or granted in concessions." Only in a few cases was state farm land granted to smallholders.' The area of the state farm sector in 1991 was estimated at approximately 600,000 hectares.<sup>70</sup>

It is unknown how much privatization of state farm land has been recorded at the provincial or central levels of government. That is, it is unclear whether any of these concessions are part of the totals listed in the *Boletim*. However, given the uncertain legal status of these farms,<sup>71</sup> we hypothesize that few of these transactions have been recorded. They will probably remain unregistered until the legal questions surrounding the state farms are resolved. Consequently, state farms represent yet another category of land transfers to the private sector that remain undocumented.

The last type of land acquisition is the reactivation of former colonial-era titles, which most likely encompass hundreds of thousands of hectares. The Maputo office of DINAGECA maintains that there are approximately 60,000 potentially valid land titles from the colonial era.<sup>72</sup> Many of these titles may legally be reactivated, though we know little about these claims. At the same time, there are numerous private agricultural enterprises in Mozambique such as Entrepoto, Mozambique Industrial, and TextAfrica, which have been operating since the colonial period. There are scant available data on the activities of—or land controlled by—these enterprises, but it is believed that they jointly hold several hundred thousand hectares.

A summary of confirmed data and cited cases for all land concessions granted at the provincial and central levels of government suggests that rights to at least 40 million hectares have been conceded. Most of this land was granted between 1991 and 1993. These data are summarized in table 3. Again, the totals do not include data for a number of districts and provinces and for several sectors, nor do they incorporate concessions that are "in process" and unrecorded.

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68. See Myers, West, and Eliseu (1993).

69. See Tanner, Myers, and Oad (1993); and Myers, West, and Eliseu (1993).

As stated in note 48, we know of only three locations in the country where smallholders have been able to **participate as a group in a government land-distribution scheme—former state farms in Chokwe (Gaza Province), Buzi (Sofala Province), and Marracuene (Maputo Province)**. We have recorded a few concessions made to **individual smallholders and** to groups of smallholders, all on a temporary basis. These cases are discussed below.

70. It was asserted in the late 1980s, before the state farm sector collapsed, that the sector covered millions of hectares. One scheme alone in Cabo Delgado Province encompassed more than 400,000 hectares. The difference between this earlier figure of several million hectares **and** the 587,000 hectares reported in 1991 is explained as the difference between the land claimed by the sector **and** the land **actually** farmed. The difference is important **because** it suggests a **significantly larger area that may be identified as desirable by** private or returning commercial interests. This **land** was **probably surveyed and** registered during the colonial period.

71. As reported in Myers, West, and Eliseu (1993), most of the farms divested land before their legal status was clarified. In **many** cases the farms **had not been nationalized by** the state **but only "intervened."** It is **questionable**, therefore, if the state **had** the right to divest these lands. It is very probable and likely that these divestitures may be **challenged** in court as the previous owners return to Mozambique and reassert rights.

72. Virgilio Ferric), DINAGECA/Maputo, personal communication, August 1993. This contrasts with the few **thousand** titles reportedly issued since independence (see Garvey 1994).

**Table 3      Distribution of land concessions and other rights by sector\***

1. Land concessions, 1986—1994	Available data		Reported cases
	Central concessions	Provincial concessions	Concessions
Agriculture	792,000	606,000 <sup>d</sup>	1,500,000 <sup>e</sup>
Joint venture			
Direct	92,000	N/A	
Indirect	2,000,000	N/A	
Hunting <sup>f</sup>	597,000	N/D	250,000 <sup>f</sup>
Mining <sup>g</sup>	11,194,000	N/D	1,000,000 <sup>h</sup>
Tourism	N/D	N/D	350,000
Forestry	N/D	N/D	1,500,000 <sup>i</sup>
Other concessions (unspecified)	20,000,000 <sup>i</sup>		
Subtotal	34,675,000	606,000	4,600,000
<b>Total land concessions</b>			<b>39,881,000</b>
<b>II. State farm sector</b>			
(estimated area divested: 400,000 of 600,000 hectares)			400,000
<b>III. Existing private agricultural enterprises</b> (estimated from DINAGECA)			500,000
<b>Total distribution of land rights (ha)</b>			<b>40,781,000</b>

\* Government-controlled area does not include RENAMO-administered lands. All data have been rounded to nearest 1,000. N/A = not applicable; N/D = no data available.

a. Reported in the *Boletim* (68,000) and by DINAGECA, Maputo (724,000).

b. Ministry of Agriculture.

c. Ministry of Mineral Resources. Three types of licenses are available, including exclusive and nonexclusive rights.

d. Partial data from selected districts in five provinces.

e. Unconfirmed reported cases; includes estimates for concessions granted at provincial level in Cabo Delgado, Tete, Zambezia, Sofala, and Niassa.

f. Unconfirmed reported cases.

g. Includes one pending application for 800,000 hectares.

h. One concession has recently been approved by the Ministry of Finances for 20 million hectares to the religious organization, Heaven on Earth.

i. Includes one reported case of 1 million hectares in Cabo Delgado.

We have attempted to desegregate these data by sector to illustrate to whom much of Mozambique's agricultural, arable, and total land area has been granted in concessions. We know that many of these concessions overlap (as discussed below). Nonetheless, we are able to make reasonable projections. The area granted for agricultural concessions at both levels of government<sup>73</sup> represents 28 percent of all agricultural land (18 million hectares). This is illustrated in diagram 4. Diagram 5 represents the available and unconfirmed recorded data for agricultural, hunting, and forestry concessions as a percentage of total agricultural land.<sup>74</sup> This represents 41 percent of all agricultural land. When we add the minimum estimated area currently held by private agricultural enterprises<sup>75</sup> and the estimated area divested by the state farm sector,<sup>76</sup> the total area granted by government for agriculture (including hunting, grazing, and forestry)" represents 45 percent of agricultural land and 23 percent of all arable land (36 million hectares) in the country.<sup>78</sup> These relationships are illustrated in diagrams 6 and 7.

Diagram 8 portrays available data for all concessions, 40.8 million hectares, including mining,<sup>79</sup> tourism,<sup>80</sup> and other multiple-use concessions,<sup>91</sup> in relation to total arable land. These concessions represent more than 113 percent of total arable land and 51 percent of the country's total land area.<sup>82</sup> This last relationship is illustrated in diagram 9.

Land concessions are creating land shortages in numerous locations, many of which are also the most densely populated and strategically economic in Mozambique. One wonders what the impact of such trends will be on investment, productivity, political stability, democratization, and the environment. If our data on concessions are accurate, then in addition to weak land-tenure and land-administration systems there is a potentially serious problem regarding land availability and scarcity in Mozambique. This predicament has the potential of becoming much more serious as recipients of concessions occupy land and assert their rights.

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73. Area **granted** encompasses 4,990,000 hectares (792,000 MOA concessions; 606,000 **provincial** concessions; 2,092,000 joint-venture concessions; 1,500,000 unconfirmed MOA and provincial concessions).

74. Area conceded covers 7,337,000 hectares (4,990,000 agriculture; 597,000 hunting; 250,000 estimated **hunting; and** 1,500,000 estimated forestry concessions).

75. Estimated at 500,000 hectares.

76. Estimated at 400,000 hectares.

77. The total for agriculture is 8,237,000 hectares.

78. Arable **land as designated by government** includes **all grazing and agricultural land**, forestry **land** (including natural forests and reserves), and **unexploited or unproductive savanna**.

79. Consists of 11,194,000 hectares.

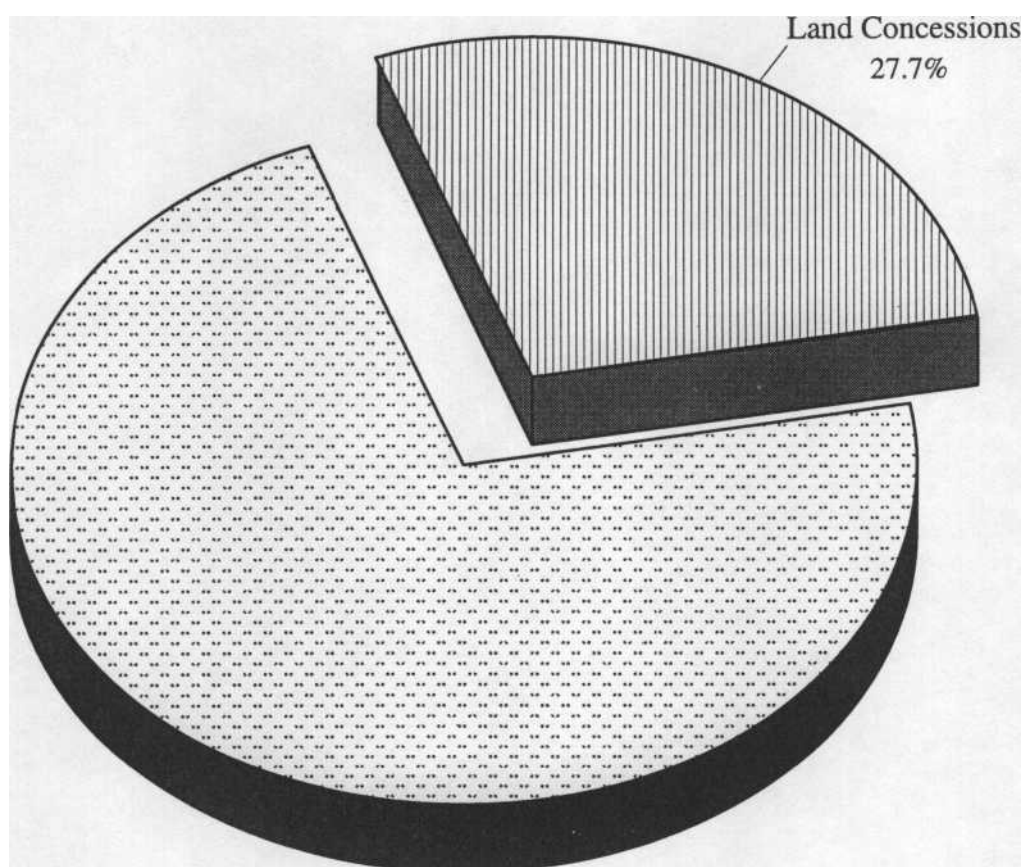
80. Minimum estimate of 350,000 hectares.

81. One concession to Heaven on Earth is for 20,000,000 hectares. It is likely that there **have been** other such grants. The **multinational organization** Pidico is rumored to **have** received a large **multipurpose** concession covering **thousands** of hectares (see *New Era* 1994, p. 32). To our knowledge, none of these massive concessions is registered or the information made public.

82. As noted above, the total **land** area is **approximately** 79.5 million hectares, which include all land, streams, mountains, swamps, and other ecologically fragile zones.

## DIAGRAM 4

### Agricultural Land Concessions As a Percentage of Total Agricultural Land\*

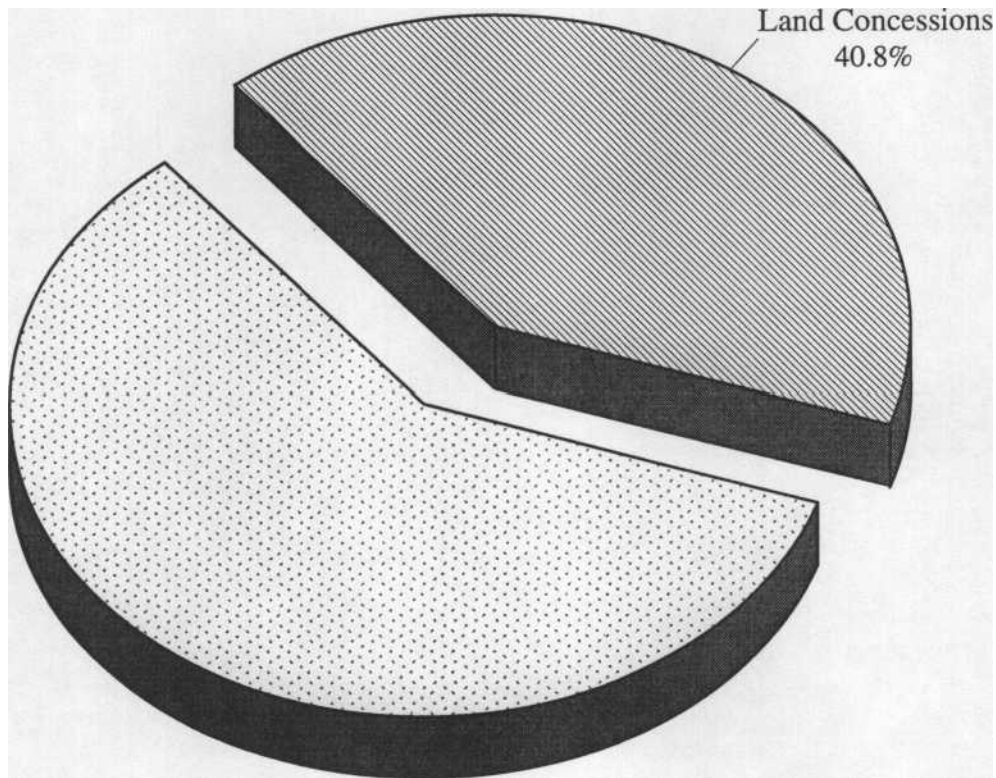


Agricultural Land  
(18 Million Hectares)

\* Includes reported and unconfirmed agricultural concessions as stated in Table 3.

## DIAGRAM 5

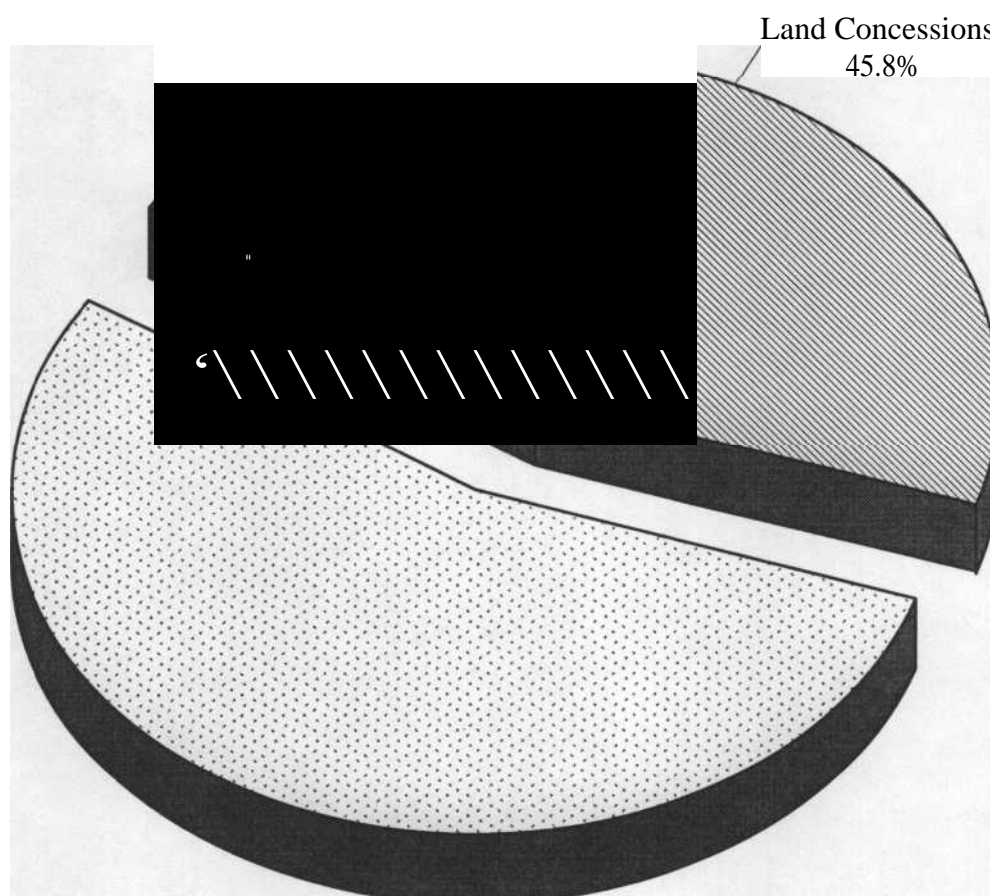
### Agricultural, Forestry, and Hunting Land Concessions As a Percentage of Total Agricultural Land



Agricultural Land  
(18 Million Hectares)

# DIAGRAM 6

## Combined Agricultural Land Concessions and Existing Commercial Land Holdings As a Percentage of Total Agricultural Land

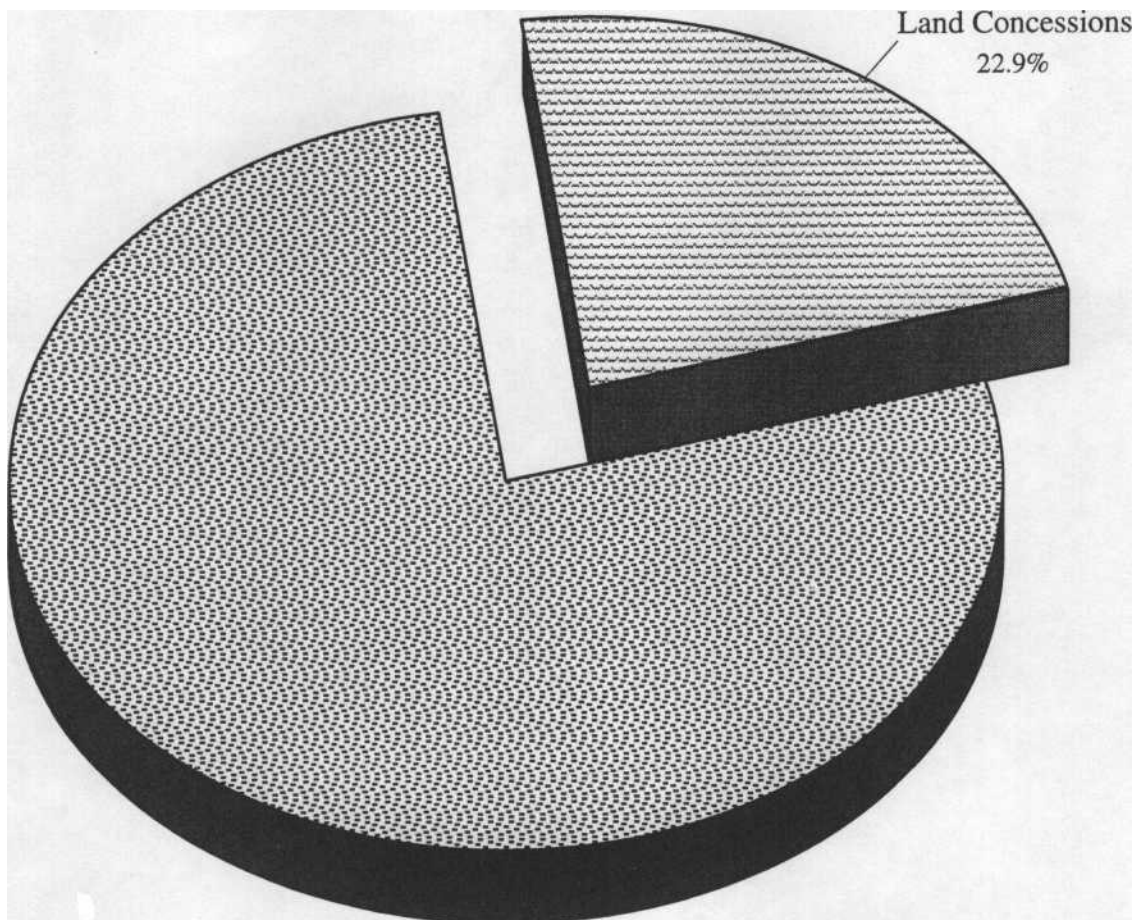


Agricultural Land  
(18 Million Hectares)

\* Includes agricultural, hunting, joint venture enterprise and forestry concessions. Also includes existing estimated commercial agricultural holdings and area divested by state farm sector. See Table 3.

## DIAGRAM 7

### Combined Agricultural Land Concessions and Existing Commercial Land Holdings As a Percentage of Total Arable Land

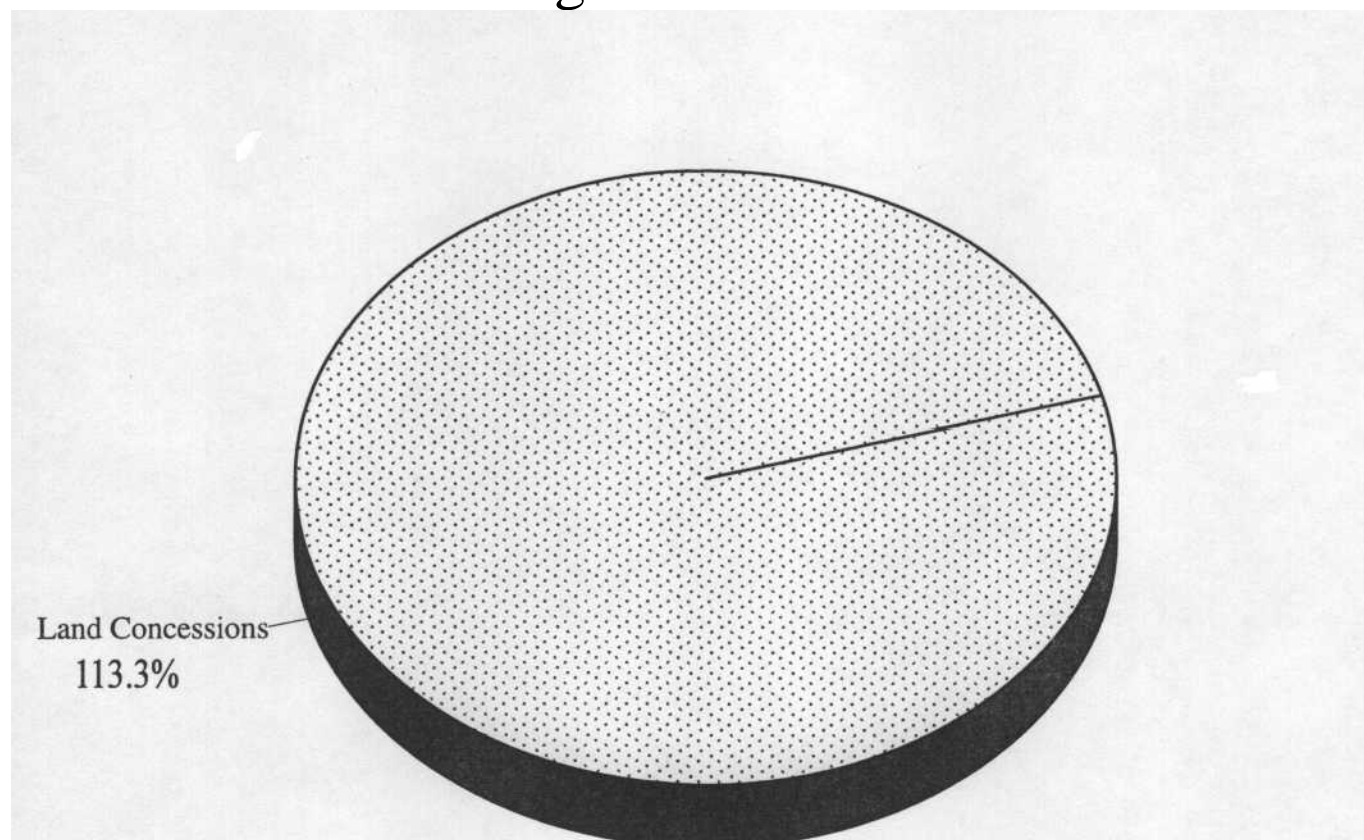


Arable Land  
(36 Million Hectares)

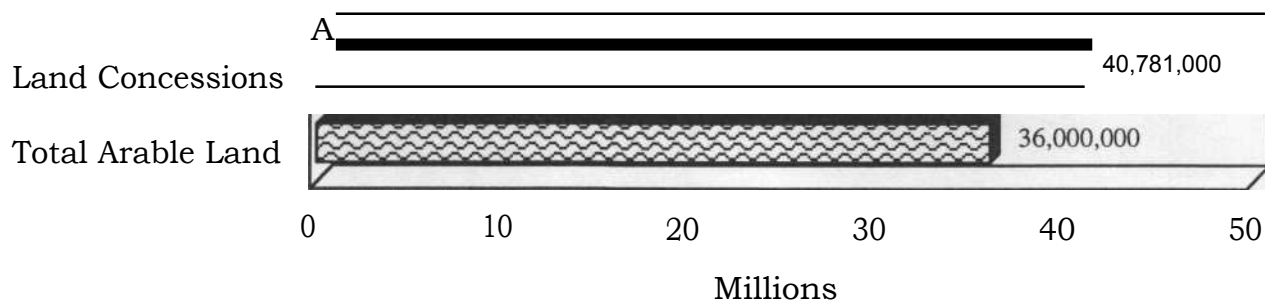
# DIAGRAM 8

## Land Concessions

### As a Percentage of Total Arable Land\*



Arable Land  
(36 Million Hectares)

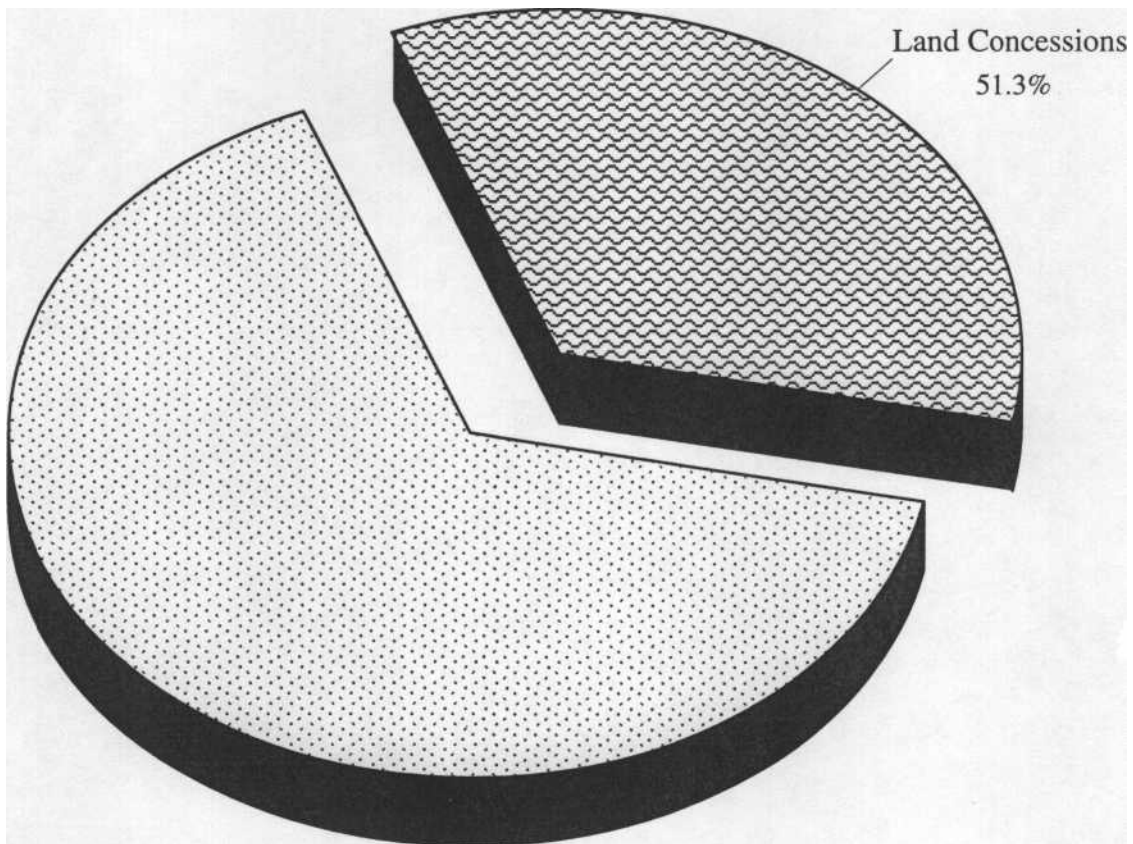


\* Includes combined agricultural, mining, tourism, joint venture enterprises and other multiple-use land concessions. Also includes existing estimated commercial agricultural holdings and area divested by state farm sector. See Table 3.

DIAGRAM 9

Land Concessions

As a Percentage of Total Land Area



Land Area  
(79.5 Million Hectares)

Our research reveals that the rights acquired through concessions are frequently not clear, nor is the way in which they are acquired transparent. The process for acquiring concessions has at times contradicted statutory law. For example, the 1979 Land Law and 1987 Land Law Regulations prohibit the granting of land occupied by smallholders to commercial (private sector) interests. However, central, provincial, and district administrators have often distributed land that is occupied or claimed by smallholders. In several instances, as noted earlier, government officials justified this process by arguing that smallholders do not have the capacity to exploit these lands.

The confusion surrounding land concessions—particularly the lack of transparency in the way these concessions are acquired and held—and the inability of the state to enforce its own rules or follow its own procedures with regard to concessions in areas currently held by smallholders are leading to numerous land conflicts. These conflicts are the subject of the final part of this section.

## 5. COMPETITIVE AND OVERLAPPING LAND CLAIMS

There are indications that rights to a number of government-granted concessions overlap. For example, agricultural concessions may partly coincide with each other, or agricultural concessions may overlay mining concessions. And it is likely that in many—if not most—instances these state concessions have been granted for land already claimed by local smallholders under customary tenure regimes.<sup>83</sup> This scenario is, of course, made more complex by numerous categories of smallholders who also hold competing and complementary rights to the same lands.<sup>84</sup> Research reveals that in many districts smallholders have been pushed off their lands, pushed into marginal areas, or had their land rights reduced—in some cases becoming tenant laborers—when their rights conflicted with those of individuals who had received state concessions. As the government continues to grant concessions, in several areas of the country the landless population is growing or changing to include new individuals who previously held land rights (some of whom maintained rights during the war).<sup>85</sup> In many cases in different locations in Mozambique, smallholders have resisted attempts to displace them. Smallholder resistance has taken many forms, including (1) violent

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83. Although there are many areas in the country where overlapping concessions have been granted, perhaps one of the most dramatic is in the Limpopo River Valley. The Ministry of Agriculture and the Gaza Provincial Office of DINAGECA have granted land concessions in excess of 170,000 hectares in the same stretch along the river. The MOA has also granted a **hunting** concession in the area, which covers approximately 100,000 hectares. The Ministry of Mineral Resources has given concessions totaling more than 4,000 hectares in the valley (see table 2, p. 31, for additional information). A national park also borders these lands.

84. The case material presented below illustrates an example of competing and complementary smallholder rights in Gaza Province. This phenomenon was also presented succinctly at the Second National Land Conference in Mozambique by **smallholder** farmers from Homoine, Inhambane Province, **who argued that their lands had been distributed by government thrice over to former combatants of the war for independence, to displaced people during the past civil war, and now to new private interests.** This process created four layers of possible claimants to many of the same parcels in Homoine (Weiss and Myers 1994).

85. This is a particularly serious problem in the more economically important areas, such as near urban centers, near remaining infrastructure, and near roads, waterways, and markets. Our researchers interviewed newly (postwar) displaced smallholders in Homoine, Chokwe, Xai-Xai, Angonia, Maputo, Nhamatanda, and Vanduzi districts. The case of Chokwe is especially revealing, as discussed below.

confrontation with state officials or new landholders, (2) peaceful confrontation and compromise with officials and new landholders, (3) destruction of property, (4) labor withdrawal and land abandonment, and (5) refusal to withdraw and land squatting.<sup>86</sup>

In addition to multiple overlapping claims as a result of the government's land-distribution process, there are other possible layers of competitive claimants due to historical events in many locations of the country. For example, families who had land rights in the precolonial era may still claim rights to land that was later occupied by (1) private companies or individuals who acquired land during the colonial period; (2) people who were given land as part of a colonial villagization scheme, otherwise known as *aldeamentos*; and (3) people who acquired land in one of the colonial-era *colonato* schemes.<sup>87</sup> After independence a third layer of land claimants was created as the new government created its own *aldeias comunais*, state farms, and cooperatives. Under these schemes, smallholders were moved to new locations, which were often already claimed by other families or communities. At the same time, the organization of state farms and cooperatives decreased the amount of land that was available to smallholder farmers.<sup>88</sup>

During the war another layer of land claimants was created as people fled to secure zones and established new lives—in all, more than 5 million people moved at least once during the war. Displaced families created new demands on land. In several research locations we have already witnessed land disputes between "returning" smallholders and uprooted families who chose to remain in their new locations.<sup>90</sup> And finally, a new set of claimants is emerging as larger private-sector enterprises acquire or reactivate (preindependence) landholdings.

Many claimants interviewed felt that they had a legitimate, legally based right to the land and were not willing to relinquish their control. When two or more individuals feel that they have valid rights and will not concede, a conflict occurs. These feelings that claims are legitimate is what makes many land disputes especially complex and acrimonious. Ultimately, government and civil society will be faced with an enormous task as they disentangle these

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86. See case studies below. Also, see Myers, West, and Eliseu (1993); Tanner, Myers, and Oad (1993); and Negrão (1994).

87. For a discussion of the *colonatos* and *aldeamentos*, see Isaacman (1982, 1992); and Isaacman and Isaacman (1983). For discussions of specific *colonato* schemes in Manica, Gaza, and Zambezia provinces, see, respectively, Alexander (1994), Hermele (1988), and Negrão (1994).

88. The *aldeias comunais* were part of the state-created villagization program. For a complete discussion of this program, see Hanlon (1990); Geffray (1990); Urdang (1989); Egero (1992); Araujo (1983); Coehlo (1993).

89. For a discussion of the state farm sector, see Myers, West, and Eliseu (1993). In the late 1980s, before the state farm sector collapsed in 1989-1990, it was reported that this sector covered millions of hectares of the best land in the country. One scheme alone in Cabo Delgado and Niassa provinces covered more than 400,000 hectares. In 1991, LTC researchers were able to identify approximately 83 state farms covering more than 580,000 hectares.

90. Examples are noted in the following case studies. See also Eliseu (1994); Boucher et al. (1993); Alexander (1994); and Ken Wilson, personal communications on Angonia, Tete Province, 1994. At the Second National Land Conference, smallholder farmers from Homoine, Inhambane Province, presented oral evidence documenting disputes between returning smallholders and formerly displaced families who chose to remain in their current locations (see Weiss and Myers 1994).

overlapping rights and determine who will hold the land. This will be an expensive and politically difficult process.

## B. ACCESS UNDER CUSTOMARY LAND LAW

### 1. CUSTOMARY RULES AND LAND ACCESS

Parallel to the formal or statutory land-tenure system are customary regimes of land tenure that are based largely on local traditions and procedures. As elsewhere in Africa, Mozambique has numerous customary land-tenure regimes, which taken together constitute its customary land-tenure sector. These regimes differ remarkably from location to location depending on a variety of factors, including population density, kinship organization, inheritance patterns (i.e., matrilineal or patrilineal), land quality, markets, and historical experience. Customary regimes also differ from ethnic group to ethnic group depending on the social evolution of that group and the political and economic constraints encountered. The civil war after independence (with its concurrent displacement of more than 6 million people), droughts, government policy, and recent economic changes also affect customary rules.<sup>91</sup> This section focuses on general characteristics of customary land tenure as they apply to our discussion of land access.

Land held under customary tenure is often held by the group, community, lineage, or clan. Sometimes it is held by the family, and sometimes by the individual. Land that is held by the community (or lineage, clan, or family) is not necessarily held under communal tenure. This is a misinterpretation often made in Mozambique. Government officials have frequently justified communal villages (*aldeias comunais*) as a result of this fundamental misunderstanding of local social organizations and relationships.<sup>92</sup> In reality, even though land is held by the community, families and individuals usually have greater control and are responsible for the day-to-day management of the resource.

While the lineage or other community hierarchy may have the power to approve or disapprove of land alienation, the families or individuals may negotiate many types of land transaction on their holdings. These rights include leasing, borrowing, and lending. Landholders may also sell certain tenure rights while not selling the land itself. In response

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91. This paper does not discuss the historical evolution of formal (statutory) and informal (customary) tenure and legal systems in Mozambique. While these subjects are important—and indeed have an impact on our discussion—they are beyond the scope of this paper. See Moiane (1994); Lundin (1992a, 1992b, 1993); Carrilho (1991, 1993); Amaral (1990); Coissoro (1966, 1987); Dias and Dias (n.d.); Isaacman and Isaacman (1977, 1983); Curtin et al. (1981); and Alpers (1969).

For a partial discussion of the transformation of customary institutions during and after the colonial period, see Isaacman and Isaacman (1983); Geffray (1990); Hanlon (1990); Sidaway (1992); Coehlo (1993).

92. The Minister of Agriculture recently defended the creation of these villages and their continuation based upon FRELIMO's misunderstanding of customary social institutions, stating that they were an extension of the traditional African way of life. See *Domingo*, 17 October 1993.

to political and economic changes, land markets are emerging and evolving in rural Mozambique.<sup>93</sup>

In some FRELIMO-controlled areas customary authorities were strongly repressed or attacked; in others localities they were allowed (or succeeded in achieving) a certain degree of independence from the state and some freedom of operation." In RENAMO areas, authorities were allowed to exist but were exploited for the organization's own political and military objectives. There is strong evidence that both FRELIMO and RENAMO are currently exploiting customary authorities to support their postwar purposes.<sup>95</sup>

In some areas customary authorities have maintained strong control over land and other resources since independence, while in other areas their authority has withered as a result of government and RENAMO interference, war, or social and economic pressure. In still other areas new relationships of cooperation have developed between local customary authorities and locality-level government officials. In some instances customary officials have infiltrated the lower levels of state government (e.g., in Gaza and Maputo provinces) and influenced land distribution; in other areas locality-level officials have deferred to customary authorities over the distribution of these resources (e.g., in parts of Manica, Sofala, and Zambezia provinces). We are just beginning to learn how these authorities have interacted with RENAMO and how this interaction is changing in the postwar period"

Customary authorities in Mozambique do not have an officially sanctioned role in the process of land distribution. Indeed, with regard to land distribution to commercial interests, customary authorities are rarely encouraged by formal administrators to become involved in the process; more frequently they are isolated or ignored. As noted earlier, this negative attitude toward customary authorities and institutions is not new.

Research revealed cases in which locality or district authorities distributed land to smallholder and larger commercial farmers, ignoring local leaders and customary rules of acquisition and occupation. Land distributed to smallholders was usually given for a set time period; the rights were temporary. This was witnessed in Manica, Sofala, and Gaza provinces. Government officials identified "vacant" or "unoccupied" land and distributed it to "needy" farmers or outside private interests. This often started a cycle of displacement and reacquisition of land, where the formal authorities displaced one group in favor of another, only to be forced into finding new lands (often again on a temporary basis) for those they had

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93. See Roth, Boucher, and Francisco (1994) for a discussion of informal land markets in Maputo Province. Also, rural land markets were noted in Sofala, Manica, and Gaza provinces by the LTC research team; see Tanner, Myers, and Oad (1993); Boucher et al. (1994); and Roth et al. (1994).

94. See, for example, Geffray (1990); Sidaway (1992); and Hanlon (1990). Also, João Carrilho, personal communication, April 1992.

95. See, for example, Alexander (1994); Cahen (1987); and Geffray (1990); also, Ken Wilson, personal communication, December 1993; and Jocelyn Alexander, personal communication, August 1993. Confirmed reports suggest that both parties are actively **manipulating** these authorities as part of their respective political campaigns during elections.

96. See Alexander (1994); and Wilson (1991d, 1992a, 1992c).

inadvertently displaced. In the process, a second or third group might be displaced, leading to a new round of movement, displacement, and acquisition.<sup>97</sup>

Smallholders, both men and women, have reported gaining access to land through a variety of means, including clearing virgin land, inheritance, borrowing, marriage, lease, and purchase. Where population concentration is highest, lively markets for land or land rights exist, and smallholders are active participants in these markets. In most areas where research was conducted, smallholders who needed land negotiated directly with a "land abundant" family or with the local customary authority.

Women's access to land in rural areas continues to be determined by local custom. However, in some cases it appears that women are having greater difficulty maintaining land rights with the return of displaced populations and with the increase in commercialized landholders. In the southern province of Gaza, where patrilineal descent is more common, women have claimed losing control over land to returning husbands and nonlocal private interests. It is not clear whether they have been pushed off the land or simply have had their powers over day-to-day decisions reduced. At the same time, many women said that they could not move to new locations (i.e., from centers of accommodation or the areas to which they were displaced during the war) without their husbands' approval. It is not clear if this is an indication of the weakness of women's rights with regard to land access and tenure security, or if it signifies some other social dynamic within the household. Other interesting examples are noted in the case studies that follow. In general, with regard to land access, female smallholders appeared to be more vulnerable than male smallholders. Further research is needed on the composition of—and relations within—the household unit with regard to land access and tenure security in the postwar period.

There are two additional methods outside the customary system by which a sizable number of smallholders have gained access to land. The first of these methods is exploitation of the formal political structure and, by extension, of the formal tenure system. Many smallholders, particularly in the peri-urban areas and in the Green Zones, have gained access to land through agricultural cooperatives. These cooperatives secure their members' rights to land in a variety of ways as individual or communal rights-holders. Since a large percentage of cooperative members are women, women have taken the lead in directing the political development of these organizations. Cooperatives, particularly in Maputo and Beira, have experienced increasing land tenure insecurity as the state and courts have been unwilling to defend or recognize their rights in the face of commercial encroachment.<sup>98</sup>

The second way in which smallholders gain access to land apart from the customary tenure system is squatting. Smallholders squat on both state and private land in a number of localities. Squatting is often a tactic used where land is scarce, but increasingly smallholders settle on land that is better endowed, even when bush or fallow land is available. In some cases smallholders are squatting on family or community land that has been acquired by

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97. This process of postwar displacement **and** the creation of a new group of refugees was recently noted in *Noticias*, 17 December 1993.

98. See Garvey (1994); **and** Weiss **and** Myers (1994)

someone else. The practice has also led to land conflicts among smallholders, between smallholders and the state, and between smallholders and private interests.

Most smallholders interviewed stated that they did not rely on the local government-appointed officials for access to land, though some local government officials were found to be distributing land to reintegrating smallholders in Sofala, Zambezia, and Manica. In several cases smallholders receiving land through state authorities said that they had spoken with local customary authorities or elders to verify that their use of the land was acceptable to the local community. In the cases where the state had distributed land to smallholders, some recipients (including reintegrating individuals) admitted that they felt less secure in their rights to the land. They thought that they might lose the land to another returning family, to the local community, or to the state; they commented that they would not plant trees on the land given to them by governmental authorities. In contrast, smallholders in Inhambane openly declared that they relied on both customary and local government officials, depending on the reputation of the customary authority.'

## 2. CUSTOMARY RULES AND REFUGEE REINTEGRATION

Population movement and integration of the more than 6 million displaced persons are affecting—and will continue to affect—land access for all Mozambicans. In some areas reintegration is putting a strain on the customary tenure regimes.<sup>100</sup> When a family returns to an area where they previously farmed, they usually reclaim family lands. If those lands are occupied, they either apply to the elders to relocate the "squatting" family or request new lands. Local authorities frequently resolve disputes. However, in some areas, such as Gaza, Inhambane, and Tete provinces, disputes that are not easily resolved by customary authorities or government officials result in conflicts and further displacement (see case studies below).

Many peasants have relocated and resumed farming in the past year; some have already harvested two or more crops. Many individuals have left the refugee camps and accommodation centers in Malawi, Zimbabwe, and Mozambique itself.<sup>101</sup> But many more people have neither returned to their areas of origin nor taken up permanent residence. Because they are farming, it is assumed that the formerly displaced are settled and that their land needs have been satisfied. Both of these assumptions are incorrect.

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99. In some areas of the **country**, such as those **investigated** in **Inhambane** and **Gaza**, a few Mozambicans exhibited openly negative attitudes toward *regulos* because of their role as "collaborators" with the Portuguese during the colonial period. It was not always clear if these *regulos* were from the same families as the former customary authorities.

100. See Myers (1993c).

101. UNHCR reported that by October 1993 nearly 400,000 refugees and approximately 2 million internally **displaced individuals had already** "returned" (cited in Drumtra 1993, p. 21). We believe that the estimate for returning **displaced** families may be **highly exaggerated**. Having no countrywide data at this time, we base our **hypothesis** on field interviews **conducted** in four provinces. During those interviews **a large number** of respondents **had** not yet "returned to their areas of origin"; many had no desire to return. Clearly, more research is needed before we can make substantive conclusions about where people have settled. At best, we can say with **certainty only that a large percentage of internally displaced persons have resumed agricultural production**.

People who are returning to family lands form part of the large population movements witnessed in several areas of the country. But other persons are moving to new lands to take advantage of better economic opportunities. Many are "leap-frogging" from place to place, depending on land availability and relative physical security. They have chosen to farm on land that is not their own for at least one season and will move on again in the next season if the harvest is good and the peace accord continues in effect. Some of the displaced are moving in stages, with some family members remaining in the refugee areas and others moving back to family lands or to other areas to clear land and begin planting. Aspects of this phenomenon were observed in all districts investigated; however, the responses of district or local government officials to this trend differed greatly from area to area. For example, in Chilembene, Chokwe District, smallholders allege that all members of some families were forced to return to their own lands in Chibuto when they tried to divide between two locations.<sup>102</sup> Other displaced persons who are moving in stages or who have divided their families remarked that if they had a successful season they might consider gathering all of the family in the new location. But in the interim the family will remain divided to optimize opportunities and minimize risks.

Many smallholders will not return to their areas of origin; many have stated that they are not sure where these lands are located. Displaced people often argue that they come from many different locations since they have been displaced repeatedly over the last sixteen years by war, drought, and government policy.<sup>103</sup> Many of these individuals have established new economic and social relations, thus inhibiting their desire to relocate and start again to build these relationships. Some are not sure where they should go since the government forcibly relocated them to new villages before the war. They are not sure if they should stay where they are, return to the government villages, move elsewhere, or return to the land of their parents (Myers 1993c). Other smallholders appear reluctant to return to their "family lands" because of other factors, including the uncertainty of the political environment. Where reintegrating people go and when they go depend on many things, such as where they came from, the length of time they were displaced, the land rights or work they acquired in their new homes, and the economic opportunities that exist in their present location. They are also influenced by perceptions of land availability, land conflict, and physical security (Weiss and Myers 1994).

Like commercial farmers, smallholders are making and will continue to make decisions based on their best economic opportunities and physical safety. For example, land that is located near markets, transport, waterways, and social services is attractive to all categories of producers and investors. Land considered to be in secure areas is also desirable. Many smallholders said that they believe the war will resume and that physical security is an

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102. Smallholders claimed that government authorities destroyed or threatened to destroy their houses if they tried to take up dual locations in Chibuto **and** Chilembene. District officials stated that smallholders in the area had not **understood** their directions or the objectives of the local government council, that the smallholders were not in fact being forced to leave (District Agricultural Officer, Chibuto, personal communication, October 1993).

103. This attitude was **noted in each** district **investigated**. Margaret Segal (from the **International** Rescue Committee in Malawi) interviewed refugees before repatriation. In 1993 she reported similar attitudes, saying, "We ask people where they are from **and** the name of their village might be five places..." (cited in Drumtra 1993, p. 22). See also Myers (1993c).

important consideration. Even with the cease-fire, many rural Mozambicans have chosen to remain where they are—or move to more secure areas or areas with better economic opportunities—rather than return to their areas of origin. Research suggests that if displaced smallholders perceive the quality of life to be better, or if there are better economic opportunities or greater physical security in their present location, they are less willing to move back to the areas of origin. On the other hand, smallholders who are in weak economic positions and have less land or weaker land rights than before they were displaced are more likely to relocate and may indeed return to their areas of origin.

Another complex set of factors influencing reintegration and resettlement relates to local political relations. For a number of reasons we believe that some individuals will not go back to their areas of origin because of their gender, their prewar political status, or their position in the household. For some people, the war created opportunities to resist or flee from undesirable political and social relationships. Individuals who had weaker rights within the family or the wider community may choose not to return to their areas of origin. The same observation applies to families or lineages. Some families who were subordinate before the war may also choose to move elsewhere or remain in their new location in the postwar period. Research conducted in a number of districts supports this hypothesis.<sup>104</sup>

Some individuals or families may choose not to return to their homelands because the war created opportunities for them to resist or attack dominant individuals and institutions. For example, the success of RENAMO operations in Angonia and Tsangano districts of Tete Province in the mid-1980s is partially credited to the "mobilization" of poorer peasants against wealthier peasants, customary elite, commercial traders, and the government.<sup>105</sup> It is likely that some of these people will choose to move elsewhere rather than return to Angonia. At the same time, the war created opportunities for some individuals who were able to gain access to land and other resources. These people may return to their communities but may also encounter tension and conflict as they attempt to assert rights over their new resources. Other individuals were able to exploit new political opportunities and assert more influence within their communities.<sup>106</sup>

### 3. CUSTOMARY RULES AND THEIR CONSTRAINTS

The customary tenure system appears generally effective in securing tenure rights and resolving local disputes among smallholders; however, it is unsuccessful in securing these rights and resolving disputes when commercial interests or the state is involved. Thus it is

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104. Ken Wilson, personal **communication, February 1994**; Olaf Juergensen, personal communication, December 1993; **and** Jocelyn Alexander, personal **communication, August 1993**. For evidence from Tete Province, see Wilson (1991b); for Zambezia Province, see Wilson (1991a, 1991d); **and** for Manica Province, see Alexander (1994).

105. Ibid. Wilson cites one woman in Angonia who stated, "Most of the damage done during the war was just people stealing privately. People stole from each other **and** from the official buildings." This same respondent reported that FRELIMO officers stole government property. Another wealthy respondent said that he knew who stole his property in Ulongue. He declared that he would report them to the police when the war was over (Wilson, **unpublished** field notes, 1991; **and** Wilson, personal communication, February 1994).

106. Ibid.

not accurate to assume that occupation is sufficient to secure smallholder tenure rights. Contrary to the 1979 Land Law and the 1987 Land Law Regulations, people are often displaced from their land, without compensation, by state authorities or by private interests operating outside the law but with tacit state approval. This suggests a serious problem or discontinuity between social reality, on the one hand, and law and public policy, on the other. Most rural Mozambicans rely on a legal system that is not recognized by the state; they apparently know little about statutory law. Also, the customary system does not seem to function well when two or more communities are involved in a dispute.<sup>107</sup>

At the same time, smallholder access and security are adversely affected by limitations of the official judiciary system. The official court system does not hear land disputes involving only the family sector. Infrequently the court system will hear a dispute involving a smallholder and a commercial farmer.<sup>108</sup> Judges and lawyers at the district level in several areas of the country stated that they would not hear or represent land cases involving smallholders. The reasons they cited were few but consistent, including: (1) it was not their responsibility to hear or represent these cases; (2) smallholders did not understand the law; (3) they did not understand smallholder disputes (i.e., custom and law); and (4) smallholders could not afford their services.

There is no structure that links the customary and the statutory legal systems—no courts exist that bridge the gap between the two and bind them together. While some disputes enter the court system (most disputes brought before official authorities are decided upon by administrators and not the judiciary), customary rules and procedures are not part of or permitted to be used in the official hearing process. No structure exists to permit disputes heard at the local level in a customary setting, using customary laws, to be passed to a "higher," formal court of appeal.<sup>109</sup>

The overriding impression is that smallholders are largely excluded from the official judiciary system. Disputes between smallholders and commercial interests or the state (and to a large extent disputes among commercial producers) are often resolved by executive fiat. The same officials who make decisions with regard to land distribution and access also make judicial decisions on land conflicts. Thus, determinations about land access and land conflict tend to be politically oriented and not necessarily based on the rule of law.

Significantly, the same may be said with respect to customary tenure in Mozambique—decisions regarding land access may be politically or economically resolved rather

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107. Although we **lack substantial data** on this point, the **argument** was **made** several times **by participants** in the Second National Land Conference in **Mozambique**, 1994. These particular persons were not smallholder farmers but government officials.

108. See Garvey (1994). This was also discussed at the Second National Land Conference in **Mozambique**, 1994.

109. This point was debated at the Second National Land Conference in Mozambique. Some **participants** claimed that it was the fault of neither the law nor the judiciary; rather, the blame for unresolved land disputes lay with smallholders because they did not use the official court system. Other conferees professed that smallholders did not use the legal system because they did not understand it. See Weiss and Myers (1994).

than based on local custom or rules. Just as with the statutory system, there is no independent, customary judicial system. Often smallholders must rely on the same authorities for both dispute resolution and land distribution. However, it appears that smallholders generally view the customary system as more legitimate and transparent (despite internal struggles) than the formal statutory system. The discrepancies and absence of linkages between the two systems—statutory and customary—undermine the positive aspects of each system and impoverish those with weaker rights in the customary system. For example, those with feeble land rights (women, second wives, junior family members, nonlineage members, and those with no historical rights) will not have an opportunity to exploit the statutory legal system to defend their rights. The disconnection between the two systems means that civil society is less able to influence the development of local rules and institutions and, at the same time, that government authorities and policymakers are unaware of the social reality and aspirations of civil society.

### C. LAND DISPUTES AND CONFLICTS

As suggested earlier, the inconsistencies in both formal and customary land-tenure systems are leading to land disputes and conflicts. Our research revealed a growing number of land disputes involving smallholders, commercial interests, and joint-venture enterprises, particularly in areas that have large concentrations of displaced populations and in regions where demand for land is high, such as in urban and Green Zones, around irrigated farming sites, near former state farms, and on private estates.<sup>10</sup> These are the most strategically located lands, which have received the greatest capital investment from the colonial period to the present. Land near the coast and the frontiers is also heavily contested. Indeed, research discloses an important relationship between land conflicts and such factors as population density, capital investment, and official land concessions. The most economically important lands in the country have been the places of most land conflict.

Map 6 illustrates where the largest number of land conflicts have developed in Mozambique, depicting the location and frequency of these disputes. The data for this map, which was produced in November 1993, are drawn from field research, unpublished research reports, anecdotal testimonies in the Mozambican press, and other sources within the government and donor communities that have focused on this issue. We would like to emphasize that this map is a graphic representation of where most land conflicts appear to be occurring and their relative levels of intensity. The map is not based on discrete data (i.e., a specific number of conflict cases enumerated in a specified area). It is difficult to determine how much land in the country is under dispute. At the same time, we should not be deceived into thinking that these areas represent a small part of the country and that conflicts are

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110. In November 1993, at a **Maputo-based** NGO conference that focused on land tenure issues in Mozambique, participants reported on numerous conflicts occurring **throughout** the country. Conferees **demand**ed that government officials in **attendance make known** their intentions to resolve these disputes **and inhibit** the spread of land conflicts. The same issues **and demands** were raised by smallholder farmers at the Second National Land Conference in Mozambique in May 1994. Government officials offered neither recommendations nor solutions on either occasion.

localized and minimal. These areas of conflict cover a large part of the nation; as noted, they are occurring on the country's most economically valuable and politically strategic land."

Reported conflicts occur in at least eleven different configurations. These include:

1. conflicts between the state and smallholders (and in some cases larger commercial interests) due to expropriation of lands by the state;
2. conflicts between the state and smallholders over state farm land that smallholders have occupied as squatters, laborers, or former owners;
3. conflicts between the state and commercial producers over land alienated more than once by the state (e.g., by different ministries, by provincial and central government, or by the same ministry or province to more than one person);
4. conflicts between the state and commercial producers over state farm lands;
5. conflicts among private commercial producers;
6. conflicts between the state and commercial producers over short-term leases;
7. conflicts between new commercial producers and returning Portuguese interests or between new commercial interests (both foreign and domestic) and Mozambican capital from the colonial period;
8. conflicts between joint-venture enterprises and private commercial interests and between joint-venture enterprises and smallholders;
9. conflicts between commercial interests and smallholders;
10. conflicts among smallholders, particularly between displaced or reintegrating and local smallholder populations; and
11. conflicts between the government and RENAMO (or other political parties) over the distribution of land concessions outside the scope of the law in their respective zones of influence.

This last and newest category may be one of the most problematic. It is also the one that we know the least about.

Land disputes occurring among smallholders or between smallholders and commercial interests are supposed to be resolved through the formal structure, beginning with locality officials or officials at the community level, that is, *enquadradores*, *secretarios de aldea*, *lideres de comunidade*, or others who are appointed by or brought into cooperation with the formal government at the local level. These persons often include lineage heads or other customary authorities. If these people are unable to resolve the differences, the conflict is passed up to the district level. Resolution of land disputes involving commercial farmers normally begins at the district level. In reality, the procedures followed by smallholders and larger commercial interests to resolve conflicts often do not conform to official rules or guidelines.

Most smallholders interviewed said that if they had a conflict with another smallholder, they would discuss the issue with the "old ones"—the senior elders or lineage heads in the

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111. See Myers, West, and Eliseu (1993); Tanner, Myers, and Oad (1993); Rose et al. (1992); Roth, Boucher, and Francisco (1994); Roth et al. (1994); Boucher et al. (1994); and Garvey (1994). See also Weiss and Myers (1994).

village. But this process is very irregular, as discussed below. In only a few cases did smallholders allow that they would present their cases to locality-level government officials. (Upon closer examination it became apparent that locality-level government administrators had strong connections with the local customary leaders in several of these instances.) Smallholders frequently asserted that government officials in their locality did not know the area or were not qualified to hear disputes; some stated that they did not have confidence in these individuals. At the same time, in some areas smallholders interviewed could not identify their local government officials or where they lived, but they could readily state the name of their local customary leaders and where they resided. In a few cases involving nonlocal commercial interests or joint-venture enterprises, smallholders maintained that they presented complaints to locality officials.

In many locations investigated, land disputes have occurred between native and returning smallholders. Farmers frequently declared that disputes were quickly resolved by customary leaders. For example, if smallholders returned to their land and found other smallholders using it, the customary authorities would determine who had rights to the land. If the persons in residence were determined not to be the true rights-holders, they were allowed to stay for harvesting their crops, after which time they might be given other land within the community. But this smooth process is not happening in all locations and for all smallholders, particularly for those who are trying to return to areas with high economic potential or population concentration. Nor does the process of resolving disputes between smallholders and larger commercial interests follow this pattern. In fact, in most reported cases such conflicts are resolved in favor of commercial interests.<sup>12</sup> In areas where disputes are occurring between commercial and smallholder producers, we have also witnessed an increase in disputes among smallholders as they compete for resources.

The fact that smallholders apparently lose their disputes with commercial interests and the state on a regular basis means that smallholders will probably be less inclined to resolve disputes by the formal executive and judicial structures. This may foreshadow continued hostility between smallholders and the state and between smallholders and commercial interests. As we have seen, this hostility can have destructive consequences for Mozambique.

It is apparent—but not yet empirically proved by this research—that in many parts of the country the suppression of customary authorities by FRELIMO has affected dispute-resolution mechanisms and processes. In several locations, it seems that decisions regarding disputes that were normally heard by chiefs (or *regulos*) are now handled by senior lineage heads or family heads. Dispute resolution has apparently been compressed down to the lineage and family levels in customary society. For example, smallholders in Chibuto District said that the "old chiefs" and *regulos* no longer had power in the area. They initially stated that if there was a dispute, they would travel to the locality (post) administrative area or to the seat of the district to lodge the complaint. They argued that those with power in the area were the *lideres de comunidade*. However, none of the farmers interviewed stated that they deferred to this latter group regarding disputes. After further discussion one of the farmers referred to a local "land problem." He was attempting to gain access to a neighbor's land to lay an irrigation

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112. See Garvey (1994); and Weiss and Myers (1994).

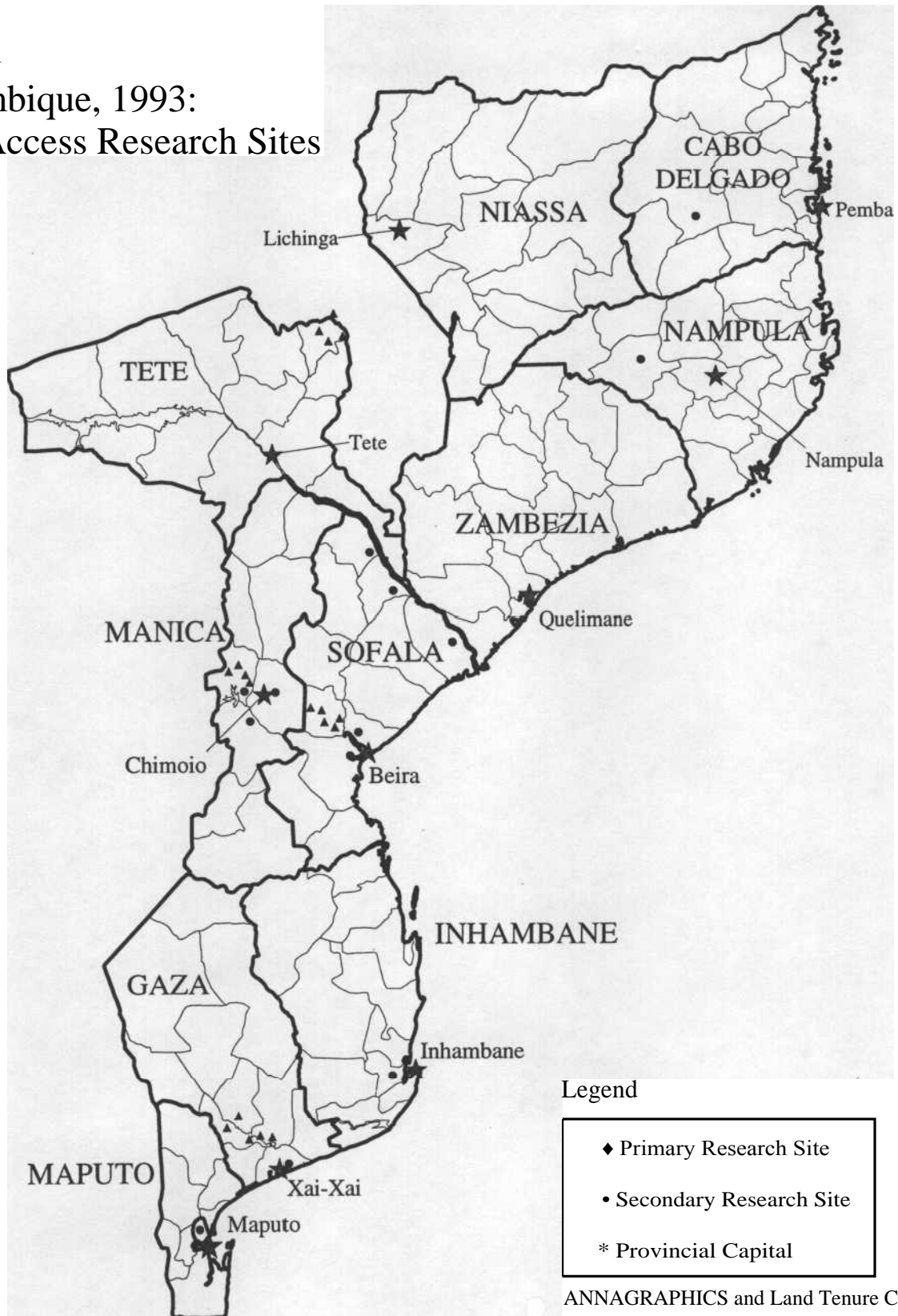
canal to his farm. The senior members of the two families were resolving the problem. Historically this would have been resolved by the *regulo* or local chief. In this particular case, it will be interesting to observe what types of "customary authority" evolve or emerge as political and administrative power is decentralized in the postelection period.

Disputes among commercial interests, between commercial interests and the state, and between smallholders and the state are almost always resolved by bureaucrats within the government, not by the judiciary. For smallholders and commercial interests alike, this creates a great deal of tenure insecurity. We have interviewed commercial farmers who acquired property according to law (though in the process they may have displaced local smallholders), but who were nevertheless unwilling to invest in that land. They feared that the very authority that issued their rights would reclaim those rights and that they would then lose their investment. This administrative, nonjudicial system permits unscrupulous officials to make decisions based on factors other than justice, equity, or rule of law. This leads to uncertainty and insecurity, which in turn lead to underinvestment, speculation, and poor resource management.

In summary, we believe that the number of land disputes and conflicts will continue to grow in Mozambique as long as there are discrepancies between the formal land-tenure system (i.e., statutory law), actual land-tenure practice and rules (i.e., customary systems), and administrative and judicial capacity. These conflicts will, in the long run, undermine the peace process and democratic reform and lead to both political and economic instability.

# MAP 1

## Mozambique, 1993: Land Access Research Sites

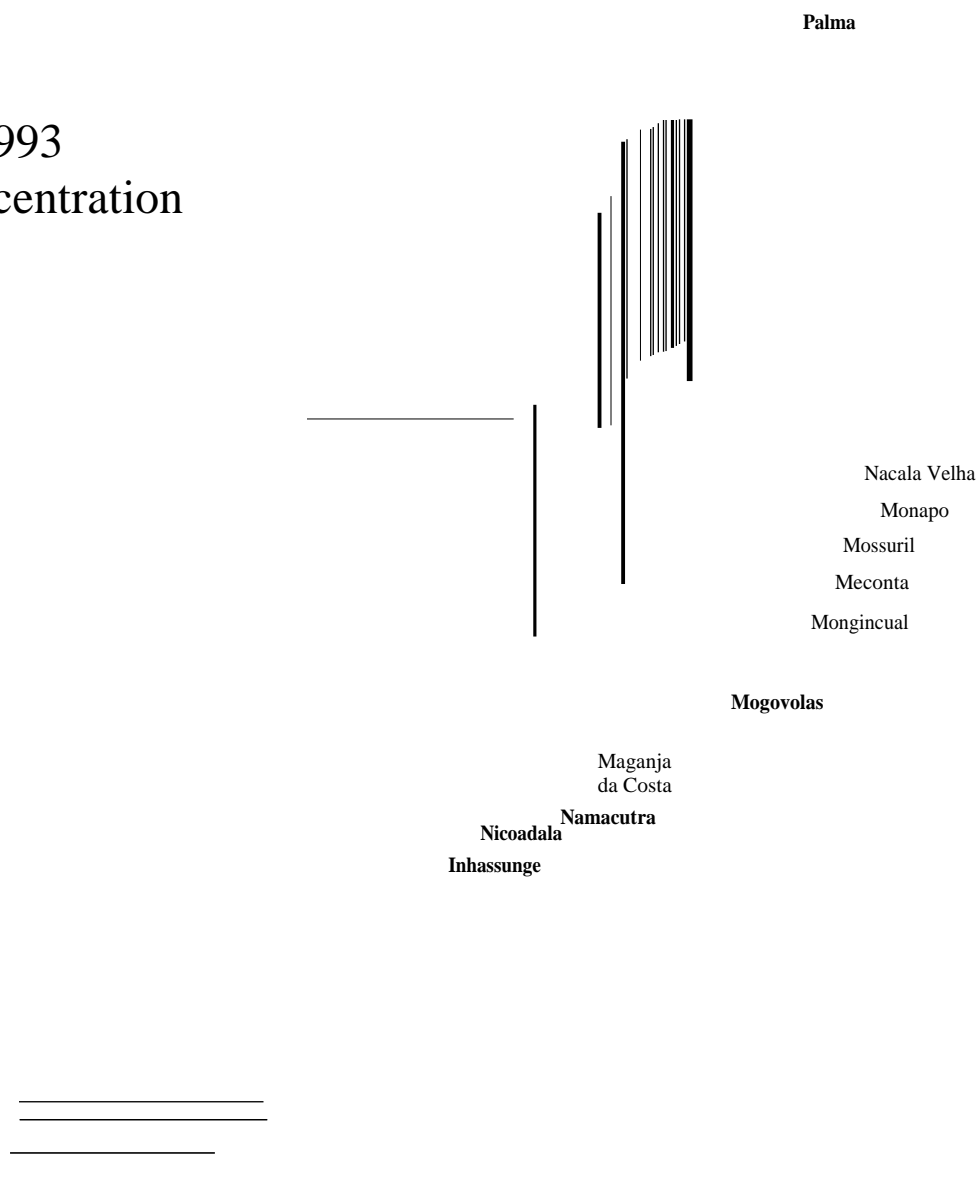


ANNAGRAPHICS and Land Tenure Center,  
Madison, WI, 1993

# MAP 2

## Mozambique, 1993

### Population Concentration



#### Population by District, 1993

□	125656 to 1069596
▨	83520 to 125656
▧	48328 to 83520
▩	16486 to 48328

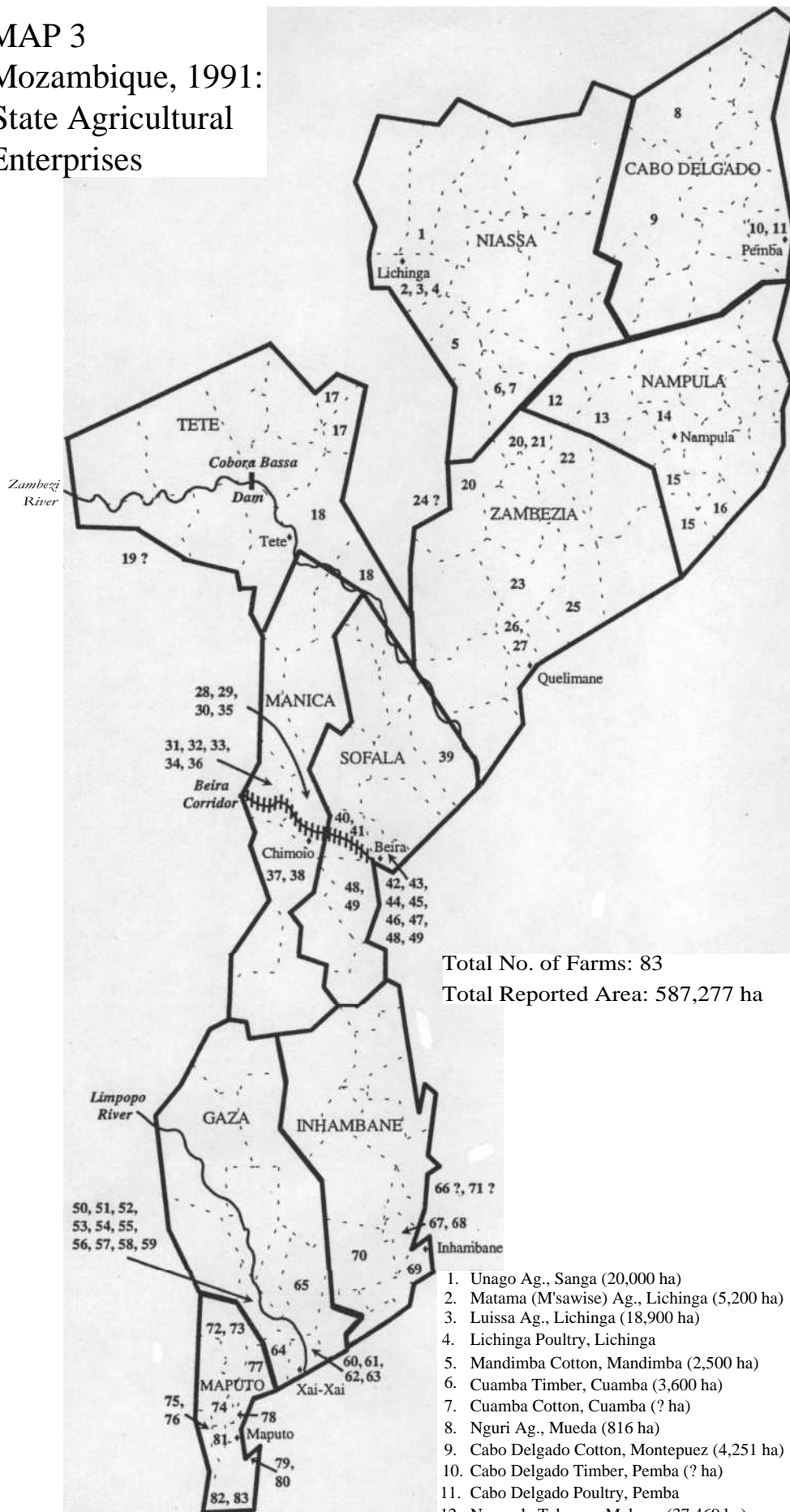
Scale: 1 in = 596.6 mi

Source: National Planning Commission  
ANNAGRAPHS and Land Tenure Center,  
Madison, WI, 1993

# MAP 3

## Mozambique, 1991:

### State Agricultural Enterprises



Total No. of Farms: 83

Total Reported Area: 587,277 ha

1. Unago Ag., Sanga (20,000 ha)
2. Matama (M'sawise) Ag., Lichinga (5,200 ha)
3. Luissa Ag., Lichinga (18,900 ha)
4. Lichinga Poultry, Lichinga
5. Mandimba Cotton, Mandimba (2,500 ha)
6. Cuamba Timber, Cuamba (3,600 ha)
7. Cuamba Cotton, Cuamba (? ha)
8. Nguri Ag., Mueda (816 ha)
9. Cabo Delgado Cotton, Montepuez (4,251 ha)
10. Cabo Delgado Timber, Pemba (? ha)
11. Cabo Delgado Poultry, Pemba
12. Nampula Tobacco, Malema (37,469 ha)

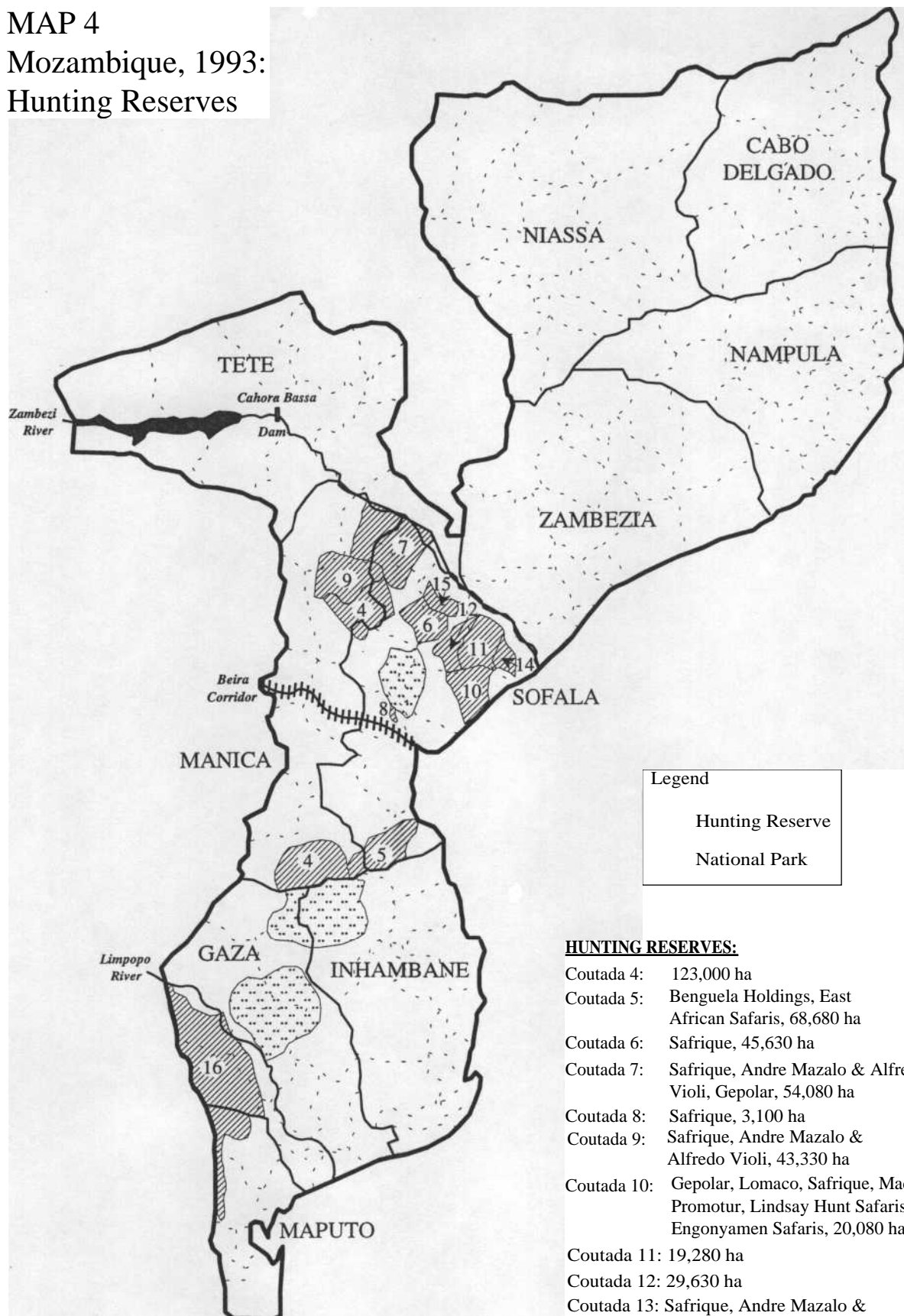
13. Nampula Cotton, Ribaue (28,000 ha)
14. Nampula Poultry, Nampula
15. Nampula Livestock, Moma & Mogovolas (41,221 ha)
16. Angoche Ag., Angoche (? ha)
17. Agricultural Complex of Angonia, Angonia (22,012 ha)
18. Tete Cotton, Moatize & Mutara (? ha)
19. Tete Poultry, ? (14,007 ha)
20. EMOCHA (tea), Gurue & Milange (? ha)
21. CAPEL-UDAR (maize), Gurue (7,000 ha)
22. Nauela Ag., Alto Molocue (20,000 ha)
23. Mocuba Cotton, Mocuba (33,400 ha)
24. BOROR (copra), Various (25,600 ha)
25. Nante Ag., Maganja Da Costa (1,700 ha)
26. Quelimane Livestock, Nicoadala (15,890 ha)
27. Licuari Ag., Nicoadala (891 ha)
28. Manica Citrus, Gondola (6,950 ha)
29. Gondola Ag., Gondola (18,386 ha)
30. Manica Livestock, Gondola
31. Manica Vineyard, Manica (61 ha)
32. Mutambarico Ag., Manica (1,500 ha)
33. IFLOMA (timber), Manica (36,078 ha)
34. Vanduzi Ag., Manica (4,000 ha)
35. Manica Timber, Gondola
36. Manica Poultry, Manica (250 ha)
37. Sussundenga Ag., Sussundenga (6,000 ha)
38. Manica Tobacco, Sussundenga (3,900 ha)
39. Sena Sugar, Marromeu (15,000 ha)
40. Lamego Ag., Nhamatanda (3,726 ha)
41. Muda Ag. & Livestock, Nhamatanda (? ha)
42. Mozambique Sugar, Dondo (10,950 ha)
43. INEMPREMA, Beira City
44. FACOP, Beira City
45. SERBEIRA, Beira City
46. Beira Rice Mill, Beira City
47. Swine & Sausages of Beira, Beira City
48. Buzi Sugar, Buzi (5,500 ha)
49. Sofala Livestock, Buzi & Beira (? ha)
50. SIREMO (irrigation), Chokwe
51. Massavasse Ag., Chokwe (1,382 ha)
52. Conhane Ag., Chokwe (870 ha)
53. Nwachicoluane Ag., Chokwe (809 ha)
54. Chilembene Ag., Chokwe (1,570 ha)
55. Hokwe Ag., Chokwe (700 ha)
56. Mapapa Ag., Chokwe (400 ha)
57. Chokwe Dairy, Chokwe (1,192 ha)
58. GAPECOM, Chokwe
59. Chokwe Mills & Silos, Chokwe
60. Chirrame Ag., Xai-Xai (30 ha)
61. Xai-Xai Livestock, Xai-Xai (700 ha)
62. SRBL (irrigation), Xai-Xai
63. Magula Ag., Xai-Xai (2,168 ha)
64. Macia Ag., Bilene (5,623 ha)
65. Chibuto Ag., Chibuto (? ha)
66. Inhambane Livestock, ? (? ha)
67. Inhambane Cotton, Homoine (? ha)
68. Inhambane Timber, Homoine
69. Inhambane Poultry, Inhambane City
70. Inhassane Rama Cotton, Panda (1,820 ha)
71. Inhambane Palms & Fruits, ? (5,255 ha)
72. Magude Ag., Magude (2,000 ha)
73. Magude Livestock, Magude (71,399 ha)
74. Moamba Ag., Moamba (2,000 ha)
75. Namacha Poultry, Namacha (1,008 ha)
76. Namacha Vineyards, Namacha (40 ha)
77. Maragra Ag., Manhica (7,279 ha)
78. Marracuene Ag., Marracuene (300 ha)
79. Maputo Citrus, Maputo (1,140 ha)
80. Matola Dairy, Maputo (554 ha)
81. Boane Ag., Boane (280 ha)
82. Catuane Ag., Matutuine (60,000 ha)
83. Salamanga Ag., Matutuine (4,000 ha)

Map Produced by:

Outline: CIS/MSF, Mozambique, 1993

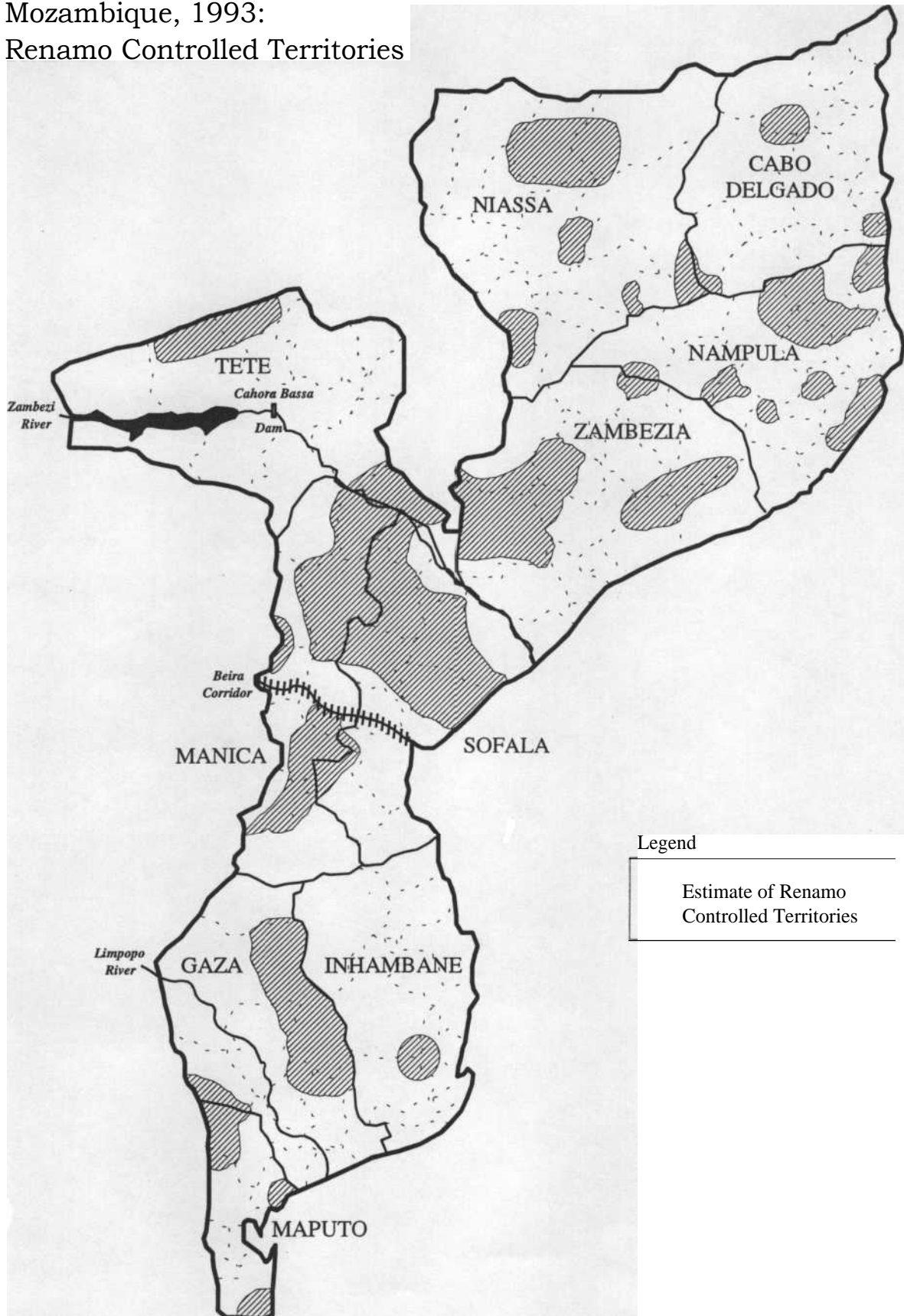
Map: ANNAGRAP/CS and Land Tenure Center, Madison, WI, 1993

MAP 4  
Mozambique, 1993:  
Hunting Reserves



Data: Ministry of Agriculture, Maputo, Mozambique, 1993  
Map Produced By: ANNA GRAPHICS and Land Tenure Center, Madison, WI, 1994

MAP 5  
Mozambique, 1993:  
Renamo Controlled Territories



# MAP 6

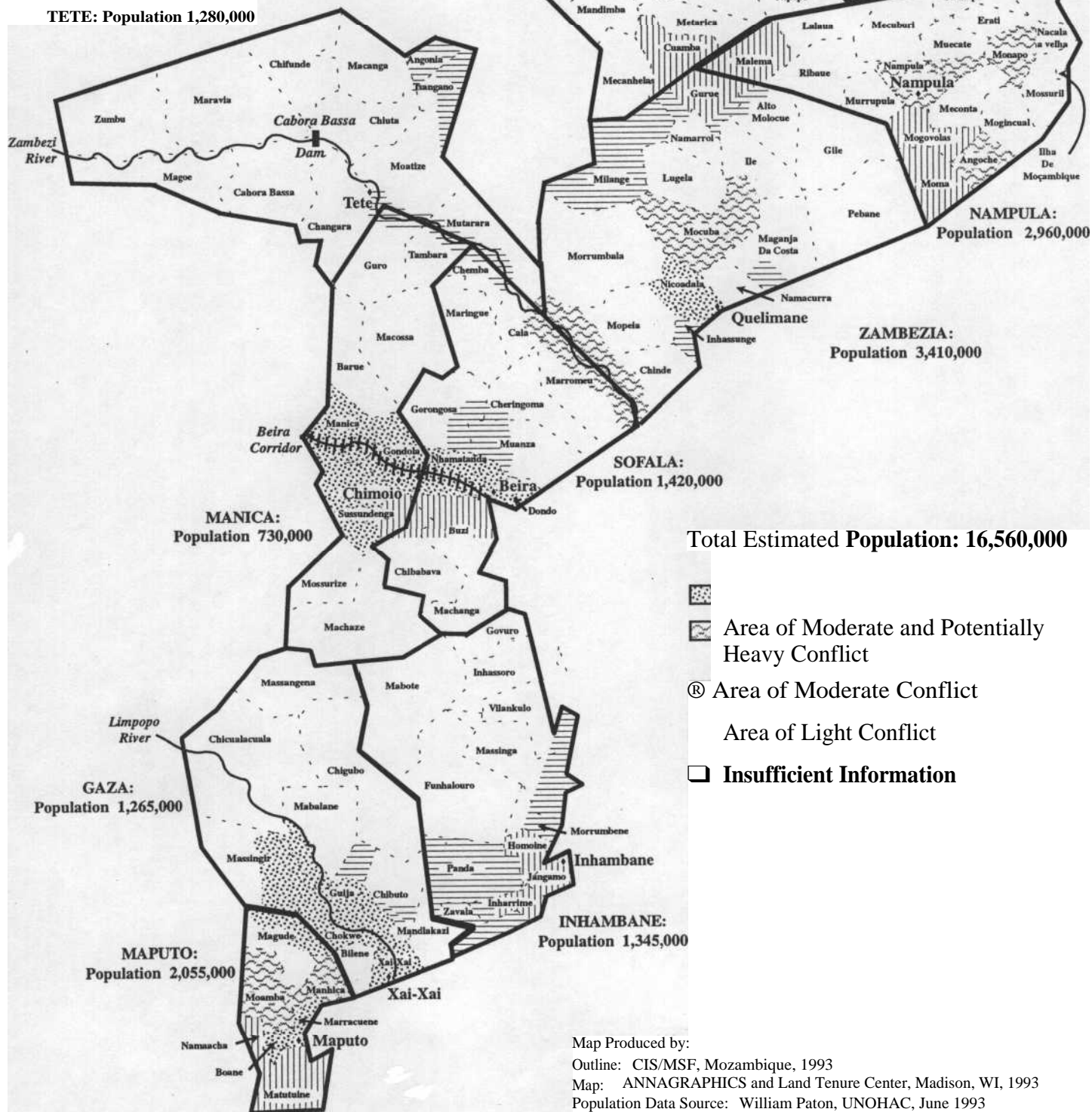
## Mozambique, 1993:

### Land Conflicts

NIASSA: Population 830,000

CABO DELGADO  
Population 1,265,000

TETE: Population 1,280,000





## IV. FOUR CASE STUDIES OF LAND ACCESS

### A. CHOKWE AND CHIBUTO DISTRICTS, GAZA PROVINCE

#### 1. RESEARCH SITES AND OBJECTIVES

Two geographical locations were chosen for investigation in Gaza Province: The first was sited in the area around Chaimite and Chilembene, while the second was situated in the region of Chokwe city (see maps 7-9). In the first spot, sites were visited in Chilembene and across the river in Chaimite as well as along the road between Chaimite and Guija. In the second place, several points were visited along the Maputo-Macarretane road northwest of Chokwe city.<sup>13</sup>

In the first location we sought to discover if the persons displaced from Chaimite and other areas in Chibuto to Chilembene had returned to their family lands.<sup>14</sup> We attempted to learn more about the interactions between the people of Chaimite and Chilembene with regard to land and to determine what type of land rights returning farmers were securing. We wanted to learn who was distributing land and resolving conflicts. We also sought to find out more about the private commercial farmers operating in the area. In the second location we focused on displaced people living in and around the city of Chokwe. In this area we sought to learn if displaced people had moved from the accommodation centers and other areas to which they had been displaced or sought refuge during the war and returned to their homesteads. Focusing on the private-sector commercial farmers and joint-venture enterprises operating in the area, we tried to determine how they were interacting with smallholder farmers and if they were investing in their holdings. The case study begins with a brief review of land tenure relations before independence and continues with a discussion of land tenure in the period between independence and the collapse of the state farm sector. This is followed by a study of tenure during the war and after the peace accord.

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113. The districts of Chokwe and Chibuto in Gaza Province were visited several times over the last two and one-half years. The most recent visit was in **January** 1994. In addition to government officials, more than 100 smallholders and displaced farmers were interviewed in 1993 and 1994. Earlier research by LTC focused largely on land tenure and ecological concerns within the Chokwe irrigation scheme. This research, on the other hand, was part of a larger project investigating the processes and impacts of state farm divestiture (see Tanner, Myers, and Oad 1993; Myers and Tanner 1992). The current work built upon earlier research conducted in the area before the southern portion of Gaza Province was consumed by war (see Bowen 1988; Hermele 1986, 1988; Roesch 1988; Van den Berg 1987; and Wardman 1985).

114. In this paper we use the term "family lands" to mean the land that a family held before the war or before they were displaced by government policy, i.e., moved to a communal village. These lands may be ancestral or they may have been acquired either **during the colonial period** or after **independence**. **Smallholders themselves use the term family land** loosely, **and have used the term in interviews to defend** rights to land that may not otherwise be secure.

## 2. LAND TENURE IN CHOKWE AND CHIBUTO DISTRICTS BEFORE INDEPENDENCE

Chokwe and Chibuto are linked culturally, politically, and economically. Both locations include land in the fertile Limpopo Valley. The major ethnic group in both districts is the Shangaan. Resource allocation and political power are determined by patrilineal rules. Families have historically traded and established social links on both sides of the river. The men of both districts migrate to South Africa for labor opportunities. By comparison with central and northern Mozambique, there are more female-headed households. In addition, they share a common history from the colonial period to the present.<sup>15</sup>

In several locations peasants in the Limpopo River Valley were displaced from their lands early in this century by private Portuguese farmers. Those farmers who occupied the lowlands, close to the river, were particularly affected. In several places on both sides of the river, farmers were forced away from the lowlands and up to the highlands. Later, in the early 1950s, the colonial government encouraged poorer Portuguese farmers to settle in the area. The government established the *Colonato da Vale do Rio Limpopo*, a huge irrigation scheme covering more than 30,000 hectares.

Many peasants who lived in the territory of the scheme were forced to abandon their lands and move elsewhere within the district or to another district. Some Mozambicans remained to work as laborers on the *colonato* farms. Once the irrigation scheme was completed, Mozambicans, some of whom had family land in the area, tried to enter the scheme but were denied admission by the *colonato* administration. Others, who were angered by the loss of land and the reportedly heavy-handed rule of *colonato* administrators, abandoned the land and moved away from the area. At the same time, farmers who did not have land around the scheme entered the area seeking access to land. These new land-aspirants would later contribute to a complex picture of overlapping land rights and competitive claims as those who had abandoned land attempted to return after independence, as war and drought forced displaced people into the area, and as government policy displaced some persons while granting land concessions to others.<sup>16</sup>

Although the situation is far from clear, it appears that local customary authorities experienced a diminution of power and a transformation of responsibility with the introduction of the *colonato*. These changes also came from the imposition of colonial political authorities in the area. The transformation became even more manifest after independence, as noted below. Some customary authorities were renamed *regulos* by the colonial government, maintained their positions, and carried out the directives of the colonial government. Others, who chose not to collaborate, were replaced or had their powers superseded by colonial appointed *regulos*. Finally, others remained in power and quietly resisted and/or benefited from the colonial administration.<sup>17</sup>

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115. See Roesch (1988, 1992); Bowen (1988); Hermele (1986, 1988); Tanner, Myers, and Oad (1993); and Wardman (1985).

116. See Tanner, Myers, and Oad (1993); Roesch (1988); Hermele (1988); and Bowen (1988).

117. Ibid.

### 3. LAND ACCESS AND TENURE AFTER INDEPENDENCE

After independence, many local families attempted to acquire land in the scheme and elsewhere in the Limpopo Valley. Between 1974 and 1976, for example, more than 6,000 families had moved into the irrigation scheme south of the city of Chokwe and an even greater number were hoping to enter the area. Many of these people were trying to reclaim lost land rights; those not originally from the area hoped to capitalize on new opportunities created by Mozambican ownership of the irrigation scheme and infrastructure."<sup>118</sup>

Most farmers were not successful in their attempts to acquire or reacquire land. The process came to a halt in 1977, however, when the river flooded the lowlands. The government moved smallholders from the lowlands, out of the irrigation scheme, and into communal villages in the highlands. Perhaps 50 percent of the population of the entire province was affected by the government villagization program (Isaacman and Isaacman 1983; Araujo 1983, 1985). Some of those displaced claim that they had secure land rights in the lowlands before they were dislodged; some have titles or other documents supporting their land claims. Many communal villages (*aldeias comunais*) were established in both Chibuto and Chokwe districts, and countless smallholder families were displaced from their lands. The land available around the *aldeias* was often insufficient for the population and, in many cases, was of poor quality.<sup>119</sup>

Through nationalization, concurrent with the establishment of villages and the forced movement of local families, the government assumed control of the irrigation scheme and the *colonato* farms in Chokwe. The administration of the *colonato* was taken over by the central government and converted to the Complexo Agro-Industrial do Vale do Limpopo (CAIL). CAIL operated as a massive state farm. Local displaced smallholders were invited back to the scheme to work, though not all who chose to work as CAIL farm laborers were historically from the area—that is, not all state farm workers had occupied land in the area before the colonial government established the *colonato*. This would lead to land conflicts in the future since these laborers would claim land rights to which they were not historically entitled and which would compete with those who were. At the same time, the independent government of Mozambique created state farms by assuming control (by intervention or nationalization) of other private colonial farms. Some of these farms, such as Matuba, were located in the Limpopo Valley, north of the irrigation scheme (Myers, West, and Eliseu 1993).

The independent government established a new level of bureaucrats and a party structure at the locality level, in many cases appointing officials who were not from the area. Although these new officials were usually not former *regulos* (who were seen to have been collaborators with the colonial power), research conducted in 1992 showed that many of the lowest-level bureaucrats and state farm officials were related to the precolonial chiefs and colonial *regulos*. It also revealed that many of the former *regulos* were related to former customary

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118. Ibid.

119. Tanner, Myers, and Oad (1993); see also Weiss and Myers (1994).

authorities (Tanner, Myers, and Oad 1993). But further investigation after the peace accord determined that this process was very uneven. In several areas visited, smallholders reported that they continued to consult lineage heads when they experienced family problems (including land disputes within the family), but that they relied on locality-level government officials (especially rural agricultural extension agents) when they had a land problem that was between families or between smallholders and larger commercial interests. One older farmer interviewed in Chokwe District scoffed at the idea of consulting *regulos*, calling them colonial creations and things of the past. This uneven process may indicate the existence or reemergence of local struggles between families, a topic that merits further exploration.

Peasant farmers who attempted to return to their old homesteads and lands after 1977 were forced back into the communal villages by the Mozambican government. In some cases, government authorities destroyed their old farms. This second wave of displacement in the period after independence angered local smallholders—and in many ways undermined the legitimacy and popularity of the new government."

Many local Mozambicans refused to work for the state farms, preferring to farm elsewhere across the river or in the highlands. In some cases local farmers worked as laborers while their wives maintained farms in the communal villages or elsewhere in the region. Some farmers became tenants elsewhere, acquiring land rights through the customary tenure system by asking the head of a local family for land-use rights. The government was able to hire enough labor but could not successfully manage the irrigation scheme.<sup>121</sup>

Some smallholders who were displaced by the irrigation scheme were successful in maintaining access to land, much of which, suitable for limited dryland agriculture, was located in the highlands. Some farmers were able to care for homesteads northwest of the city, in the area west of the road and rail line. Some smallholders north of the river were also able to preserve land rights.

The relocation/villagization policy led to land shortages in the less fertile highlands as the newcomers and communal villages competed with local residents for land. The villagization program initially provided some benefits, including education, health care, and other social services. But these benefits may have been outweighed by the disadvantages of forced villagization. The advantages were wiped out at any rate as war progressed in the area.

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120. João Carrilho, former director of Ad Hoc Land Commission, Ministry of Agriculture, Maputo, personal communication, 1993; see also Myers, West, and Eliseu (1993); and Tanner, Myers, and Oad (1993).

121. Sr. João Mosca, former head of CAIL, personal communication, May 1992; Margarida Martins, formerly with the Department of Agrarian Economics, Ministry of Agriculture, personal communication, April 1992. See also Tanner, Myers, and Oad (1993).

This point is highly debated, of course. Many officials at the central and provincial levels of government maintain that the centralized irrigation scheme was indeed a success or had the potential to become a success if the war and other external factors had not adversely affected it. Sr. Fagilde, former manager of plant and equipment, CAIL, personal communication, May 1993; Sr. Nhocumbe, Director, Conhane State Farm, personal communication, May 1993; Sr. Taelane, Director, Chilembene State Farm, personal communication, May 1993.

Land tenure and other social relations overall were transformed during the colonial era and the period after independence. There was a shift in power from local customary authorities first to the colonial government and later to the independent Mozambican central government. This shift undermined tenure security in the area and created dependent and unequal economic relationships (Tanner, Myers, and Oad 1993). These relationships—as well as simultaneous land shortages—were intensified by the war, particularly as more and more people fled into the area south of the river and closer to the boundaries of the city.

#### 4. LAND ACCESS AND TENURE DURING THE CIVIL WAR

Chokwe District was much richer than Chibuto before the war. It had direct access to the rail line and roads to Maputo. In addition, the irrigation complex and most of the state farms in the province were situated in Chokwe District. Then, after independence, the government invested heavily in these schemes and permitted the state farms to borrow substantial sums of money from Mozambican banks. As the war progressed, the government was forced to invest heavily in defending Chokwe; because of infrastructure created and other defense spending, many war refugees entered the district, bringing their cattle and other movable resources with them.

War-displaced farmers inundated the city of Chokwe beginning in the late 1980s. The population and boundaries of the city expanded considerably; *bairros* were established to hold the displaced. Many people came from across the river or from the area northwest of Matuba, but others fled from communal or other villages that were no longer secure. Before the war began, there were many settlements along the road from Chokwe to Macarretane. As the war intensified, people escaped to the relative safety of the city. Those displaced from these areas went to Bairros Three, Four, and Five.

As the civil war progressed, drawing resources from the central and provincial governments, many smallholders were able to escape the confines of the communal villages and farm their original lands, in a few cases reestablishing homesteads. Other relocated farmers, who were not as fortunate, were forced to use land in the area south of the rail line, between Matuba Aldeia and Bairro Four (see map 8). This land was later taken over by the thousands displaced by war and drought in the 1980s, however. These *aldeias* grew considerably in population once they were established; their allocated lands had become deficient in expanse by the late 1980s while their soil quality deteriorated with its continual use.

The irrigation scheme was restructured in 1984 and divided into ten smaller production units of approximately 2,000 hectares each. These production units included Massavasse, Conhane, and Chilembene, three of the largest farms. The most generous amount of land reportedly went to smallholders in 1984 when 9,000 hectares of the 33,000-hectare scheme were divested.<sup>122</sup> Rights to the best land were acquired by the private sector.<sup>123</sup> In many

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122. It is unclear how much of this **land actually** went to smallholders, for **many private** sector interests received land that was designated as family sector land and theoretically reserved for the family sector. See Tanner, Myers, and Oad (1993); and Myers and Tanner (1992).

123. Ibid.

cases the private sector included state farm managers, district and provincial officials, and other government officials acting on their own account.'<sup>24</sup>

Despite the new structure, state farms continued to experience serious difficulties, were unable to earn profits, and achieved minimal output. Land shortages remained acute for both smallholders and private commercial farmers inside and outside the scheme. The land divested to smallholders was grossly inadequate to meet the needs of the local population, let alone the thousands of displaced families who relocated in the area.'

Additional distributions of land were made within the irrigation scheme and north of the scheme in 1989, 1990, 1991, and 1992, as the state farms went bankrupt and closed. Again, most of this land was acquired by the private sector, especially large commercial interests such as JFS and joint-venture enterprises such as LOMACO and SEMOC. Some land was distributed to smallholder farmers, and a few displaced people received temporary use rights. Despite these distributions, smallholders had no tenure security, since the government has reacquired and redistributed land in many areas of the scheme several times over in the last few years. Thus tenure insecurity for smallholders remains a serious issue as government continues new rounds of distribution of land rights. Provincial and central government authorities counter that smallholders do not<sup>26</sup> have the capacity to exploit lands in the irrigation scheme or near the river or state farms.'

At the same time, research conducted in the district revealed a growing number of private commercial interests that successfully acquired land in the area outside of the irrigation scheme. These interests obtained land through the formal state structure, both legally and extralegally, displacing local smallholders, some of whom had already been moved several times. Many of these allocations were apparently acquired for speculative reasons: no utilization of the land followed. Sources working for NGOs in the area say that many farms in the scheme are owned by officials in Maputo, Xai-Xai, and Chokwe, and that they are not being exploited.

The joint-venture enterprise LOMACO acquired land in the irrigation scheme in 1987 (Tanner, Myers, and Oad 1993; Myers and Tanner 1992). Local residents claim that LOMACO got an additional parcel, part of the former Matuba State Farm, in 1990 or 1991. Both parcels are between the road and the river northwest of the city (see area marked as

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124. Myers, West, and Eliseu (1993); Myers and Tanner (1992); and Tanner, Myers, and Oad (1993).

125. Ibid.

126. This point was made numerous times during the course of our research and was repeated several times recently during the Second National Land Conference in Maputo (see Weiss and Myers 1994). Smallholder conferees took issue with the official **government position, saying that they had not only the capacity but also the desire to work the land. They argued further that they could work their own farms and also provide labor to the bigger farms.** Their only real problems, they said, were land shortages, insufficient credit, and cost of pesticides and fertilizers.

LOMACO-1 and LOMACO-2, respectively, on map 8). The two parcels represent at least 3,830 hectares of prime irrigated land.<sup>127</sup>

Some farmers interviewed said that they once had land in the area where LOMACO-1 is located. They state that they lost their rights many years ago when the state took control of the irrigation scheme following independence. Some of these farmers tried at some point to reoccupy their land but were forced to leave again once the joint venture began operations.

The land designated as LOMACO-2 was identified by many smallholders interviewed as a problem area. Several remarked that they were told by government officials and LOMACO management that they had to leave before the company started operations on this parcel. Many of these families had houses and trees as well as fields in the area. They report that when they refused to leave, they were "chased off" by LOMACO and their houses were destroyed. Some stated that LOMACO cut down their trees to lay irrigation tubes. Although these farmers say they were told that they would receive compensation from either the government or the company, it is unclear who told them this. To date, the farmers say, they have obtained neither new land nor compensation from either the government or the company; a formal protest was filed with the district government last year.<sup>128</sup>

As a result, tension is high in the smallholder community, particularly in the LOMACO-2 area. Smallholders blame both the government and the company for again displacing them from their lands. Many expressed anger and said that they blamed the government administration for permitting LOMACO to take their lands. Two other farmers declared that they want revenge on the company for appropriating their lands and houses. Peasants who still live in the communal villages fear that LOMACO will soon take all of the land in the lowlands—property that they previously held and to which they still claim rights.

João Ferreira dos Santos (JFS), a large private commercial company, has also moved into the zone between the road and the river, northwest of LOMACO's holdings; however, we have little information about this operation. While all of the smallholders interviewed thought negatively of—or had negative experience with—LOMACO, none of the smallholders

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127. These data are from the Land Registry, Provincial Office of DINAGECA, Xai-Xai, Gaza Province. The registrar reports that LOMACO controls over 3,830 hectares in **Macarnetane** and an additional 1,808 hectares in Chilembene. Provincial sources also report that JFS has rights to **approximately** 2,000 hectares, while SEMOC has 2,500 hectares in the irrigation scheme. **Throughout** the country, LOMACO has rights to **approximately** 500,000 hectares of land for **agriculture and** forestry. The **company** also has monopolistic rights in several areas covering more than 1 million hectares of smallholder farms (see Myers, West, and Eliseu 1993). It is difficult to determine exactly how much land these companies have or where their holdings are located, for they are extremely secretive—despite the fact that all three are involved in joint-venture operations with the Government of Mozambique.

128. At the recent Second National Land Conference in Maputo (25-27 May 1994), Carlos Enriques, General Director of LOMACO, disputed these claims, saying, "LOMACO is not the enemy of the peasants as portrayed by the Land Tenure Center in its publications." Smallholder farmers responded, "We are not lying; LOMACO took our land **and** it takes all the water [from the irrigation canals]." See Weiss and Myers (1994); and Myers and Weiss (1994).

questioned offered comments regarding JFS. In fact, smallholders observed that JFS assisted local farmers, whereas LOMACO would not even give them a greeting.<sup>129</sup>

Chibuto District, located across the Limpopo River from Chokwe District, was attacked regularly during the years before the cease-fire in 1992. Local residents reported that from 1989 to 1992, one area or another in Chibuto was attacked weekly. RENAMO troops occupied or moved about freely in many areas of the district. Displaced smallholders from Chibuto were interviewed before the peace accord in Chilembene. They said that most people in Chibuto, particularly those along the river, were forced to flee to more secure zones. Security in nearby areas was also unreliable. People who fled from Chibuto were not immune to attacks elsewhere, but suffered less frequently from hostilities than those few who chose to remain. At the same time, others moved into the communal villages in Chibuto District from areas that they perceived to be less secure.

A large percentage of the people who fled Chibuto District during the war moved across the river to Chilembene (Chokwe District). The movement occurred over a period of three to five years, but intensified in the last two years of the war as attacks increased and the drought continued. It appears that political relations were transplanted from Chaimite to Chilembene. Displaced farmers reported that lineage groupings moved together from Chaimite and apparently attempted to reproduce their spatial relationships, including the location of their temporary homes vis-à-vis their neighbors and lineage elders. Lineage heads had access to better land in the areas to which they were displaced. In addition, customary political leaders tried to maintain their political roles with their communities by negotiating on behalf of their people for access to land and other resources as well as to humanitarian food assistance. At the same time that people were fleeing from Chaimite, other people moved north into Chilembene from less secure zones to the south and east. The new population of displaced families intensified land shortages, ecological degradation, and social conflict in Chilembene.<sup>130</sup>

During the war, few displaced people gained access to land on the state farms in Chokwe District. Those who got land did so on a temporary basis, usually as tenants. Displaced families who arrived earlier were apparently more likely to gain access to land anywhere in the district than those who arrived later. Individuals in the latter group were forced to survive in other ways, that is, as farm or urban labor or as traders. Many depended on food aid, acquired either through formal donor assistance or through customary relationships. In

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129. Myers, West, and Eliseu (1993). See Weiss and Myers (1994); and Myers and Weiss (1994).

130. There was not enough land **available** in these areas to accommodate "local" families, let alone all the newly displaced. Those who were fortunate enough to acquire temporary land rights were usually people who **had** close kinship ties in Chilembene. According to field interviews, most of the displaced families gained access to less than 0.5 hectare of land. This land was **used continually through the last few years of the war and suffered serious** ecological **degradation** as a result. The fact that there were so **many displaced** people living on the fringes of the cities in Chokwe **District—and using available dry-land farms—meant that** smallholders who had access to land in the irrigation scheme were also forced to overexploit their holdings, either because they lost access to **dry-land** farms or **because** they feared their **land** in the scheme would be considered **abandoned** and therefore confiscated by **government** authorities (see **Tanner**, Myers, and Oad 1993; and Myers and Tanner 1992).

addition, a small number of individuals migrated back and forth between Chilembene and other localities such as Chaimite. These persons maintained their farms in Chibuto and returned at night to temporary homesteads in Chilembene (Myers, West, and Eliseu 1993).

Customary rules for acquiring and securing land rights in the irrigation scheme appear not to be used at all, and this may have also weakened the power of customary authorities over land in areas outside of the scheme. Most individuals interviewed before the cease-fire reported that local government officials had control over land distribution and conflict resolution. They said that if they wanted land, they had to ask the state farm, executive council, or district officials. They also commented that the government could move them to another location and take away their land rights if it so desired. Smallholders frequently stated that customary chiefs, including the *regulos*, no longer had power in the area (Myers, West, and Eliseu 1993).

## 5. LAND TENURE IN CHOKWE AND CHIBUTO DISTRICTS AFTER THE PEACE ACCORD

The adverse affects of the war and the horror that it created for the people of Mozambique have been documented elsewhere and in great detail. There is no question that the war created great hardship, including economic and political disruption. Many lives were lost while countless numbers were maimed physically or traumatized. It is apparent that the war created political and economic opportunities for many individuals (in labor, land, markets, and exchange), including smallholder farmers. It is also clear that after the peace accord some smallholders tried to maintain the economic and political advantages they had gained while exploring new opportunities or reactivating old economic relationships in the postwar period.

In the Chokwe region many people were moving even before the cease-fire was signed. Newly displaced families were coming into the area from RENAMO-held zones, while others were leaving the state-farm sector in the irrigation scheme as the government granted land to various interests, including private commercial enterprises, joint-venture companies (such as LOMACO and SEMOC), and some smallholder farmers. Still others were entering the area to capitalize on opportunities created by the irrigation scheme, the private companies, the NGOs, and the district government. At the same time, people were being displaced by LOMACO (and probably JFS) northwest of the city, creating a new group of landless farmers. Smallholder farmers in increasing numbers, particularly displaced smallholders living in the city's *bairros*, were traveling great distances to farm their old plots during the day.

After the peace accord an even greater number of people began to move around the region seeking access to land for homesteads and agriculture. However, the land available had diminished considerably as formerly displaced people returned to the area and more private

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131. Bonga and Wilson (1993); Vines (1991); Drumtra (1993); Minter (1989); Hall (1990); Finnegan (1992); Geffray (1990); Gersony (1988); Hanlon (1990); and Wilson (1992a).

132. Obviously, the "big winners" in this process were those who gained access to land and other natural resources (most of whom were not smallholder farmers but rather government officials and others with political connections).

sector commercial interests and joint-venture enterprises acquired land concessions. There appear to be many people in the district who are from the district but who have no place to live and little or no land to farm (see map 8). Some farmers who lived and farmed in the area northwest of Matuba have returned to their farms and homesteads. The land in this area is of poor quality, however, and will support only a small

When the first round of field interviews was conducted in May 1993, farmers displaced to Chilembene had just started to return to Chaimite. Most were quite insecure about their safety and often said that they expected the war to resume. As a consequence, farmers were investing a minimal amount of time and resources in agricultural production. A lot of time was being spent on renegotiating land rights and land access with other returning farmers and displaced families. Given the government relocation and villagization programs, farmers returning to Chaimite were not always certain where they should farm. Some farmers in Chaimite expressed concern that they would be forced to move again.

Most of the farmers interviewed in Chaimite were women, who reported several different land-use strategies. Some of them were the vanguard of their families, responsible for opening new lands or recovering family lands while their husbands and/or children remained behind in Chilembene. In other cases, older wives remained with children while husbands and senior sons moved back to Chaimite. Those who remained in Chilembene did so because they wanted to maximize their access to resources and government services—and minimize risks involved in a move away from those resources and areas they perceived as relatively secure. Some women in Chilembene continued to work as laborers on other people's farms rather than return immediately to Chaimite. Some reported that they remained in Chilembene to protect their houses, which the government was destroying or threatening to destroy if they were abandoned; others, displaced from greater distances, were attempting to farm in Chaimite on a temporary basis until they could move on or return to their family lands.

A majority of the people interviewed in the centers for displaced people were women. Many of them reported that they were waiting for their husbands to return from South Africa before they made a decision to leave the camps. In some cases, women were forced to remain in the camps in Chilembene because they lacked the financial resources to move.

There were at least two categories of individuals who were voluntarily displaced and attempting to farm in the area: those arriving from RENAMO-administered areas, and families from Chokwe District who had been relocated by the colonial and state farms. It also became apparent that a new category of the displaced was emerging in Chaimite, that is, individuals who were losing land to the private sector as the district and provincial governments distributed land to commercial interests. Farmers reported that the lowlands close to the river were difficult to recover since they were most often occupied or claimed by such private commercial interests. Farmers and locality officials confirmed that locality officials, infrequently in coordination with customary authorities, granted land to smallholders. Most of these grants were for land in the highlands, farthest (from 0.5 to 4 kilometers) from the river.

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133. See Weiss and Myers (1994); and Myers and Weiss (1994).

Across the river in Chilembene, conditions were somewhat different. There was less land available, and all land in the irrigation scheme was claimed by private sector or smallholder farmers. The area was more densely populated by individuals claiming historical rights and uprooted farmers, also claiming historical rights, who had been displaced off their own lands.

In May 1993, accommodation centers for the displaced, as well as "displaced camps," continued to exist, but the number of their occupants had diminished. Those who remained did so because they were afraid to leave the relative security of the area, because they had no place to go, or because of opportunities in Chilembene such as access to education and other social services, irrigated land, markets, and better transport.

Some individuals living in the camps had been effectively displaced from their own land. These individuals asserted that they or their families were from Chilembene and that they had lost land at some point in time either to colonial farmers, to the state after independence, or to new private or smallholder farmers. They now were laborers or squatters on their land. They said that they were hoping to reacquire rights to land somewhere in the locality; some had spoken with district officials about their needs.

Individuals from Chilembene who claimed historical rights to land reported that they would like the displaced families to return to their areas of origin. It is a common opinion among smallholders that there is not enough land in Chilembene and that residents have done their part to support the displaced people. At the same time, important economic—and sometimes social—relationships have developed between the smallholders and displaced people in Chilembene. Local residents have benefited from the relatively cheap labor afforded by a large supply of displaced persons, who have worked in construction and in agriculture. Some displaced people have established trading enterprises while others have specialized in services. In addition, many young men have married women in Chilembene and have no intention of moving away.

Locality government officials also said that they would like the displaced people to return to their areas of origin. They claim that the displaced are a drain on the city's financial resources and administrative capacity. Displaced people in Chilembene reported that they were being forced to leave—to return to their areas of origin or to move across the river. Some said that the locality government was destroying or threatening to destroy their houses in the camps. Apparently those who were trying to divide their residences were targeted more than those who were attempting to remain in Chilembene. District officials reported that displaced farmers had not understood their instructions and that no houses had been destroyed; they insisted that smallholders were not being forced to leave. Smallholders

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134. There is an important difference between "claimed land" and "occupied land." There are many reported cases of **individuals** from Xai-Xai, Chokwe, or Maputo **acquiring** land (i.e., claiming rights) without **occupying** it or planting crops. Smallholders complain that these absentee landholders are not using the land and that local residents would use it productively (see Weiss and Myers 1994; and Myers and Weiss 1994).

135. See **Tanner, Myers, and Oad** (1993).

136. See also Myers (1993a); Myers (1993c).

responded to this perceived threat by leaving schoolchildren in the Chilembene camp while they worked in other locations. Evidently this type of encouragement to move is also happening elsewhere in the country

When a second round of research was conducted seven months later, in January 1994, conditions had changed in both Chilembene and Chaimite. Investigations in Chilembene revealed that many more displaced farmers had moved back across the river to Chaimite and to other places south of Chilembene. However, many displaced smallholders still remained in Chilembene, frequently for the same reasons as noted during the first round of research. Some women said that they were waiting for their husbands to return from South Africa; others claimed that they did not have the financial resources to support a move. Still other individuals feared that the war was not really over and did not want to risk moving at this time. A final category of individuals simply had no place to go.

In Chaimite several farmers were interviewed who had returned from Chilembene or other areas in the irrigation scheme. These farmers said that they were now farming on land that they possessed before the war displaced them. Upon closer examination it became evident that these farmers had actually been displaced during the villagization program of the late 1970s, though some had managed to continue farming until the war drove them across the river to Chilembene. These farmers reported that before the villagization program, they had larger tracts of land in the area, but some land was taken by the government and redistributed to other members of the communal village. Although they returned to the land to which they claimed historical rights, in reality those rights had been superseded by a government-created village. In fact, their rights were now qualified by the state.

Other farmers were interviewed along the road between Guija and Chaimite. Several smallholder and small private commercial farmers had recently (re)established themselves within a 25-kilometer stretch along the highway. A few new houses and homesteads were built on the north side of the road, clustered on the periphery of Guija and around the communal villages near Capela. Other newly established homesteads and farms were scattered between these two points.

Interviews revealed that many of the new farms were being maintained by "week farmers." These individuals are planting and maintaining their crops during the week and returning to Chaimite city, Chilembene, or one of the communal villages during the weekend or at night. They do this to keep their households in areas that they perceive to be relatively secure. Again, it is unclear if these week farmers have tenure security. It is clear that many of those returning to the area were given land by the government in 1977, when they were all displaced from the south side of the road. It is not clear how many of these people had land in this area before 1977 and how many had their holdings reduced when the government redistributed land. It is also unclear what the economic costs are for a population to invest time and resources in maintaining two homesteads.

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137. See *Mozambique Peace Process Bulletin* (1993). A similar **phenomenon** was reported in Sofala Province; other **unconfirmed** cases **have** been reported by NGOs **operating in rural Mozambique**.

The January 1994 field research in Chokwe showed that conditions had not changed much in seven months. While many people in the outer areas and *bairros* of the city have moved, many more have remained in the *aldeias* and in the city. It is unclear how many of these individuals are staying because they have no place to go and how many are staying because of opportunities that exist in Chokwe. However, people frequently reported both reasons for not moving from their current location in the camps. As in Chibuto District, many individuals said that they were either fearful or convinced that the war would resume in the near

In January we witnessed many small plots being farmed along the road between the city of Chokwe and the dam at Macarretane as well as between the rail line and the road (map 8). All of the farmers in this latter category reportedly belong to displaced families, some of whom come from Chokwe District but have no place to go. It is obvious that these individuals, literally farming in the margins, have little or no tenure security. Research also disclosed that some smallholders had succeeded in returning to land near the river, but that they were hemmed in by large private commercial farms and joint-venture enterprises. They complained that they had to walk long distances around these holdings to gain access to the main roads and the city.

## 6. CONCERNS RAISED BY THE CASE OF CHOKWE AND CHIBUTO DISTRICTS

Research in both districts has elucidated several issues of concern. Government officials feel that many of the landless peasants living in the region are displaced and will move back to their lands of origin now that the war is over. Officials fail to recognize that many of the displaced are actually from this area and thus have no other place to return to. Essentially these smallholders have been dispossessed of their land and are trapped in the *aldeias* or *bairros*. The problem is exacerbated by government officials, who continue to grant land concessions in the area or who permit the expansion of private sector commercial and joint-venture enterprises. This suggests another concern: Government believes both that it knows where free land is located and that it has the capacity and authority to distribute it. These ongoing concessions are leading to a new category of postwar displaced who are extremely frustrated with government.

Another concern is the official view that those displaced people who have begun to farm have settled permanently. Indeed, this is far from the case. Smallholders will continue to move as new opportunities or constraints arise. Government officials fail to recognize that smallholders are influenced by the same economic rationale as larger commercial interests—they too want access to the better irrigated lands in the Limpopo River Valley. Officials justify the displacement of smallholders in favor of larger commercial interests and joint-venture enterprises by claiming that the latter have a greater capacity to exploit the land. If

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138. See also Myers (1993a); and Myers (1993c). This point, that the war would resume in the near future, was voiced by smallholders and other Mozambicans throughout the country. Nina Berg, Norwegian Refugee Council, reported similar observations in Tete Province (personal communication, February 1994). Harry West, University of Wisconsin-Madison, after conducting field research in Inhambane and Cabo Delgado provinces, also commented on the view among smallholders that war would resume (personal communications, February and May 1994).

many commercial farm holders are in fact not currently farming their lands (i.e., they are speculating), are underutilizing their land, or are unable to exploit their concession profitably, then it appears that this justification is unwarranted and requires reevaluation. However, it is naive to assume that such concessions are being granted simply on a "capacity to farm" basis. Other factors, including personal accumulation and corruption, are presumably fueling the land concessions being granted.

The case of LOMACO's land acquisition is of particular concern. After the government granted permission to LOMACO to expand in the area described as LOMACO-2, it is unclear whether the government itself failed to find new land or compensate local farmers for their losses or whether LOMACO was supposed to compensate local farmers. Local government officials in Chokwe also reported that they had not favored the enterprise's expansion in the area and had tried to prevent it. In any case, it is particularly worrisome that the government would permit the dislocation of smallholders in favor of a joint-venture enterprise, and specifically one that has had several unprofitable years. Further, LOMACO's expansion as described above has led to great tenure insecurity in the area, since local smallholders and small private commercial farmers fear that the enterprise will soon control all land in the area near LOMACO-2. This situation can only inhibit smallholder and private investment. Since smallholders and other private interests are not confident of their tenure security, they will not be inclined to make long-term investments, instead focusing on short-term gains. This strategy often results in poor resource management and ecological

As part of our analysis, we need to determine if LOMACO has satisfied the terms of its contractual arrangement. In order to do this, we need the terms of the agreement; up to the present, however, neither LOMACO nor the government has disclosed this information. Additionally, the enterprise has not been forthcoming regarding its profitability (or, conversely, its losses) in Chokwe or elsewhere in the country.

Smallholders in the area are well aware of the government's participation in LOMACO. As noted, the government is frequently cited as a central antagonist in the region. Indeed, smallholders interviewed complained that the government was facilitating theft of their land by private interests and joint ventures. One example will demonstrate this point. A group of farmers who participated in a group interview professed that "party" (i.e., FRELIMO) representatives had visited them before LOMACO expanded operations in 1991. Government (and sometimes FRELIMO) representatives reportedly also accompany private and large

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139. Mozambican members of LOMACO's managing board of directors report that the **company** has not been profitable for several years between 1990 and 1994. Another government official admitted that the **company** was **drawing** credit from the Central **Bank** of Mozambique, which could be used more productively elsewhere in the economy (see also Myers and West 1993). These sources asked to remain **anonymous**. In a series of debates with the Land Tenure Center (verbal and written communications), LOMACO officials deny that the company is unprofitable, asserting that it has brought "development" to the region. LOMACO refuses to open its books to financial scrutiny, despite the fact that it is a joint-venture company with the Government of Mozambique. **Consequently**, we are forced to rely on the comments of Mozambicans involved in the LOMACO operations, without recourse to the actual documents in question. (Any documents that have been **gathered** by the LTC project in Mozambique, **including** written communications with LOMACO, are available through the Land Tenure Center, University of Wisconsin-Madison.)

140. See Myers and Tanner (1992); and Tanner, Myers, and Oad (1993).

commercial interests who wish to acquire land in the area. The officials supposedly ask the local farmers to assist them by giving these visitors land for farms. In return, the officials aver, the local farmers will receive assistance (such as seeds and sprays) and services (including extension and transport). Local farmers who recounted this story said that not only did they not receive any assistance or services, but also these enterprises took much more land than the areas agreed to by the local farmers. The farmers also expressed dismay with government officials who facilitate "land theft," since key central government dignitaries (including the past president, the current president, the minister of agriculture, and other high-ranking officials) are themselves from southern Gaza Province and were therefore expected to be more sympathetic to the smallholders' situation. In short, these farmers did not speak positively about government—and some specifically spoke with anger about FRELIMO.

LOMACO's involvement in the region could potentially be constructive. The enterprise has the capacity to open new lands, develop infrastructure (roads and transport), and train manpower. However, the company seems destined to fail in this capacity since it condones its antagonistic relationship with the local community. It is unfortunate that the local population sees LOMACO as an adversary rather than a partner "

Investment in the area is also being adversely affected by the pervasive fear that war will resume soon. As in other part of the country, smallholders claim that the war is not finished. Therefore, they do not wish to invest in building new permanent homesteads, clearing new fields, planting trees, and so forth Another factor affecting investment, for both smallholders and private commercial interests, is the unproductive use of significant amounts of money and other resources to secure rights to land. As previously noted, some commercial interests appear to be speculating on a future land market, for they have acquired land and have not begun production—and do not intend to.

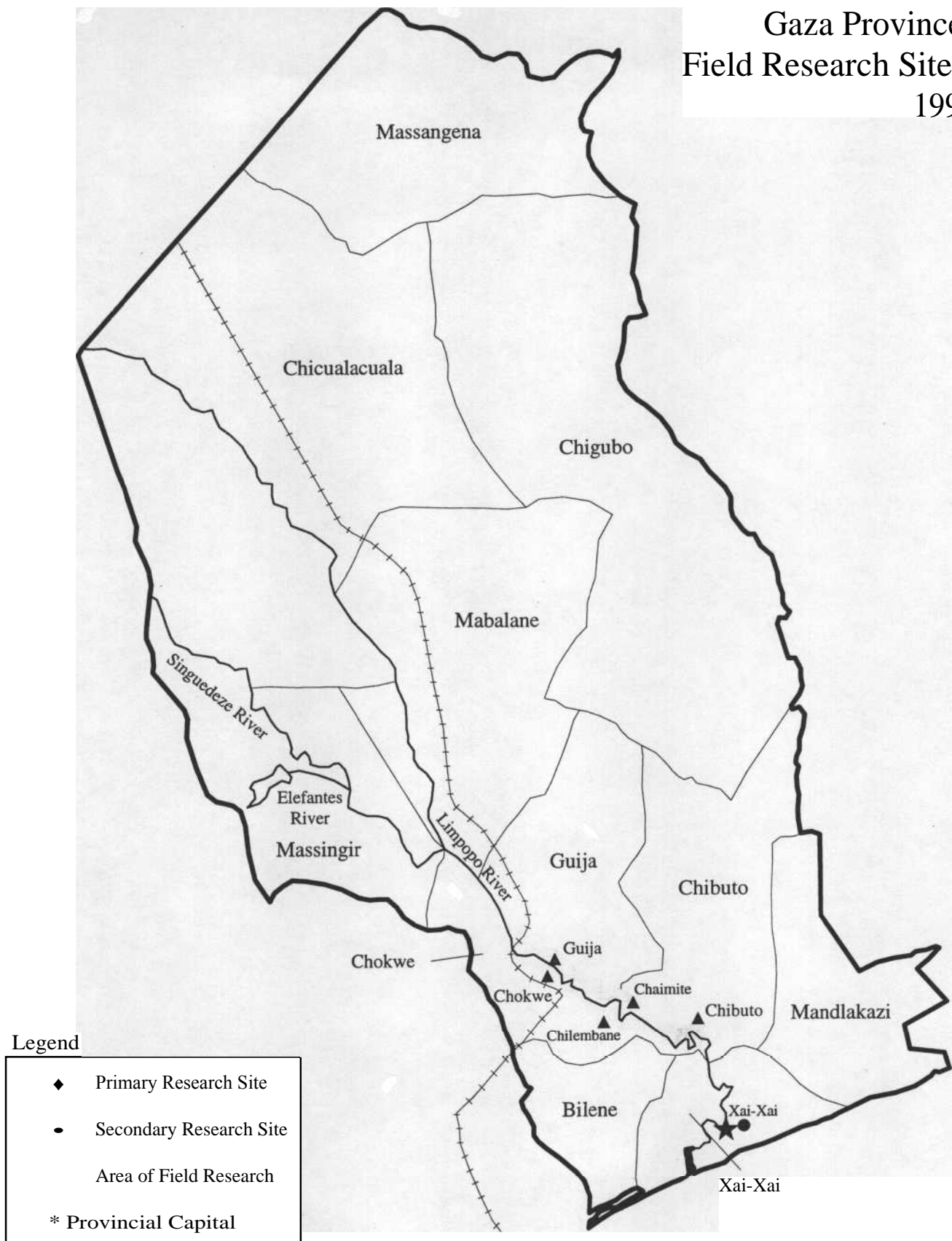
Above all, it appears that the tension between official authorities and local smallholders has not diminished in the postwar period. This is particularly worrisome given a near breakdown of customary authority with regard to land in the region. It is unclear how local farmers are resolving land disputes south of the Limpopo River. It seems that they rely on family elders, though local officials are called upon when the elders are unable to resolve differences. What types of social and political transformations are taking place as a result of these tensions are unclear, and further research is necessary.

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141. See also Weiss and Myers (1994); and Myers and Weiss (1994).

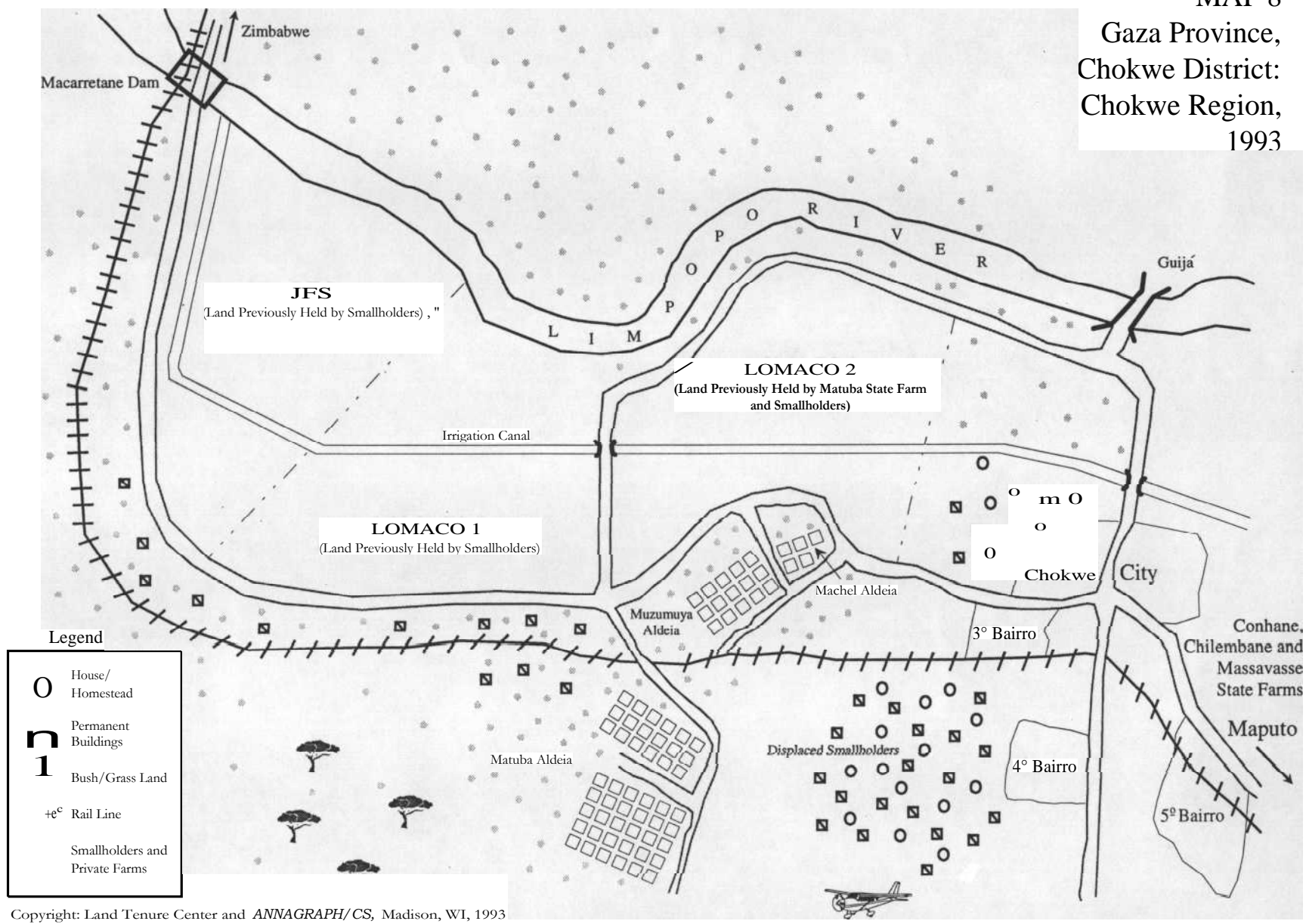
**142. Apparently smallholders' opinion about the continuation of peace is positively affected by the passage of more and more time without a resumption of hostilities.** At the Second National Land Conference in Mozambique in May 1994, for example, smallholders from Gaza and Inhambane provinces seemed more hopeful about prospects for peace than when they were interviewed in Chokwe in January. Many said that they were waiting until after elections before making long-term commitments and investments in their new homesteads. This concern about elections was heard throughout the country (see also Alexander 1994).

MAP 7  
Gaza Province:  
Field Research Sites,  
1993

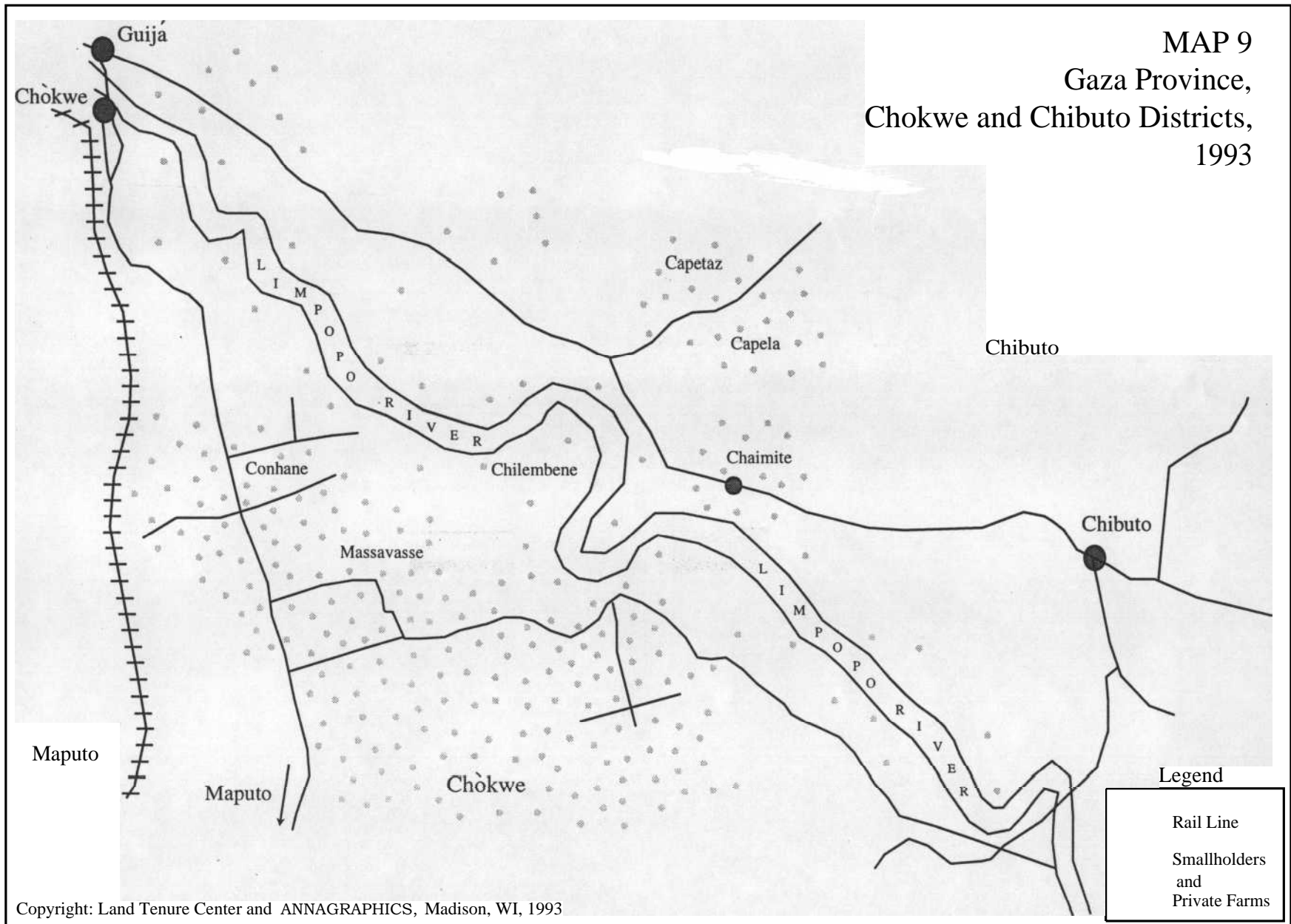


ANNAGRAPHS and Land Tenure Center,  
Madison, WI, 1993

MAP 8  
Gaza Province,  
Chokwe District:  
Chokwe Region,  
1993



MAP 9  
Gaza Province,  
Chokwe and Chibuto Districts,  
1993



## B. NHAMATANDA DISTRICT, SOFALA PROVINCE

### 1. RESEARCH SITES AND OBJECTIVES

LTC researchers visited Nhamatanda District three times in the last two years, choosing five geographical locations, north and south of the road and railway line, for further investigation: (1) Djasse, (2) Nharuchonga, (3) Nhamatanda, (4) Lamego, and (5) Muda (see maps 10-14). The most recent field study was conducted in July 1993, approximately nine months after the peace accord was initiated. This case study on land access builds upon a 1992 LTC investigation that was part of a larger study focusing on divestiture of state farm lands and assets in

In this and the case study of Manica Province that follows, we endeavor to enrich our understanding of tenure and power relations in several districts along or contiguous to the Beira corridor in central Mozambique. As discussed below, the corridor has been the site of substantial financial investment from the colonial period to the present. This investment has affected economic and power relations as well as land tenure rules and land access in the colonial, independence, and postwar periods. The entire corridor is densely populated (see map 2), and during the war it was heavily settled by displaced families. It is the sight of major road and rail transport between Zimbabwe and the Mozambican seaport in Beira. The case studies in Nhamatanda and Vanduzi districts are representative of other communities in the Beira corridor.

In the case of Nhamatanda we specifically attempted to understand if returning refugees and displaced farmers had returned to their family lands and to discover more about the interaction between displaced farmers, returning refugees, and local inhabitants with regard to land access and control over natural resources in the postwar period. We also focused on who was distributing land and resolving land disputes and on the interaction between new or returning nonlocal commercial interests and local smallholders.

### 2. COMMON HISTORICAL, LAND TENURE, AND SOCIAL EXPERIENCES WITHIN THE BEIRA CORRIDOR

The districts investigated in both Sofala and Manica Province, while different in many ways, share numerous common historical experiences. These happenings influenced social,

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**143. Approximately 75 farmers** were interviewed at these five sites in 1993, ten of whom were returning refugees while 32 were displaced farmers. In addition, two group interviews were held in Lamego and Muda; six farmers participated at Lamego while seven farmers took part at Muda. Small commercial private farmers were queried as well. Besides these farmers, we interviewed several locality and district-level government officials, rural extension agents, and representatives of NGOs operating in the area. The government officials included the district **agricultural** officer, the provincial agricultural officer, the district chief of DINAGECA, the secretary of the government repatriation center at Muda, the secretary of the center for displaced people at Gorongosa, and extension agents in Lamego and Nharuchonga.

144. See Myers, West, and Eliseu (1993). In this earlier investigation we interviewed many of the same government officials **and approximately 56 smallholders** in and around Lamego. In addition, Harry West and Julieta Eliseu conducted group interviews at two sites in Lamego, Eliseu interviewing approximately 25 women in one meeting.

political, and economic relations within the local communities and between these communities and the outside world. When the Portuguese arrived in the fifteenth century they found a relatively dense settlement of Africans and a smaller number of Indians living along the coast, including the territory around the present-day coastal city of Beira in Sofala Province. The interior territory, stretching west, was significantly less populated. Nda-, Sena-, Teve-, Tonga-, Gorongosa-, and Shona-speaking peoples inhabited the region. These groups were patrilineal, organized by lineage or clan structures. Politically they were vertically hierarchical, with power vested in a chief at the top of the organization. The authorities were supported in descending order by *mambos* or subchiefs, their assistants, and lineage or clan elders. These groups continue to inhabit the area, they are patrilineal, and there is some evidence indicating that the political structures are similar to those the Portuguese

Today, the port city of Beira and the coast remain more densely populated than the interior regions; however, a high percentage of the population in central Mozambique is now squeezed into a narrow band running along the historic trade corridor between Zimbabwe and the coast. This area was, and continues to be, the site of significant economic investment. During the war the region was heavily defended (and often attacked), attracting many thousands of

As early as 1525 the Portuguese gained military control over parts of Sofala Province. In the 1600s the Portuguese government granted concessions to Portuguese settlers to extend this control. These concessions, known as *prazos*, granted settlers monopolistic marketing authority, land, and the right to exploit local labor and collect taxes. The holders of *prazos* had complete political and economic authority in their areas and often waged war to expand or maintain control. From the 1600s to the 1800s, the history of Sofala and Manica Province is one of intense conflict between the Portuguese and the local populations, with the former losing many military campaigns. However, a combination of factors—including the *prazos*, labor practices which involved slavery, and military campaigns—created or stimulated divisions within local communities and between communities and led to population dislocation. These separations created opportunities for the "disadvantaged" or disaffected in many communities to rebel against the control or rules established

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145. For a brief summary of ethnic groups in this region and their political structures, see Lundin (1992a). For a more specific discussion of the Shona, see Beach (1994).

146. District Agricultural Officer, personal communication, July 1992; Chief, Services of Provincial Department of Agrarian Economics, personal communication, July 1992. See also Myers, West, and Eliseu (1993).

This area is unique in these provinces. The communities further away from the corridor are poorer and were virtually undefended during the war. In the areas north and south of the corridor, power and economic struggles and relations are different; land access and tenure relations, as a result, are distinct (see Alexander 1994).

147. For two different perspectives on the *prazos*, see Isaacman (1972); Isaacman and Isaacman (1983); and Lundin (1992a). For a historical discussion, see Lacerda (1929).

148. Lundin (1992a) notes that the *prazos* also had cooperative relationships with local communities and customary authorities. They often paid tribute to local leaders for their assistance and cooperation and their owners often married the daughters of customary authorities. These cooperative arrangements transformed both the nature of customary society and the power of the *prazos*.

by more powerful communities or segments within their own societies. In turn, these internal social rebellions created opportunities for colonial economic and political penetration. By the late nineteenth century, the Portuguese were able to capitalize on internal divisions and gain administrative control over the territory. *Chibalo*, a forced labor system, was introduced in 1900 and continued until 1950. According to Isaacman the struggle between indigenous communities and the Portuguese resulted in a transformation of social (including gender) relations, "individualization of the peasantry," dissolution of "collective" working arrangements, decline of "supra-household" kinship affiliations, and heightened economic differentiation.<sup>150</sup> Lundin (1992a, 1992b) observes that not only were local social, political, and economic relations transformed by the Portuguese presence, but also local Portuguese relations were changed, creating tensions within the community and between the colony and Lisbon (Lundin 1992a, 1992b).

The Portuguese government in Lisbon, as a result of its own economic weaknesses, was unable to invest directly in Mozambique. It sold concessions to foreign companies. These concessions, covering vast tracts of land, gave the companies administrative rights in their respective zones. The Mozambique Company was chartered to administer and develop a large area in Manica and Sofala provinces. It reaped great profits through labor exploitation and the purchase of cotton at artificially low prices. The company sold labor to nearby settler estates. After 1925, Portuguese settlers, mostly peasants, came to Mozambique in greater numbers (Isaacman and Isaacman 1983). The settlers were given choice tracts of land, cash bonuses, low-interest credit, and technical assistance. Most of these earlier settlers acquired land in southern Gaza Province, along the Limpopo River, and in the Manica highlands.

Small and large private firms also acquired concessions in Manica and Sofala throughout this period, displacing many local families. The operations of these firms ranged from citrus farming to cattle ranching to sugar production and processing. Some of the farms in the area of investigation included Polpa Papel, Companhia Textile do Pungôe, Mocambique Industrial, SOALPO, and Textafrica in Sofala; and SOALPO, Textafrica, and Chimonica in Manica.<sup>151</sup> Indeed, cadastre maps of the lands north and south of the corridor from the colonial period illustrate that the entire area was heavily occupied by small and large private agricultural operations. In Sofala, near Nhamatanda, Srs. Soares, Osvaldo, Popadac, Sanglides, and Castanheira had holdings averaging 1,000 hectares each. In Manica, near Vanduzi, Srs. Nogueira, Pina, and Ribeiro held properties in excess of 1,000 hectares, while several other individuals had farms between 180 and 500 hectares. A little further north of Vanduzi post, another cluster of private farms, held by Srs. Nobre, SimOes, and Nogueira, controlled approximately 2,000 hectares each. There were several other medium-sized holdings extending northward, each approximately 2,000 hectares (Myers, West, and Eliseu 1993).

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149. See Isaacman and Isaacman (1983); Isaacman (1992); Vail and White (1980); and Curtin et al. (1981).

150. Isaacman and Isaacman (1983, 1977); Isaacman (1992); see also Vail and White (1980).

151. For a more complete list and discussion of these companies, see Coelho (1993); for a complete discussion of Mocambique Industrial, see Lundin (1992a).

Several of these same companies are still in operation or are returning to reassert claims. See Myers, West, and Eliseu (1993); and Alexander (1994).

The *prazo* system was abolished in 1930 and the colonial government assumed direct administrative control over more than 260,000 square kilometers (26 million hectares) of land throughout the country. Sofala and Manica provinces were administered as one district covering approximately 12.5 million hectares. Economic and administrative zones were established after 1938 and twelve companies were given monopolistic control over the production of cotton. The companies were allowed to buy cotton from native producers at artificially depressed prices (lower than the prices paid to white settlers). These zones covered more than half the country; two of them, Companhia Colonial do Buzi and Companhia Nacional Algodoeira, covered vast areas in Sofala and Manica provinces. In these zones, the government in Lisbon imposed a policy of forced cotton cultivation on indigenous black Mozambicans.<sup>152</sup>

In the face of growing opposition (largely but not exclusively from black Mozambicans) and the successes of FRELIMO in the early 1960s, the colonial government initiated the development of the *aldeamentos* and *colonatos*. *Aldeamentos* were part of a forced villagization program; peasants were moved into "strategic hamlets" as a buffer against FRELIMO advances and to optimize colonial control of the local population. *Aldeamentos* were created all over the country, particularly in the northern provinces of Tete, Niassa, and Cabo Delgado. Between 50 and 60 percent of the indigenous population in these three provinces was forcibly relocated,<sup>153</sup> resulting in population concentration, landlessness, and declining agricultural productivity. The colonial regime did not begin the villagization program in Sofala and Manica until 1971, and by then the government had few resources to devote to its implementation.<sup>154</sup>

At about the same time in the 1960s, the colonial government started a colonization program using *colonatos*. These colonies of white settlers and a few *assimilados* (assimilated black Mozambicans) also were often located in strategic military areas; they, too, were used as buffers against the advances of FRELIMO. The settlers were mostly poor Portuguese farmers. The colonial government selected large tracts of prime land, surveyed and cleared blocks for the *colonos*, and provided low-interest credit, seeds, and technical services. The tracts were frequently already occupied by indigenous smallholder farmers, who were forced off the land but who either remained on marginal land around the periphery of the *colonato* or stayed on their old land as tenants of the *colonos*. Several of these blocks were established in Sofala and Manica provinces. One *colonato* in Sussundenga District, Manica Province, covered approximately 18,000

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152. Isaacman and Isaacman (1983); Isaacman (1992, 1982, 1972); Lundin (1992a, 1992b); and Henriksen (1983).

153. Ibid. See also Coelho (1993).

154. Ibid.

155. Alexander (1994); interviews with Hermes Sueia, UREA (Unidade de Reestruturação de Empresas Agrárias), Ministry of Agriculture, Maputo, February 1992 and August 1993.

By 1967, it is estimated that there were 4,043 "registered" farms, totaling 2.27 million hectares, in Mozambique.<sup>156</sup> Many of these farms were part of the established *colonatos*. In Sofala and Manica, 451 farms (or 11 percent) of the farms registered countrywide covered 677,000 hectares (29.8 percent of the total area registered).

The more intrusive colonial political and economic policies were designed to control land and natural resources. The *prazos*, plantations, concessions, *aldeamentos*, and *colonatos* all resulted in physical displacement as well as political and economic disruption. Mozambicans were either forced off their lands or became landless laborers on their own farms. This eventually led to the growth of the independence movement and the downfall of the colonial regime. However, not all parties in the resistance had the same goals and objectives. Some of those supporting the fight for independence had ideological goals that conflicted with those of the movement's leadership, particularly regarding the future nature of the Mozambican economy and society. Many who later broke from FRELIMO thought differently about race and property relations, preferring to purge whites from Mozambique and capitalize on reclaimed resources. Some of these individuals came from "traditional" political families while others belonged to an emerging black capitalist class, including the *assimilados*. Many of both groups came from Zambezia, Sofala, and Manica provinces. It is not coincidental, therefore, that there is a strong relationship between the economic and political history of these three provinces and the evolution of civil war in Mozambique.<sup>157</sup>

### 3. LAND TENURE IN NHAMATANDA DISTRICT BEFORE THE PEACE ACCORD

After independence most private farmers, including the *colonos*, abandoned their farms in Sofala Province. The newly independent government began to "intervene" (i.e., take over) and nationalize several of these farms in 1976 and eventually created at least thirteen state enterprises in Sofala Province.<sup>158</sup> These enterprises covered more than 35,000 hectares (see map 3). Two of these farms were located in Nhamatanda District—Lamego Agricultural State Farm (3,726 hectares) and Muda Agriculture and Livestock State Enterprise. The area of the latter enterprise is thought to have been several thousand hectares but is unknown by government officials in Maputo.<sup>159</sup> The boundaries of the state farms were not necessarily coterminous with their colonial counterparts. In some instances the state farms were carved from larger colonial-era private farms, but in many more cases they were amalgamations of several small or medium-sized colonial private farms. Consequently, smallholders, who may

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156. See Standard Bank Group, *Annual Economic Review, Mozambique, 1968*, p. 3, cited in Isaacman and Isaacman (1983, p. 44). In 1993 officials at DINAGECA estimated that at least 6,000-7,000 land titles were issued by independence. In addition, after independence the state farm sector covered approximately 600,000 hectares. Government officials in Maputo assert that the state farm sector included only a fraction of the farms abandoned at independence. Consequently, it is likely that both the number of colonial-era "private" farms and their area exceeds the figures reported by the Standard Bank Group.

157. See Sidaway (1992); and Geffray and Pederson (1988).

158. See Myers, West, and Eliseu (1993).

159. Interviews with Hermes Sueia, UREA (Unidade de Reestruturação de Empresas Agrárias), Ministry of Agriculture, Maputo, February 1992 and August 1993. When research was conducted on the state farm sector in 1992, the Muda Agriculture and Livestock State Enterprise had closed. We were unable to interview farm officials about its operations.

have been able to maintain rights to land between the private farms during the colonial era, were pushed farther away from their land when the state enterprises were created. The Lamego Agricultural State Farm in Nhamatanda is an example of such an amalgamation (Myers, West, and Eliseu 1993).

At about the same time that the state farms were created, the government established cooperative farms for smallholders near the agricultural enterprises and initiated its own villagization program with the creation of the *aldeias comunais* (communal villages). Many of these villages were established in the same location as the old colonial *aldeamentos*. Neither Sofala nor Manica Province had as many communal villages as other areas in the country such as Gaza or Cabo Delgado Province. Nonetheless, communal villages were established in the former two provinces in the period from 1975 through 1978. Isaacman and Araujo,<sup>160</sup> respectively, estimate that in 1982-1983 between 9.5 and 12.6 percent of the population in Sofala Province was forced into communal villages. This contrasts with Manica Province where estimates range from 22.4 to 25.4 percent.<sup>161</sup> It is not coincidental that the number of *aldeias comunais* established in each province parallels the number of *aldeamentos*. To understand the dismay, frustration, and resentment that people initially had toward the *aldeias comunais*, it is necessary to understand their attitudes toward the *aldeamentos*. Lundin (1992, p. 28) writes about the latter: "The *aldeamentos* were a means of controlling the population in a situation of social disorder. The *aldeamento* was an arbitrary attitude of violence and was regarded as an imposition."

Regardless of which estimate for villagization we use, the total figure remains staggering. Countrywide estimations of the number of people affected by the program range from 1.2 million to 1.8 million to 2.5 million.<sup>162</sup> If total population was 13 million in Mozambique in 1982, then between 9.2 percent and 19.2 percent of the country's population was moved into communal villages.<sup>163</sup> We know from field research in Nhamatanda and Vanduzi that all of these people did not remain in the villages and in many cases maintained two home-steads—one official in the village and one traditional on their family land.<sup>164</sup> At the same time, many of the communal villages, particularly in the central part of the country, became RENAMO targets during the war. Consequently, in many locations smallholders were in a no-win situation: They were damned if they stayed in the villages and damned if they left.

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160. Isaacman and Isaacman (1983, p. 155) draw their data from the National Commission of Communal Villages, 31 May 1982; Araujo (1988).

161. In Tete the figures range from 10.1 to 17.3 percent, in Gaza from 30.1 to 50.9 percent, and in Cabo Delgado from 86.7 to 90.0 percent.

162. *Noticias* (28 August 1982) reported that 1.2 million people were affected by the villagization program, while Isaacman and Isaacman (1983, p. 155) suggest that 1.8 million people were moved into the villages. We extrapolate from Araujo's (1988) work and figure that 2.5 million people were moved into communal villages.

163. Araujo (1988) estimates that by 1983, 20.0 percent of the rural population was relocated into government villages.

164. See also João Carrilho, former chief, Ad Hoc Land Commission, Ministry of Agriculture, Maputo, personal communication, July and August 1992.

The new government's policies with regard to land—the creation of state farms, cooperatives, and communal villages—and its emphasis on large-scale, state-managed production at the expense of small-scale (private and family) producers led to new social tensions, physical dislocation, and economic disruption in the countryside.<sup>165</sup> Fundamental social relations and institutions were affected, including bride wealth, inheritance patterns, and dispute-resolution mechanisms. At the same time, many aspiring entrepreneurs and petty capitalists were prevented from realizing their goals. Smallholders and smaller commercial interests (including the *assimilados*, whites, and Indians) had planned to move into the vacuum left by white settlers. Smallholders and *assimilados* say that when they were prevented from reacquiring holdings lost during the colonial period or from capitalizing on opportunities created when the Portuguese and others abandoned the country, they became frustrated and angry.<sup>166</sup> It is likely that this frustration made fertile ground for the expansion of hostilities.

Field research, conducted in 1992 before the peace accord, documented a number of land tenure practices, most of which were based on local social relations, war-time conditions, and government policy. Tenure relations represented a patch-quilt of multiple types of temporary (and occasionally illegal) and semipermanent land-tenure regimes. A broad mix of smallholders, displaced families, commercial interests, and state enterprises existed concurrently, and often conterminously, in Nhamatanda District. Although state farms had recently closed due to financial and managerial difficulties,<sup>167</sup> they maintained control over their land. Some smallholders were farming family land, while others were squatting on state farm land or land belonging to former private enterprises. Some conflicts were reported in 1992.

As noted at the beginning of this section, the majority of the province's estimated population of 1.42 million people—and uncounted displaced people from other provinces—were squeezed into a narrow band, perhaps 3 to 5 kilometers wide, on either side of the road and railway line (i.e., the corridor) or in protected government areas. Others were forced to remain in RENAMO-held areas. Many of those living in the government-controlled areas were living in or around government-created villages and cooperatives. These villages and cooperatives had populations far exceeding their intended capacity. For example, one village visited in Lamego had a population of approximately 5,800 individuals, though it was intended to accommodate only 40 or 50 families.<sup>168</sup> Many of the current inhabitants were not from the area, but came from farther south or north of the corridor seeking safety from RENAMO attacks. Conversely, many people who claimed historical rights had fled the area

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165. See Sidaway (1992); Geffray and Pederson (1988); Geffray (1990); Hanlon (1990).

166. Field interviews with smallholders, Chokwe, **Gaza** Province, April 1992 and November 1993; see also Tanner, Myers, and **Oad** (1993). Field interviews with smallholders, Nhamatanda, Sofala Province, July 1992; and **Vanduzi**, **Manica** Province, **August** 1993; Myers, West, and Eliseu (1993). See also **Sidaway** (1992); Geffray (1990); and Hanlon (1990).

167. See Myers, West, and Eliseu (1993).

168. Interviews with smallholder farmer, Lamego, July 1992; this information was confirmed by **agricultural** extension agents from Lamego, July 1992. See also Myers, West, and Eliseu (1993).

for Beira or other more secure zones.' Smallholders and displaced farmers frequently reported overcrowding, land shortages, soil degradation, and tenure insecurity.

Smallholders were not always clearheaded about their tenure rights. For example, some smallholders in Lamego had been displaced by the colonial plantation concessions. Some of the same families were again displaced by the *colonatos* and *aldeamentos*. After independence, many of these same individuals, who were hoping to recover their precolonial land, were forced into communal villages and had to work on cooperative farms; others worked on the state farms. With the war, many farmers self-displaced to new areas of relative safety and frequently moved more than once to avoid fighting or being captured—or to capitalize on economic opportunities, better climatic conditions, infrastructure, or international assistance. Farmers said that they were not sure when or where they would move once the war was over. They did not know if they would stay where they were in the communal villages, move to new areas to secure land, or return to family land.<sup>170</sup> However, most smallholders interviewed in 1992 maintained that they wanted to leave the communal villages. In comparison to Gaza Province, farmers in Sofala Province appeared more angry about their forced resettlement and the conditions in communal villages. They were more outspoken about the issue, blaming the government (and particularly FRELIMO) for the war, the drought, and other problems associated with hunger, malnutrition, and disease."

In Nhamatanda interviews many of the smallholders who were not on state farm land or in communal villages had insecure, temporary land rights. These rights were being renewed by local customary authorities or lineages from season to season. In some cases rural agricultural extension agents were helping to renegotiate these rights. Others who were squatting on state farm land or on colonial-era private holdings believed that they would have to vacate their farms once the war was over and the former owners returned.<sup>171</sup> Farmers and displaced individuals expressed concern about the future. They believed that many refugees and other internally displaced families would move back to the district, creating land

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169. As in many other places in Mozambique during the war, there was a process of constant movement or displacement, reshifting, and temporary settlement as people tried to find secure areas relatively free from violence. At the same time, people relocated and settled to capitalize on economic opportunities. This constant shifting added additional layers of claimants to land and natural resources, which would, eventually, lead to conflict.

Interviews with District Agricultural Director, Nhamatanda, July 1992; rural agricultural extension agents, Nhamatanda, July 1992; and smallholder farmers, Nhamatanda, July 1992.

170. See Myers, West, and Eliseu (1993); and Myers (1993c).

171. **Smallholders in Lamego voiced clear criticisms of FRELIMO and the government; they often had positive comments regarding developments in education, health care, and other services. At the same time, they offered no positive comments about RENAMO. On the contrary, when they did refer or answer questions pertaining to RENAMO, they recounted horror stories about displacement and hunger, abuse and murder (smallholder interviews, Lamego, July 1992).**

172. Interviews with smallholder farmers, Lamego, July 1992; see also Myers, West, and Eliseu (1993).

173. Ibid. This position was supported by rural agricultural extension agents interviewed in Lamego, July 1992.

By July 1992, provincial and district officials were already distributing land (including state farm land) to private commercial interests, government officials, and other well-positioned elite.<sup>174</sup> District authorities were distributing some parcels on a temporary basis to smallholders in the district. In contrast to Gaza, Maputo, Manica, and Nampula provinces, few data are available on land concessions in Sofala Province. However, we know that at least 4,100 hectares were granted in Nhamatanda in 1992 and 1993.<sup>175</sup> The Lamego State Agricultural Enterprise covered approximately 3,726 hectares. Consequently, it appears that the government is granting more land than was occupied by the state agricultural. In addition, it was reported by district officials that both private companies and individuals have acquired or reassumed rights to land in the district, and that these transactions have not yet been recorded. The larger enterprises reacquiring land include Mocambique Industrial, Textafrica, and

Interviews conducted in 1992 revealed that provincial and district authorities, including the DPA (Provincial Director of Agriculture) and the DDA (District Director of Agriculture) in Nhamatanda, did not think there would be land shortages anywhere in the province or district once the war was over. They said that the displaced families would return to their areas of origin, alleviating any pressure on the land. At the same time, officials noted that it was unnecessary for the province to reserve or distribute land for (family sector) smallholders. Significantly, officials stated that smallholders were incapable of exploiting the better land, much of which belonged to the state farm sector or the abandoned colonial farms, because they lacked sufficient "capacity." "s

In 1992, we were unable to penetrate the areas controlled by RENAMO north and south of the corridor. However, we believed that those areas, particularly in Machanga, Muanza, Gorongosa, Maringue, and Cheringoma districts, were relatively less populated and less likely

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174. Provincial Director of Agriculture, Sofala Province, personal communication, July 1992; District Director of Agriculture, Nhamatanda, personal communication, July 1992; Director, Lamego State Farm, personal communication, July 1992. See Myers, West, and Eliseu (1993).

175. The central **government** reports in the *Boletim da República* that 1,721 hectares were **granted** in concessions in **Nhamatanda** District between 1991 and 1993. Field research conducted in **Nhamatanda** in 1992 revealed that 2,375 hectares were granted in concessions in the district in that year (see Myers, West, and Eliseu 1993). The concessions indicated by central government are not necessarily the same as the requests for land at the provincial level.

176. Some of these concessions could **have** been for **land** formerly belonging to the **Muda Agriculture and Livestock State Enterprise**; however, we have no data about this farm or its land to substantiate the argument.

177. Provincial Director of Agriculture, Sofala Province, personal communication, July 1992; District Director of Agriculture, **Nhamatanda**, personal **communication, July 1992**; Director, **Lamego State Farm, personal communication, July 1992**; also see Myers, West, and Eliseu (1993). These same companies were **reacquiring holdings in Manica Province** as well (see Alexander 1994).

178. In 1992 officials at the **provincial and** district levels of government and officials from the **provincial** office of DINAGECA were repeatedly asked about land access, conflicts, and shortages for smallholder producers and small private interests. The DPA, DDA, and several representatives from provincial and district offices of DINAGECA were convinced that land access was not a problem for smallholders or small private interests in **Nhamatanda** or **Buzi** districts—the two most **densely populated** districts in the province. They believed that **any** localized problems would be resolved once the war was over and the displaced people returned to their homes. They seemed to believe that overcrowding was only a result of the war. See also Myers, West, and Eliseu (1993, pp. 34-38); and Myers and Weiss (1994).

to experience land shortages and conflicts (see maps 2 and 6). At the same time, we knew that these areas had experienced less investment in the colonial and postindependence periods—thus making them less desirable in the short term to commercial interests in the postwar period. These assumptions, and our expectations regarding land access and conflict, were in some ways confirmed and in other aspects challenged by our findings a year later.

#### **4. LAND TENURE IN NHAMATANDA DISTRICT AFTER THE PEACE ACCORD**

In July 1993, Nhamatanda District was revisited. Research focused not only on the area surrounding Lamego State Agricultural Enterprise, but also included several other localities in the district. Displaced, repatriated, and indigenous farmers were interviewed at Lamego Center (map 13),<sup>179</sup> Muda (map 14),<sup>180</sup> Nharuchonga (map 12),<sup>181</sup> and Djassee (map 11).<sup>182</sup> Many of the people interviewed at Muda and Nharuchonga were repatriated from Malawi and Zimbabwe.<sup>183</sup> By far the most interesting and unsettling observations were made at Lamego and Muda. These cases are discussed first.

In both Lamego and Muda, approximately 50 percent of the repatriated people interviewed said they had access to land and were farming. They stated that they had either reclaimed old family land or acquired new land since their return. Those people who said they had recovered family land are differentiated into several categories: Some were returning to land they claimed was owned by their family during or before the colonial period; others were returning to land that they had been given by colonial authorities or by colonial-era private farmers; and still others were recovering land that had been granted to them by government since independence.<sup>184</sup> In some cases we witnessed overlapping claims, which the locality government was attempting to sort out. It is not clear if this effort will be successful.

The fact that only half of the repatriated families—that is, returning families—had access to land at the time of the interviews is revealing. It was assumed by government that all those returning would have securable land since they had land in this area before the war. In practice, however, this has not happened. There are several possible explanations for the anomaly. First, displaced families are not moving out of the district to their former family farms, thus giving way for returning refugees. Second, a new category of individuals (smallholders) is self-displacing into the area as people move away from RENAMO-controlled

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179. Lamego is 12 kilometers east of the district capital.

180. Muda is 25 kilometers east of the district capital.

181. Nharuchonga is 10 kilometers west of the district center.

182. Djassee is 26 kilometers from the district capital.

183. Displaced, repatriated, returning, and other smallholder farmers were also interviewed at the Gorongosa Center, Ramos Center, and Quarry of Mount Siluvu village. These interviews are not specifically reported in this case study, though the findings have been used in the overall analysis.

184. Interviews with smallholder farmers in Lamego and Muda, July 1993.

areas.<sup>185</sup> Third, another new category of smallholders is choosing to move to the area because of available opportunities. Fourth, land previously held by smallholders is being granted to nonlocal smallholders, commercial interests, government employees, and retired military personnel.

In the first instance, displaced farmers are not leaving the district. While in 1992 many expressed a desire to leave the government-created communal villages (and indeed many have), they have not moved out of the district. One government administrator insisted that over 200,000 displaced people were living in Nhamatanda District in 1992 (Myers, West, and Eliseu 1993), and another local government official stated that only 150 families had left the district in July 1993.<sup>186</sup> When interviewed, displaced farmers gave several reasons for staying in the locality or, conversely, for not returning to their family lands. People said that they felt the corridor was relatively safe, and that if the war resumed they would not want to be far away. One older man remarked that he did not want to live through the same experiences again if the war resumed in his native area; he preferred to remain landless in Muda. Others stated that they would not return to the rural areas outside the corridor until the government created more positive conditions, such as access to water, health facilities, and transportation, or until the government agreed to help them rebuild their homesteads. This latter comment was often voiced by female household heads, who frequently had no male relatives to rebuild homesteads or the financial means to hire

We know little about the movements of the internally displaced in Mozambique. In our field research in Sofala, we noted that more people (most of whom were internally displaced) had entered the district than had exited. Some families moved to the corridor because of opportunities there, not necessarily because they have land or are from the area.<sup>188</sup> At the same time, smallholders frequently acknowledged that they had divided their households between two locations: The family household, and particularly the children, remained in the corridor, while other members exploited farmland outside the safety of the region.

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185. There is some evidence suggesting that many people chose—and were able—to leave RENAMO-held areas for government-controlled zones shortly after the peace accord was initiated. It is likely that RENAMO was unable to completely control the large exodus of people shortly after the accord was signed. Given food shortages and manpower constraints, RENAMO may have opted to ignore the exodus. However, current field research in RENAMO-administered areas shows that RENAMO has reimposed tight controls on **population movement, particularly** for people entering and exiting its administrative zones (see Alexander 1994).

186. Secretary for **Muda Repatriation** Center, personal **communication**, July 1993.

187. Interviews with smallholder farmers in Lamego and Muda, July 1993.

188. UNHCR (United Nations High Commission for Refugees) and several NGOs are monitoring refugee movement; however, few are carefully observing the movement of internally displaced families, a group that in **number exceeds the refugee population by** a ratio of at least 4 to 1.

Whereas estimates of the number of refugees residing in foreign countries during the war range from 1 million to 2 million, estimates for the number of internally displaced vary from 4.5 million to 6 million. World Refugee Survey, 1984-1993, approximates that 1.7 million Mozambicans were refugees and 4 million were internally displaced (cited in Drumtra 1993, p. 9). We believe the actual figure for refugees to be slightly higher because many who fled to South Africa were not counted; we calculate that the number of internally displaced is close to 5 million.

We also spoke to farmers who were entering the district from RENAMO-administered areas. They self-displaced to avoid being detained in the RENAMO region; they thought that war would resume, and they were afraid that they would suffer if they stayed where they were. Others left from RENAMO-held lands because they desired to benefit from the opportunities in the government-controlled areas (e.g., greater international donor assistance, access to seeds and food, employment, education, health care, transportation, etc.).

According to farmers interviewed at the accommodation centers, the number of landless refugees in the district has also increased because the provincial government in Beira forced many people onto buses, transported them to the district, and left them there.<sup>189</sup> They reasoned that officials in Beira wanted to move people away from the city to reduce overcrowding. One particular family acknowledged that they were among several families who were forced to move; they were deposited in Nhamatanda, though it is not their home. This family could not pay for transport to their old locality and was stranded in Nhamatanda.<sup>190</sup>

Many returning refugees who had not yet acquired land were confident that they would get land from one of the government authorities or a local NGO. Displaced farmers, however, were not so confident about the future and their prospects of acquiring or reacquiring land in the district. The difference in expectations may come from the fact that displaced families living in the district are better informed about land access and distribution, or it may come from their knowledge that government and international donors tend to favor refugees in their assistance programs.

Finally, as noted in the first two sections of this report, government officials are granting land concessions in the district and throughout the province. These concessions, often the most pernicious trend for smallholders, are frequently in the best areas, near the corridor or city and locality centers. A few examples from Muda and Lamego will show the various consequences of granting of concessions.

Map 13 depicts land use patterns in Bairro Seven of Lamego locality. We interviewed smallholders and private commercial interests farming in the area south of the rail line. The area west of the road to Mecuze was previously part of a colonial farm (designated "A"). This land later became part of the Lamego State Farm. During the war many smallholders from south of the Muda River were forced north into this zone. Native smallholders and displaced farmers squatted on land belonging to the state farm and, when possible, farmed either on state farm land or around the perimeter of the farm. In 1992, when we visited this area, it was densely populated with smallholders and displaced farmers. When we returned in 1993, we found that the area was still heavily populated (though some people had moved away), but that a private individual had also acquired a large tract of land as part of a concession along the bank of the Muda, between the river and the road to Mecuze. At least twenty-five families were forced out of the zone; they were told by local officials either to

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**189. Interviews with smallholder farmers in Lamego and Muda, July 1993. This was confirmed by local agricultural rural extension agents in Muda, July 1993.**

**190. Interviews with smallholder farmers in Lamego and Muda, July 1993.**

move across the river (regardless of whether they came from the south side or not) or to find land elsewhere.<sup>191</sup> Since the smallholders felt that the south side of the river was still insecure (this area had previously been subject to attack by RENAMO), they refused to move. Some farmers complained to local authorities, while others requested new land from the same officials or from NGOs operating in the area.<sup>192</sup> Still others remained squatting, hoping that the new owner will let them stay. Some of the smallholders who were squatting in the zone had worked for the state farm before it closed; they felt that they should have priority over other smallholders in the area (even though they may not have historical rights to the land). Consequently, there was tension between groups of smallholders.

A similar case was reported by smallholders west of the Mecuze road (marked "B" on map 13). Displaced farmers and former workers of the state farm were farming in this zone. Farmers disclosed that a private commercial farmer had acquired the land and that they were told to leave. Although unconfirmed by government officials, several farmers testified that the land was acquired by a local government official. It is not clear if the official was from the defunct state farm or the district capital. As in the case above, many smallholders abandoned this land, others squatted and waited for the new owner to assert his rights, and still others presented complaints to local government

Land access patterns in Muda were also very revealing (see map 14). The area labeled "A" was a private farm during the colonial period. After independence, part of the farm became a state agricultural enterprise. Smallholders squatted in the area surrounding the larger block. In 1993 both blocks were claimed by a nonlocal private farmer. Smallholders had not yet been expelled from the land when interviewed, though they had been told by government officials that they might be. Some claimed that they had farmed in this area since the colonial period.

In 1992 and early 1993, smallholders were farming in the area designated as "B." After the war, repatriated refugees took land in this same area, but it is not clear if they were from this area or simply were trying to acquire land in a strategic location. In July 1993, smallholders were told by locality officials that the block had been acquired by a district (or provincial) government official and that they had to leave.<sup>194</sup> This affected several hundred people and led to a public protest. Farmers complained to locality officials, who in turn claimed that they knew nothing about the concession.<sup>195</sup> Officials claimed that they were not consulted and were frustrated by concessions being granted without their approval or knowledge.<sup>196</sup> In July 1993, locality officials were attempting to secure temporary rights

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191. Interviews with smallholder farmers in Lamego and Muda, July 1993. This was confirmed by local agricultural rural extension agents in Muda, July 1993.

192. Ibid.

193. Interviews with smallholder farmers in Lamego and Muda, July 1993.

194. Ibid.

195. Ibid.

196. District Agricultural Officer, personal communications, July 1993; locality administrator, personal communications, July 1993; and agricultural extension agent, personal communications, July 1993.

for these "postwar displaced" families in area "D"; they were waiting for a response when the last field site visit was made. Regardless, district officials could not guarantee tenure security in the new location.

Finally, Mocambique Industrial, a colonial-era cotton-producing company, was in the process of reclaiming area "C." During the war some of this land was farmed by local smallholders who claim historical rights and by displaced farmers. Repatriated refugees were using the land on a temporary basis after the peace accord. The fate of the farmers in this area is not known. Some smallholders had moved on to marginal land between the road and the rail line.

Other examples of land access are shown in Djasse and Nharuchonga (maps 11 and 12). Nharuchonga, a few kilometers from Inchope locality, is the site of two government-created communal villages, Nharuchonga I and Nharuchonga II. During the war many smallholders fled north from RENAMO-administered areas and wealdy controlled government areas to Nharuchonga II. Displaced people accounted for most of the population in this village. They were crowded in between the road and the railway. Some smallholders farmed south of the rail line, but usually returned to the safety of the village for the night. Some families were also farming north of the road, where the bulk of the commune's farms were located. Nharuchonga I was also inhabited by displaced families, though less so than its counterpart village. When the peace accord was initiated, repatriated refugees moved into Nharuchonga I.<sup>197</sup> In July 1993, government officials announced that more than 1,300 refugees had entered the village seeking permission to stay.<sup>198</sup> Locality officials negotiated with local authorities and other private commercial interests, securing temporary land-use rights for returning refugees in area "A" between the road and the river. However, displaced and local smallholders were also farming in this area. Due to land shortages, locality officials approached a private owner who had acquired land north of the river ("B" on map 12) after the peace accord. He agreed to allow returning refugees to use the land on a temporary basis. He supposedly told locality officials that as soon as he acquires enough capital, he will expand his operations and exploit all of the land. At that time, he said, the refugees will have to leave.<sup>1</sup>

Interestingly, some displaced farmers professed to be aggravated with the NGOs for granting assistance to returning refugees rather than to other displaced farmers. At the same time, local farmers expressed frustration with the assistance being extended to both displaced smallholders and returning refugees. Indigenous smallholders, here as elsewhere, often said that they felt they had "done their job" by helping displaced families and returning refugees with land and wished that these people would now "go home."

It is not our intention to suggest that no displaced or few returning farmers are reacquiring land in Nhamatanda District. Nor do we wish to suggest that all indigenous

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197. Interviews with smallholder farmers in **Nharuchonga, July 1993.**

198. **Agricultural extension agent, Nharuchonga, personal communication, July 1993.**

199. **Reported by smallholder farmers and agricultural extension agent, Nharuchonga, July 1993.**

farmers who remained in the area did not keep or acquire rights to land. On the contrary, many smallholders are farming in the corridor, albeit often on marginal lands in scattered locations. Some farmers admitted to gaining access to land (usually on a temporary basis) by clearing land that had gone to bush. One farmer in Muda was aware that the former Portuguese owner might return soon and that he would have to abandon the land he had cleared. Others said that they had secured land through customary lease arrangements: they had borrowed land for a season from local families and paid in either cash or labor for its use. A smaller number of farmers reported that they had purchased rights to land, usually on a seasonal or temporary basis.<sup>200</sup> Finally, several farmers reported that they or other family members acquired land through squatting.

We do intend to convey, however, that numerous returning refugees, displaced families, and indigenous farmers are competing with each other for access to a limited resource in a constrained area. At the same time, they are challenged with nonlocal commercial interests who are buying land or acquiring land concessions from government officials.

Interaction among smallholders over access to potentially problematic land differed, however. For example, in one case, an old man who had worked as the *capatez* (overseer) on a colonial farm refused to allow squatters on the land, let alone any monetized transactions. In another location, one family that claimed historical rights to land, which was occupied by a Portuguese farmer during the colonial period, was leasing to landless families. In some cases, land disputes were easily resolved; and in other instances, customary authorities or government officials were asked to intervene.<sup>201</sup> Interaction between smallholders and private commercial interests and between smallholders and the state was also dissimilar. As noted, in some cases smallholders simply abandoned land that had been distributed to commercial interests or reclaimed by returning enterprises; however, in other cases farmers resisted such encroachment by remaining on the land and farming in marginal areas, by squatting on prime land, and by registering complaints with locality government officials. It is interesting that newly displaced families did not complain to local customary authorities in any of these cases involving the state or commercial interests; instead, they identified government officials and demanded solutions from them.

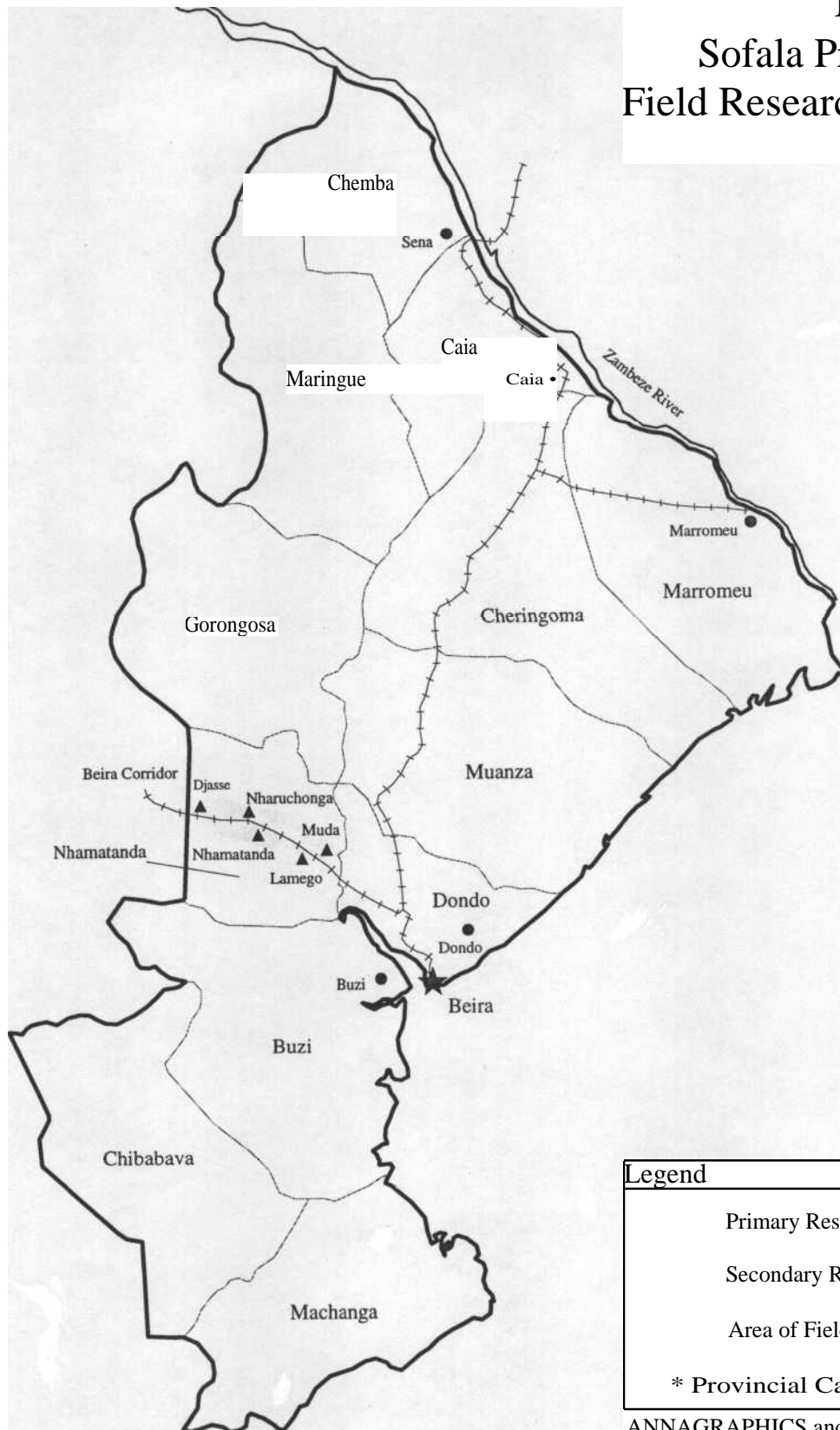
We found that tenure security was weak for many smallholders in Nhamatanda District. Many rural families were obviously focusing only on the short term—they were planting for the current season and hoped to reap their harvests before being expelled or forced to leave.

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200. One farmer in Lamego affirmed that in 1992 the price for land outside the corridor was 100,000 meticaís per hectare.

201. This disparate process requires closer examination; it is likely that such an investigation would reveal more of the **internal dynamics** affecting control over **natural** resources at the local level.

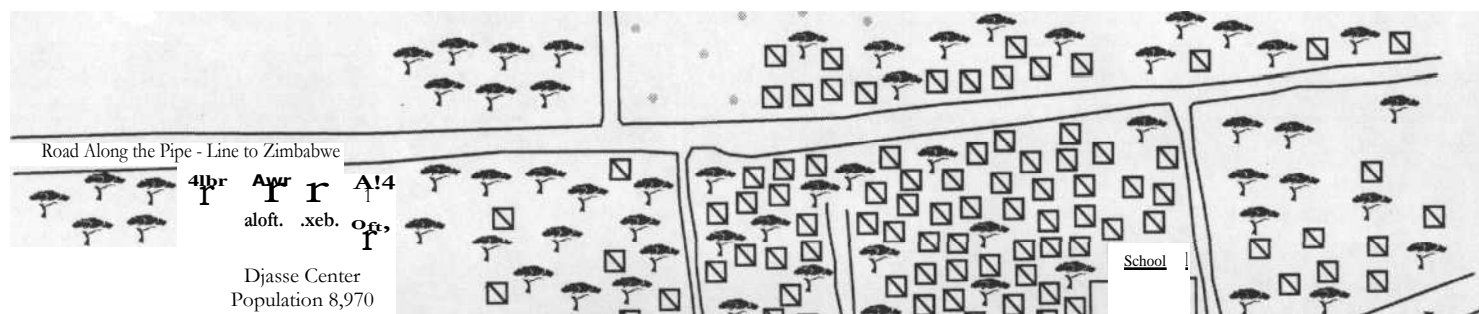
MAP 10  
Sofala Province:  
Field Research Sites,  
1993



ANNAGRAPHS and Land Tenure Center,  
Madison, WI, 1993

MAP 11  
Sofala Province,  
Nhamatanda District:  
Djasse Aldeia,  
1993

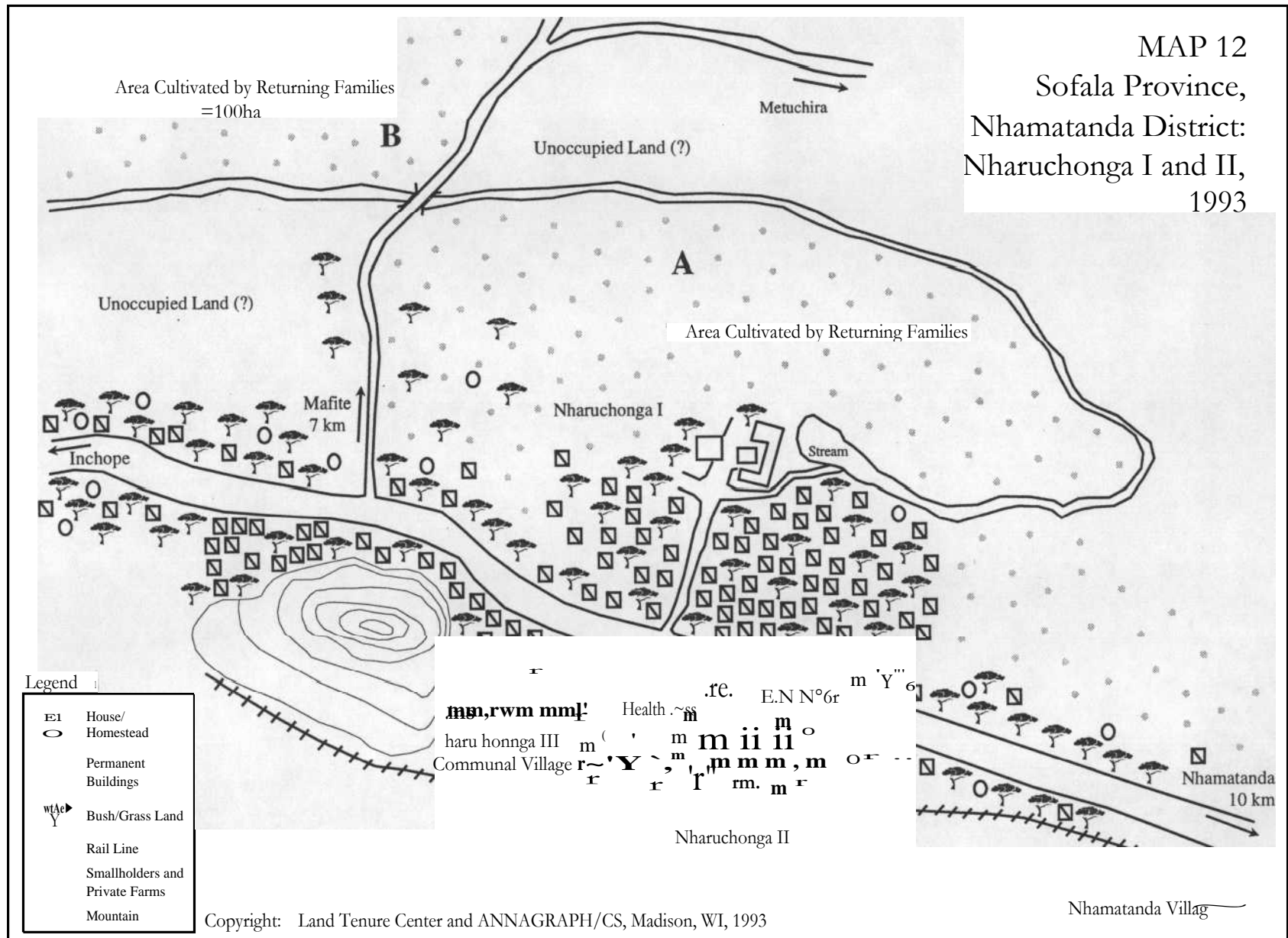
Smallholder Cultivated Area  
= 120 ha



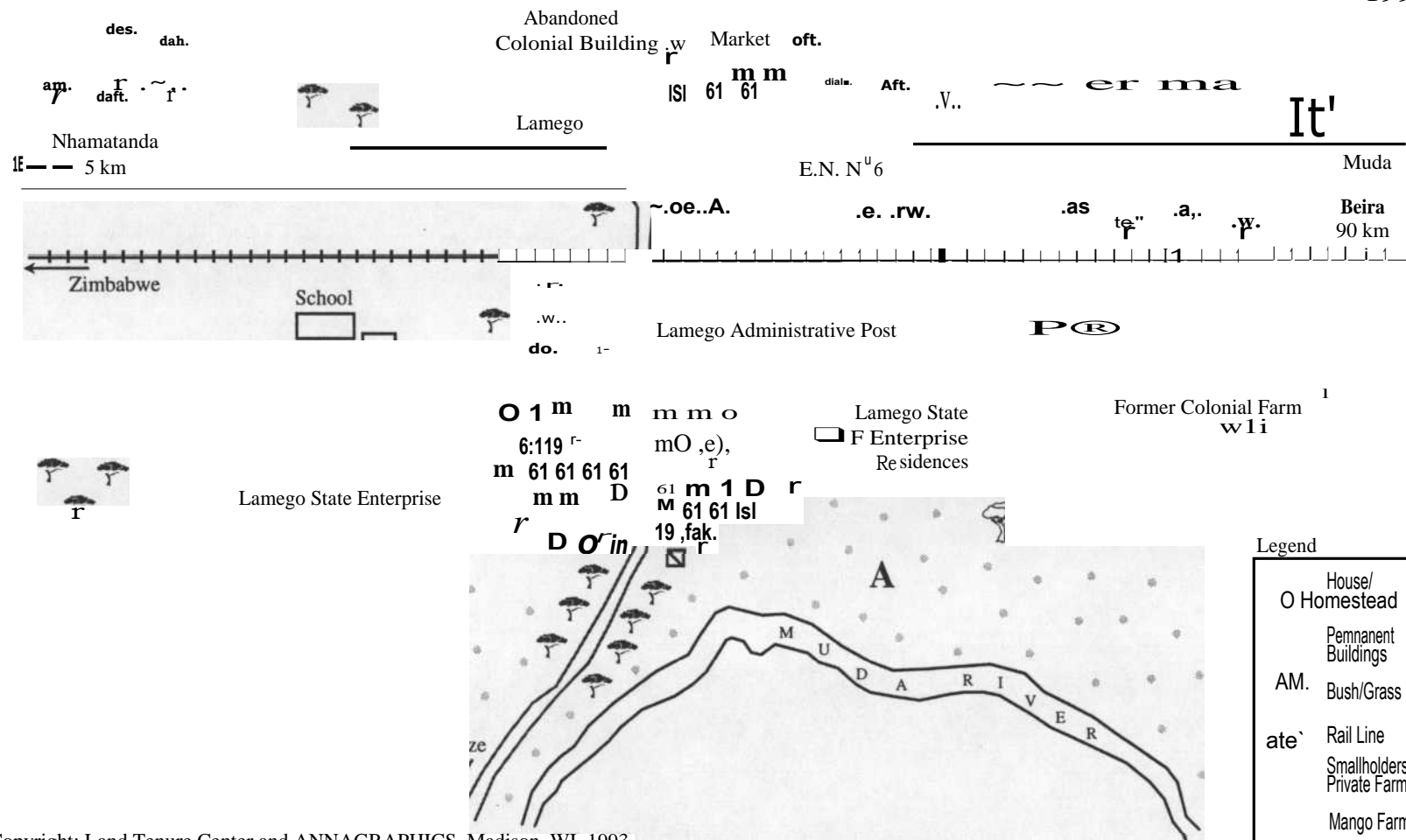
Smallholder Farms Occupied by Residents of Djasse and Monte Xiluvo

	House/ Homestead
	Permanent Buildings
	Bush/Grass Land
	Rail Line
	Smallholders and Private Farms
	Mountain

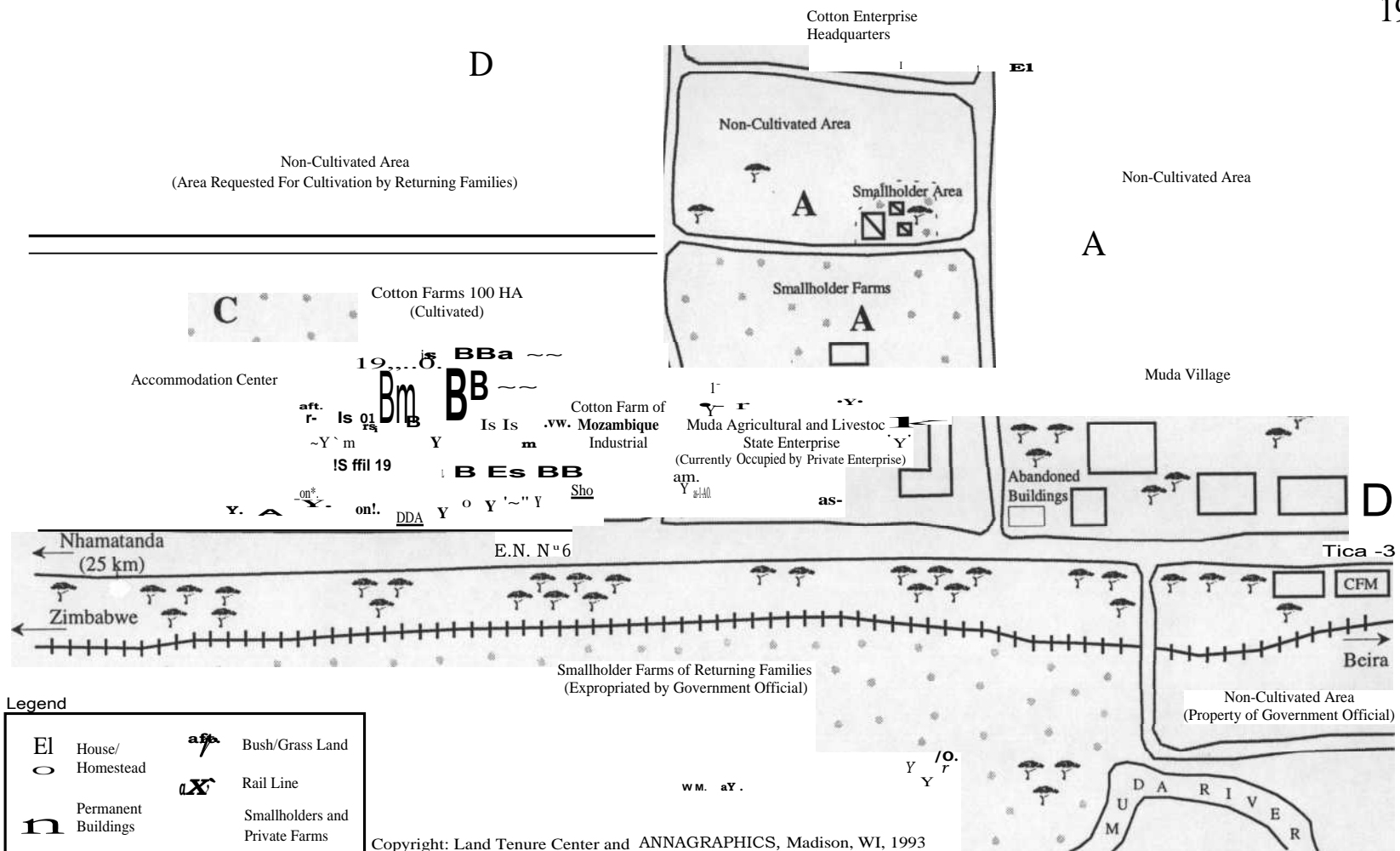
MAP 12  
Sofala Province,  
Nhamatanda District:  
Nharuchonga I and II,  
1993



MAP 13  
Sofala Province,  
Nhamatanda District:  
7th Bairro - Lamego,  
1993



MAP 14  
Sofala Province,  
Nhamatanda District:  
Muda Accommodation Center,  
1993



## C. MANICA DISTRICT, MANICA PROVINCE

### 1. RESEARCH SITES AND OBJECTIVES

Manica District was visited three times between June 1992 and August 1993. Like the investigation in Sofala, this case study builds upon a 1992 inquiry that highlighted divestiture of state farm land and assets.<sup>202</sup> In this section we focus on tenure relations at several points along the Beira corridor in Vanduzi District (see map 15), though a few of the sites visited were outside the passageway. As in Sofala, we attempted in this case to understand if returning refugees and displaced farmers had gone back to their family lands or had acquired land elsewhere in the postwar period. We wanted to learn more about the interaction between smallholders and larger commercial interests in the corridor as well as among local smallholders, displaced families, and returning refugees.

Seven locations were visited during the course of the investigation: (1) administrative post of Vanduzi (map 16);<sup>203</sup> (2) area around Vanduzi State Farm; (3) June 25 communal village in Vanduzi; (4) Almada communal village (map 17);<sup>204</sup> (5) Belas communal villages (map 17);<sup>205</sup> (6) September 25 communal village; and (7) Pungoe Sol.<sup>207</sup> This last site is the seat of local customary authority, one of two in the territory surrounding Vanduzi. We report here on the sites in and around Vanduzi (locations 1-3), that is, the terrain around the state farm, Almada communal village, and Belas communal villages. At these sites we interviewed approximately sixty-five individuals, including thirty-nine smallholders and eleven government officials. Twenty-six smallholders were from displaced families, while ten more were local persons claiming historical rights. Three individuals were returning refugees. We conducted two group interviews in the Belas villages, speaking to local smallholders, repatriated refugees, and displaced families. Government officials were interviewed at Vanduzi Administrative Post and at the provincial capital in Chimoio. In addition, we spoke to two commercial private farmers and to representatives from NGOs<sup>208</sup> operating in the district.<sup>209</sup>

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202. Myers, West, and Eliseu (1993). Apart from research on land access in the postwar period, LTC also sponsored a more detailed study of land and political power relations in several locations within Manica Province. This **examination**, focusing **largely** on RENAMO-administered areas, is **an in-depth** analysis of both historical and current land and political relations (see Alexander 1994).

203. The post is 25 kilometers west of Chimoio.

204. The **villages** are 7 kilometers east of **Vanduzi** District Center.

205. The villages are 7 kilometers southwest of **Vanduzi**.

206. The village is 15 kilometers northwest of **Vanduzi**.

**207. Pungoe Sol** is 48 kilometers northwest of Vanduzi.

208. Representatives from CARE and Italian Cooperation were consulted.

209. In 1992 we spoke to many of the same government officials, including the Provincial Director of Agriculture; District Director of Agriculture; Chief, Provincial Office of DINAGECA; Chief, Agricultural Extension (**Vanduzi** District); **agricultural** extension **agents**; FRELIMO party representatives at the Belas villages; Chief, Vanduzi Administrative Post; and a representative from the Provincial Department of Agrarian Economics. In 1992 we also interviewed representatives from Italian Cooperation. We interviewed **approximately** forty-five smallholders **individually and conducted** two **group** interviews. During both projects, in 1992 and 1993, we interviewed several customary authorities and former *regulos*. See Myers, West, and Eliseu (1993).

Like Sofala Province, this area in Manica Province has historically been an area of considerable financial investment. It is a region of great agricultural and industrial potential: The lands are fertile and located near transportation, markets, and rivers; there is an abundance of labor. Although the government invested heavily in the security of the corridor and Zimbabwean troops were stationed along the route during the war, both infrastructure and population centers suffered from repeated RENAMO attacks. The area will require substantial reinvestment to recover the productive capability of the zone. Also, like Sofala, the territory outside the corridor, north and south, was largely controlled by RENAMO during the war. Little investment historically took place in these latter areas and there is no important infrastructure, though what did exist prior to the war was destroyed in large part by RENAMO itself.<sup>210</sup> These areas, also of great economic potential, will require much more investment and time if they are to achieve any of their productive potential. The fact that such economic disparities exist between the two zones—those controlled by government and those run by RENAMO—may prove destabilizing in the near future."

## 2. LAND TENURE IN MANICA DISTRICT BEFORE THE PEACE ACCORD

After independence most of the colonial farms in Manica Province were abandoned; most white farmers and a few *assimilados* fled the country. We were told by provincial authorities that only "a few of the white *privados* stayed, while several of the *assimilados* remained in Manica."<sup>211</sup> The government intervened, nationalizing several private holdings and eventually creating eleven state farms, 13 percent of the total number reported nationwide (see map 3), covering approximately 73,000 hectares (this figure also represents about 13 percent of the total land held by the state farm sector nationwide). One of the farms, Vanduzi (4,000 hectares), was located in Manica District. It closed in 1990 due to financial and administrative difficulties.<sup>212</sup> Land tenure relations in this locality are influenced by the area's proximity to the corridor—and consequently population concentration, infrastructure,

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210. See Alexander (1994).

211. Ibid.

212. Interviews with district government officials and rural extension agents, Vanduzi Administrative Post, August 1993.

We do not have accurate data for Manica District; Alexander (1994), however, has been able to compile rather detailed data for Sussundenga District, Manica Province. While probably not complete, the data are revealing. Alexander notes that only two colonial *privados* remained, while at least sixteen *assimilados* have reemerged in the last two years to reclaim or reregister their holdings.

213. Our records from Manica Province on state farm land differ from other sources. For example, we believe that IFLOMA in Sussundenga District comprised approximately 36,000 hectares; however, Alexander's (1994) data put the actual size at more than 50,000 hectares. Since the provincial government has already registered this much land from the state farm in Sussundenga, we think her figures must be more accurate. Therefore, the total area held by the state agricultural sector in Manica is likely higher than that reported by the central government in Maputo.

In addition, we have no data on Manica Timber State Enterprise and Manica Livestock Enterprise, both in Gondola District. It is probable that Manica Livestock alone covered several thousand hectares, for cattle grazing requires a substantial area. However, we cannot substantiate this because the information is unavailable in Maputo at UREA (Unidade de Reestruturação de Empresas Agrárias), the organization responsible for monitoring and organizing the state farm sector (interviews with Hermes Sueia, UREA, Ministry of Agriculture, Maputo, February 1992 and August 1993).

214. See Myers, West, and Eliseu (1993).

and capital investment. It is representative of other commercially strategic areas in the passageway.

Field research conducted in 1992 before the peace accord and in 1993 after the treaty was signed revealed many different types of land-tenure practices and land uses. In 1992, we were also told about a number of land conflicts that had erupted. The area was highly populated with local smallholders and displaced families, particularly the communal villages.

As in Sofala, the government created many communal villages and cooperative farms in Manica Province. Many smallholders, perhaps as much as 12.5 percent of the rural population in the province, were moved into these villages in the late 1970s. They farmed land that was allocated to them by the communal village and lost rights to family land. Other smallholders were given land in cooperative farms, usually attached to or part of a state farm enterprise. Still other smallholders were employed on the state farms.

In Vanduzi, and in other parts of Manica, the communal villages were transformed as a result of the war. With this transformation, people's views of the villages have changed. As noted earlier, people were often forced to move into the villages and abandon their family land. Other individuals were "encouraged" to move with the promise of better social services, education, and other benefits. Initially the government was able to provide some of these services in some places, but could not mitigate the fact that people had lost rights to family land.

In the early to mid-1980s, RENAMO increased its attacks on government-created villages. Many communal villages became unsafe places to live. As a result, smallholders abandoned the towns for the bush. In 1982, Zimbabwean troops began to help government forces secure the corridor from assaults, and by 1987 there were 10,000 Zimbabweans in the area (Sidaway 1992). Because of these changes, many smallholders and displaced families moved back to the communal villages. Smallholders replied that they did so because these villages—or "centers" as they were often called—had some infrastructure and services<sup>215</sup> and had become considerably safer than the unprotected rural zones. However, land became increasingly scarce as more people moved into the centers, thereby decreasing output and food supply per family and leading to conflict.<sup>216</sup>

In the period from 1990 to 1992, many NGOs began operating in the district; they brought food, seeds, and services, including medical assistance. This presence had a pull effect on the local population, influencing some to stay in the communal villages. In 1992, many farmers claimed that when the war was over, they wanted to leave the villages; in fact, many expressed a great deal of animosity toward the government regarding the communal villages (Myers, West, and Eliseu 1993). At the same time, however, smallholders and displaced individuals made positive remarks about the services that were available at the centers. In other areas, we frequently heard of families' dividing themselves between two locations, one part remaining in or near the center while the second part moved to other

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215. Interviews with smallholders, Vanduzi Administrative Post, August 1992; and agricultural extension agents, Vanduzi Administrative Post, August 1992.

216. Ibid.

(perhaps family) land (Myers, West, and Eliseu 1993). This will be discussed in greater detail in the following section. Here we wish to emphasize the pull effect that social services and infrastructure had on people who otherwise strongly disliked the communal villages. Although not stated directly, our interview responses suggested a strong negative reaction more to the way people, often without consultation or option, were forced into the villages and how local customary authorities were treated in the process than to the actual creation of the villages and the attempts to provide services for rural populations.<sup>217</sup> In any case, the pull effect of social services, safety, and other opportunities will continue to influence where—and when—smallholders go.

Other land tenure practices included squatting and customary arrangements. In the first case, some smallholders settled on former state farm land while others went to former colonial holdings.<sup>218</sup> Neither of these groups had tenure security because no guarantees were given that government would not distribute these same lands to outside interests. Smallholders conceded that they would have to abandon the land when the state farm resumed operations or when the old *privado* returned. In the second case, we recorded many farmers who were farming on their own family land or land acquired from another local family, though admittedly these farms either were far from Vanduzi Administrative Post and lacked access to services and infrastructure (let alone security) or were on marginal land around the colonial farms or state farm production units. This latter group depended on poorer quality land yet had even weaker security. It remains to be seen how or whether the prospect of acquiring rights in less congested areas will draw people away from the centers.<sup>219</sup> In addition, we noted that some smallholders were settled on land that had been granted by concession to nonlocal commercial farmers; they worked for the new landholders as landless laborers or tenant farmers. In one case investigated in 1992, a new private landowner had acquired a concession greater than 1,000 hectares. He had given smallholders temporary access to 350 hectares of his concession.'

When the first round of research was conducted in 1992, the Vanduzi State Farm had recently closed. The directors of the farm as well as district and provincial officials were involved in the divestiture of the farmlands and assets. At that time, the state had already redistributed over 4,275 hectares of Vanduzi State Farm land.<sup>221</sup> The provincial and district

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217. Interviews with smallholders in Vanduzi Administrative Post, August 1992 and August 1993; and agricultural extension agents, Vanduzi Administrative Post, August 1992 and 1993.

218. Not all of these instances are true cases of **squatting**, because some smallholders claim historical rights. According to these smallholders, it was the colonial farmers, the state, or the new private interests who were **squatting**, and they were simply reclaiming their **land**.

219. This, of course, assumes **that unclaimed land is available**. Most likely, **when and** if people move from the centers, **they** will either return to family **land** or negotiate with **another land-abundant** community or family for use rights. According to field interviews, Alexander (1994) notes that there was more "free" land **available** in Sussundenga District, away from the corridor.

220. Interview with **private** commercial farmer, Vanduzi, August 1992.

221. See Myers, West, and Eliseu (1993). The central **government** reported **that Vanduzi State Farm** occupied **only 4,000 hectares of land**. While it is likely that the central government **underestimated the actual** area controlled **by Vanduzi**, this **and other discrepancies suggest** a more **ominous** problem. Government **may be granting concessions** for **land that was not previously claimed by a state farm**. In **doing so**, it cheats smallholders, who **maintained** or reacquired the area between the state farm production units **and** the colonial

governments were also processing applications for land concessions outside the state farm sector, that is, for land formerly belonging to the private colonial farms. Provincial government officials contended that they were not granting concessions for land that was outside the state farm sector or part of former colonial holdings—that is, they were not giving rights to the land that smallholders had managed to retain during the colonial and postindependence<sub>223</sub> periods.' However, our research in both 1992 and 1993 calls this assertion into question.

As in Sofala Province, provincial government officials in Manica in 1992 said that they believed larger (private sector) commercial farmers were better able to exploit the province's higher quality and better positioned lands. Consequently, they argued that state farm land should be distributed to these commercial interests. However, unlike officials in Sofala Province, administrators in Manica frequently stated that they were concerned about smallholder access to land and the welfare of smallholders in a postwar Mozambique; hence, they discussed the creation of "reserves" for smallholder farmers. At the end of the day, the positions of the two provinces are not all that different. While officials in Sofala Province did not appear concerned about smallholders and their prospects for acquiring rights to land, they argued that all of the best land should be reserved for commercial enterprises. Government officials in Manica, while reportedly concerned about the welfare of smallholders, also said that the best land should be reserved for commercial interests.<sup>224</sup> One issue that begs further investigation is the way that government officials decide who has capacity to farm—that is, who is a commercial (private sector) farmer—and how they subsequently distribute land.

Administrators at the provincial and district levels of government spoke of the need to reserve some land for smallholders. In 1992, these officials were discussing options for creating "protected zones" or reserves for smallholders. Four years earlier, the Manica Province had created the PDRM (Manica Province Rural Development Program), the initial purposes of which were to move displaced people away from the congested corridor and urban areas and to stimulate agricultural production. More than twenty villages<sub>225</sub> were created as part of the program, most coterminous with former colonial holdings. This program was

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holdings. Although the area in question is rather **unimportant** in this particular case, its occurrence demonstrates how smallholders increasingly lose rights to land. In addition, all of our sources suggested that the area granted in concessions far exceeded the official record of 4,275 hectares. See also Alexander (1994).

**222. Interviews with provincial and district agricultural officers, August 1992; and provincial and district representatives of DINAGECA, August 1992.**

223. See Myers, West, and Eliseu (1993); and see below. In fact, from debate presented at the recent Second National Land Conference it **appears** that **provincial government** officials felt it their duty to **grant** this land to commercial interests because smallholders were **incapable of exploiting the more productive** land (Weiss and Myers 1994; Myers and Weiss 1994).

224. This position appears to contradict our observations. While larger firms may have certain economic **advantages**, we noted that several recipients of these concessions throughout the country were not investing. In fact, many were simply speculating on the land. In contrast, smallholders in many locations were investing and enjoying successful harvests. In **Vanduzi**, they **boasted** of **substantial** harvests in 1993 and looked forward to similar yields in 1994. Many objected to problems with transport and markets, saying that some crops were wasting in storage or being sold for low prices.

225. Since many of these holdings are reactivated or acquired by new commercial interests, it is a concern that the villages created by the PDRM will become labor reserves for the commercial farms.

funded by Italian Cooperation and implemented by various NGOs in the area.<sup>226</sup> Two of these villages, Belas I and Belas II, were near Vanduzi State Farm and are discussed in more detail in the next section; the limitations of the policy of devising such reserve villages have been discussed elsewhere.'

In 1992, provincial government officials thought that after the war people would return to their homelands immediately; they believed that then there would be less population concentration in the district. In 1992, officials at Vanduzi Administrative Post told us that the total population of the post had increased from 18,297 in 1990-1991 to 31,669 in 1992. Of this latter figure, 4,207 were registered as displaced persons.<sup>228</sup> When we returned in 1993, Vanduzi officials said that the population of the post was 38,409 and that 80 percent of the total was displaced families. Despite the anomalies, the data from 1991 and 1993 reveal an increase in population of 13,372, 58 percent higher than the 1990-1991 figure. The difference is most likely due to an influx of displaced families. In the year after the war, the population of the post increased by another 6,740 individuals, a 21 percent increase over the 1992 post-peace-agreement figure. Thus, rather than decreasing, population has multiplied as refugees have returned and displaced families have apparently remained in the area.

In 1992 we were unable to enter RENAMO-held territories in Manica Province. As in Sofala Province, we thought that areas north and south of the corridor were relatively underpopulated in comparison to the closer localities. This was later confirmed by Alexander (1994). We did not anticipate that land shortages and conflicts would occur in these areas at that time. This was later supported by our research in 1993, though certain land tenure weaknesses could lead to conflict in the near future if RENAMO continues to pursue an independent policy of land administration, including granting of land concessions.'

### **3. LAND TENURE IN MANICA DISTRICT AFTER THE PEACE ACCORD**

Manica Province was revisited in July 1993. Research focused on the area around Vanduzi State Farm as well as on nearby communal villages and communities.

Since most of the state farm land (and some contiguous properties) had been appropriated in 1992, no new concessions were reported for Vanduzi.<sup>230</sup> Nonlocal private commercial interests who had acquired concessions continued their exploitation. According to local rural extension agents, these private interests had expanded operations in some cases, thus forcing some smallholders, who had initially retained access to land, off their farms.<sup>231</sup> The fate of these smallholders is not known.

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226. Interview with Enzo Tromboni, representative of Italian Cooperation, Manica, August 1992. See also Alexander (1994).

227. See Myers, West, and Eliseu (1993).

228. Ibid.

229. See Alexander (1994).

230. This does not suggest, of course, that concessions were not granted for other (nonstate farm) land in the province during the intervening year.

231. Interviews, agricultural extension agents, Manica District, August 1993.

District and provincial officers acknowledged that many more land concessions had been granted in 1993. Our records indicate that over 125,000 hectares at the provincial level had been granted for agricultural exploitation, in selected districts, in the last two years.<sup>232</sup> We suspect that concessions are also granted for hunting reserves and mineral exploration. The figure of 125,000 hectares may represent 50 percent of the actual extent of provincial-level allocations in the last two years.<sup>233</sup> Most of this land is in southern Manica and Gondola districts and in northern Sussundenga District, near the corridor. At the same time, we heard unconfirmed reports of land concessions being made (unofficially and often illegally) to Zimbabweans and South Africans.<sup>234</sup> Alexander (1994) reports two cases in which local Mozambicans were fronting for Zimbabwean firms.

The population of the villages around the state farm had reportedly increased (rather than decreased) as smallholders returned from refugee camps or self-displaced came from either RENAMO-administered areas or other less favorable government-controlled sectors. We found local residents, displaced families, and repatriated refugees living together in several of the Vanduzi villages, including Almada Aldeia, Belas I and Belas II, September 25 Aldeia, and June 25 Aldeia. There was no significant reduction in the populations of any of the villages from 1992, and there were increases in a few. Since we did not perform standard household surveys, we do not know details about the composition of the communities; questions remain. We do not know, for example, whether the population did not decrease because returning refugees are arriving faster than displaced families are leaving or because repatriating refugees have temporarily settled elsewhere while displaced persons have not moved back to their family lands. In the Belas villages, it was reported that no displaced farmers have returned to family lands. Locality administrators said that the combination of local residents, displaced families, and repatriating individuals was putting a strain on resources in many

Some smallholders explained that they traveled several kilometers north each day to farm (often on land that was borrowed) and then returned to the locality center in the evening. They did this because they felt that the rural areas more distant from Vanduzi were still not safe and because many more social services were available in Vanduzi and other locality centers. Women commented on the attraction of social services more frequently than men. While we do not have statistical data, we deduce that some farmers continue to exploit either family land or land that they held during the colonial period while others are simply borrowing land for a short period of time.

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232. See also Alexander (1994).

233. Alexander (1994) reported that about 50,000 of the 125,000 hectares granted in agricultural concessions were registered to the provincial Government of Manica. This land is part of the IFLOMA State Enterprise (forestry). The state is registering these concessions in order to legalize its intervention and facilitate their alienation.

234. Given the nature of this topic, our sources asked to remain confidential. They asked that we not even use their titles or positions.

235. Interview, Chief, **Vanduzi** Administrative Post, August 1993; and Secretary, September 25 Aldeia, **August** 1993.

236. Interviews with smallholders, Vanduzi Administrative Post, August 1993.

Smallholders are still farming in the margins around the new private farms and colonial-era farms; some continue to squat on those farms. The majority of these farmers—indeed, the majority of all farmers with whom we spoke—admitted that they had no confidence in their ability to maintain their land rights. Some individuals seemed resigned to this while others were angry. In two different locations in Vanduzi, farmers grumbled that nothing had changed much since the colonial period and that they had gained little as a result of the wars.<sup>237</sup> This view was echoed by officials at the locality, district, and provincial levels of government (in several provinces).

As displaced farmers returned, some found new residents in their communities and new farmers on their holdings. Some of the new residents are larger commercial farmers and others are smallholders. Smallholders reported that if their family land was occupied by another family, a meeting would be held to determine the status of the land. Land rights would be confirmed or negotiated, and compensation was sometimes paid if the squatting farmer had to abandon crops. Smallholders said that if the land was occupied by a commercial interest, they had little recourse.<sup>238</sup> When farmers displaced by new commercial interests complained to locality government officials, in some instances these authorities were able to arrange temporary use rights in other locations.

As in Sofala, rural extension agents told about farmers who were self-displaced from RENAMO-administered areas. Farmers said that when the peace accord was signed, they were able to move south or north to the corridor, which they chose to do because of the relative safety and because of the availability of humanitarian assistance and services.

In 1993, farmers who had no land, who had insecure rights (e.g., they were squatting on state farm land or land belonging to colonial-era *privados*), or who were farming near new private holdings expressed concern regarding their future ability to feed their families. Despite the government's PDRM effort, smallholders in Manica were not as optimistic about the future as those interviewed in Sofala.

Two examples of the complex nature of land access for smallholders and commercial private farmers in Manica Province are discussed below. They are drawn from our research in Belas I, Belas II, and Almada communal village.

Belas I and II (see map 16) are different from the other communities studied because they are part of PDRM. With the approval of the provincial government, the Italian Cooperation built the two villages in 1991 on land that once was part of one production unit of the Vanduzi State Farm. Each village controlled a few hundred hectares for smallholder production. In 1992, Italian Cooperation requested permission to build a third village at the

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237. Ironically, white members of the research team were **approached** on several occasions by smallholders **and asked** if they were **returning** to reclaim holdings. (This happened in several locations **throughout** the country.) One old farmer in **Nampula** Province **badgered** the research team, asking when the "**patron** would return." He echoed several others in different sites when he said that at least when the "whites" were here, he had **a job and** food to feed his children. While this farmer **obviously** is not **making a statement favoring** one ethnic group or a return to colonial government, he is clearly expressing dissatisfaction and frustration with the results of **independence and** civil war.

238. Interviews with smallholders, Vanduzi Administrative Post, August 1993.

same site. The organization built meetings halls, administrative buildings, and storehouses as well as facilitating the acquisition of farm equipment and hand tools. The villages serve as centers for aid programs (food and clothing distributions and medical assistance). Belas I and II are also designed to support smallholder interests, particularly in acquiring and maintaining rights to land in the vicinity. In 1992, each participant was granted 1 hectare in the scheme.

In 1992, before the peace accord, villagers included local residents, displaced farmers, reintegrating refugees, and former state farm workers. Each village was supported through rural extension agents, who were appointed by the Italian Cooperation. The agent was responsible for land allocation, though each village had an elected secretary and political leaders.<sup>240</sup> who assisted with determining allotments (the political leader was also charged with resolving disputes). Local customary authorities became involved in the scheme at the same time; they, too, influenced political decisions, adjudication, and resource distribution and management (Myers, West, and Eliseu 1993).

In 1992, the provincial government considered demarcating the villages and the land belonging to Vanduzi and other state farms as "reserves." This would protect them from acquisition since any land demarcated as a reserve would not be surveyed and registered by DINAGECA. In 1993, the villages had not yet been granted reserve status, and most of the remaining state-farm land had been granted in concessions or acquired by commercial interests. (Locality and district officials had earlier assumed that refugees and displaced families would leave the villages and that the reserve areas would no longer be needed.)<sup>242</sup>

When we returned to Belas I and Belas II in July 1993, we discovered that the populations had not declined. In fact, they had apparently increased. Whereas in 1992 the population for Belas I was 224 families, in 1993 it was 372 families, an increase of 60 percent. In 1993 we noticed that mostly local residents (those claiming historical rights in the area)<sup>243</sup> and reintegrating farmers resided in Belas I, while displaced families lived in Belas II. This difference is interesting because the land directly contiguous to Belas II has been granted to a private farmer, Sr. Chongo (area marked "C" on map 16) despite an unofficial policy of

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239. Enzo Tromboni, Italian Cooperation, personal communication, August 1992. See also Myers, West, and Eliseu (1993).

240. In 1992 we noted that, despite these popularly elected representatives, most of the individuals interviewed in Belas I and II felt that the villages were run by the Italians (Myers, West, and Eliseu 1993).

241. Interviews with the Provincial Director of Agriculture, August 1992; Chief, Manica Provincial Office of DINAGECA, August 1992. See also Myers, West, and Eliseu (1993).

Demarcation as a reserve does not have legal standing in Mozambique or Manica Province, the application of this measure being solely dependent on verbal agreements between the villages and DINAGECA to deny private (nonlocal) farmer requests for occupation and title.

242. Interviews with representative of Vanduzi District Directorate of Agriculture, August 1992; President, Vanduzi Administrative Post, August 1992; and Vanduzi State Farm Director, August 1992.

243. We do not know if there had been a shift in the population from Belas I to Belas II in the intervening year. It appears as though some form of selection occurred in the original distribution of plots, and that some self-selection developed as reintegrating smallholders returned. Hence, more of the formerly displaced were reintegrating to Belas I. The social relationships within and between these two communities require further investigation.

refusing private commercial applications for land rights in this area.<sup>244</sup> Perhaps locality and district government officials are hoping to squeeze displaced people out of this prime area. At the same time, the inhabitants of Belas I are also suffering from land shortages; their expansion is constrained by the Serra Nyawombe highlands to the east and by Belas II to the west. Other land concessions in the area were reported in August 1993 by both smallholders and local rural extension agents.

It is interesting that while displaced families have remained in these villages, reintegrating families have also opted to settle here (rather than moving to family lands). The fact that displaced farmers and reintegrating families are joining the Belas I and II villages supports the argument that smallholders will not necessarily return to their homelands, even if they feel it is safe and they have the means to do so. Like larger commercial interests, smallholders want to exploit productive and strategically located lands.

Additionally, the population of displaced people in the Vanduzi locality has not dramatically diminished. This may lead to tensions among smallholders over access to land and other resources. Although we did not enumerate in 1992 or 1993, we did make visual appraisals of these communities, including an approximate number of homesteads. We think there were at least as many displaced families living near the post (areas marked "A") in 1993 as there were in 1992. When asked, farmers replied that they both wanted to take advantage of the services in Vanduzi and felt that rural areas were still unsafe. They also claimed that there was insufficient land near their homesteads. Local residents with historical rights wished displaced farmers would return to their family lands or just move away.

The village of Almada was established in the late 1970s as part of the government's villagization program (see map 17). In 1993 the population was approximately 430 families.<sup>246</sup> Local officials remarked that this is a substantial increase over the previous year. The expansion was due to an influx of repatriated refugees. In 1993, repatriated refugees, displaced families, and local residents were living in the village and farming adjacent land.<sup>247</sup> The area between the Nhamahari River and the village was intensely farmed by local residents and displaced farmers before the peace accord was launched. With the rising population of returning refugees, there is even greater concentration.

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244. Interviews with representative of District Directorate of Agriculture, **August 1992; and agricultural extension agent, Vanduzi Administrative Post, August 1992. See also Myers, West, and Eliseu (1993).**

245. Interviews with smallholder farmers, **Vanduzi Administrative Post, August 1993.** The lines between the categories—local **inhabitant** (claiming historical rights) versus reintegrating refugee versus displaced farmer—are often blurred. Not only do administrators misapply these definitions, but also smallholders themselves may misuse them. This is indeed an area that requires further exploration. However, smallholders are possibly manipulating these terms to secure certain benefits and services while inhibiting others' access to the same opportunities. Deeper exploration of social relations with regard to access to and control over natural resources may demonstrate important dynamics at the local level—which smallholders, for example, are most likely to use the opportunities and constraints of war and peace to manipulate their political and economic fortunes. **One's status as a refugee rather than a displaced farmer may affect one's opportunities.**

246. **Secretary, Almada communal village, August 1993.**

247. *Ibid.*

Smallholders spoke of numerous land conflicts between local residents claiming historical rights (and some displaced families) and returning refugees. The problem stems from overlapping land rights in the area. The major conflicts seem to be between returning refugees, many of whom have historical rights in the area, and residents of the village, that is, between local smallholders and those who received land in the villagization program. Both groups claim rights to the same land. While some returning refugees are using the village as a stopping place on their way to other locations (e.g., one farmer said he would remain in the area for one season before moving north of the corridor), others are returning home to Almada to claim land that had belonged to them before the villagization program and the war. Still other returning refugees are insisting that this land was given to them by the government.<sup>248</sup> These disputes are heard both by local government officials and by customary authorities.

Fewer land conflicts involve displaced people, for this category appears to have the weakest rights of all smallholders in Almada. When a family returns and its land is occupied, it usually abandons the plot and moves to an unused parcel. Local officials also asserted that nonlocal private interests were trying to acquire land between the main road (E. N. 6) and the river (see areas marked "A" and "B" on map 17). If the concession is approved, land shortages will certainly increase for all farmers living in Almada. The first effect most likely will be forcing displaced farmers away from the area.

#### **4. CONCERNS RAISED BY CASES IN SOFALA AND MANICA**

There continues to be a lack of understanding in both Sofala and Manica provinces about smallholder intentions and actions for postwar reintegration. Provincial and district officials are unaware of—and largely unconcerned about—the movement of smallholders. In general, they still believe that smallholders will leave the centers and return to their areas of origin. The fact that this has not happened on a large scale does not seem to have changed their impressions or policies.<sup>250</sup> At the same time, government officials in both provinces appear to deny that any of these smallholders have legitimate and historical claims to land in the corridor. Locality administrators, who are better informed, often are not consulted and find themselves in delicate positions with their respective communities when provincial and district authorities distribute land. Given that displaced smallholders are not moving from these centers and that many villages are experiencing population increases as refugees return and others self-displace to the corridor, local communities will face greater challenges with land distribution and resource allocation than anticipated. These difficulties will continue for several years to come.

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248. Interviews with smallholder farmers, Almada communal village, August 1993.

249. Smallholders may approach government officials if they think such action will advance their position in land disputes. Families who were given land as part of the villagization scheme, particularly, may seek government officials in a dispute rather than local customary authorities. This is another indication of the tensions that exist within local communities as a result of both war and government land policy.

250. This was apparent in the debate at the Second National Land Conference in Mozambique. For a few references to this discussion, see Weiss and Myers (1994); and Myers and Weiss (1994).

Provincial governments are condoning land concessions for some of the best land in the country. These allocations are creating land shortages in some areas and intensifying shortages that already exist in other areas; thus they are leading to conflicts. In fact, the highest number of disputes in any part of the country, outside of Maputo, appears to be in the Beira corridor (see map 6). Authorities continue to justify their grants by claiming that larger commercial interests are better equipped and are more efficient. On the positive side, however, many concessions in Manica Province have been given to local commercial Mozambican (former *assimilado*) fanners,<sup>251</sup> some of whom may indeed be better positioned to exploit resources than their foreign counterparts who have been acquiring or attempting to acquire land. On the negative side, the process reinforces smallholders' status by inhibiting the opportunity to accumulate capital and expand production. Officials in Manica Province appear to be receptive to the needs of smallholders, particularly through their implementation of the PDRM and identification of reserve areas. Nonetheless, the process of demarcating reserves and formalizing the arrangement—let alone enforcing tenure security—has not moved forward. We expressed concern in 1992 with the plan to create reserves; we still maintain those reservations. But we would like to see the province legally recognize smallholder land rights and protect them. At least the province should not grant land concessions where smallholders are farming and should incorporate smallholders into negotiations between commercial interests and the state.

There is growing tension among different categories of smallholders—displaced, refugees, and families claiming historical rights—as they compete for resources. The tension is heightened by the distribution of assistance and what appears as favoritism toward refugees, who already seem to be better fed and better equipped. This tension will increase as population density increases in some areas and may be a destabilizing influence.

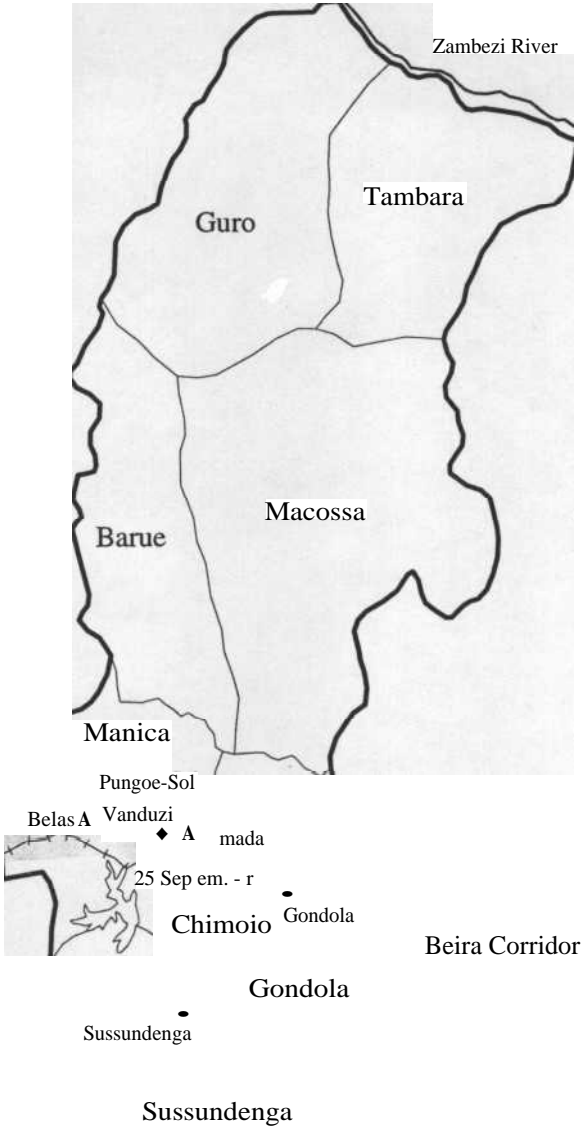
In addition, military factors still cause concern. Smallholders and commercial farmers continue to worry about unexploded land mines. We posit that the presence of land mines affects people's decisions to move to less congested rural areas. At the same time, local smallholders are worried about demobilization. They repeatedly mentioned that many people in the bush still had weapons, and that they did not feel safe away from the corridor until these weapons were confiscated. Both mines and demobilization constrain reintegration in both provinces.

The conviction that smallholders are inefficient, subsistence producers is cause for great concern. It not only exhibits a serious misunderstanding of smallholder production, but also commits the government to a direction that will hinder its own development and political objectives in the postwar period.

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251. See also Alexander (1994).

MAP 15  
Manica Province:  
Field Research Sites,  
1993

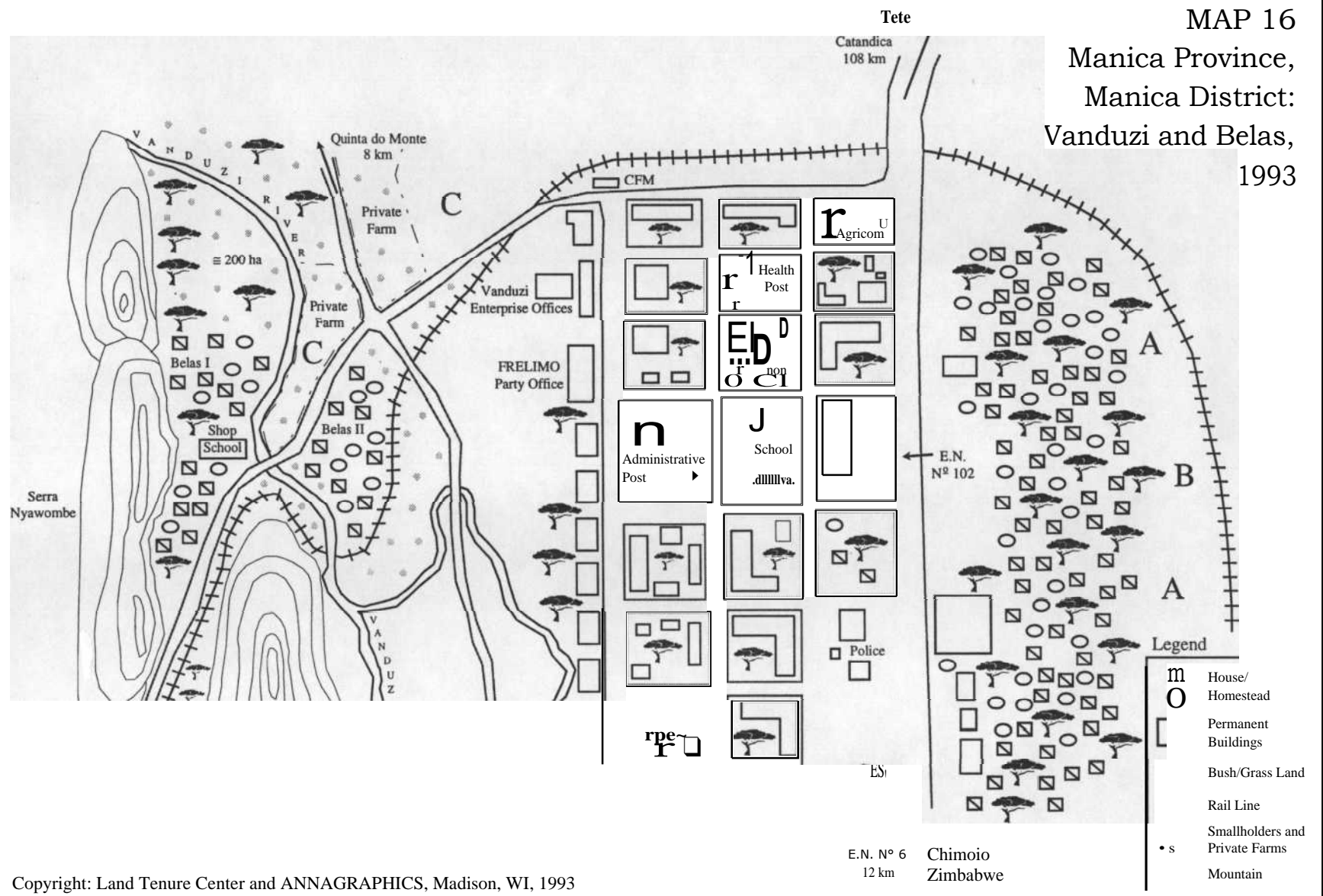


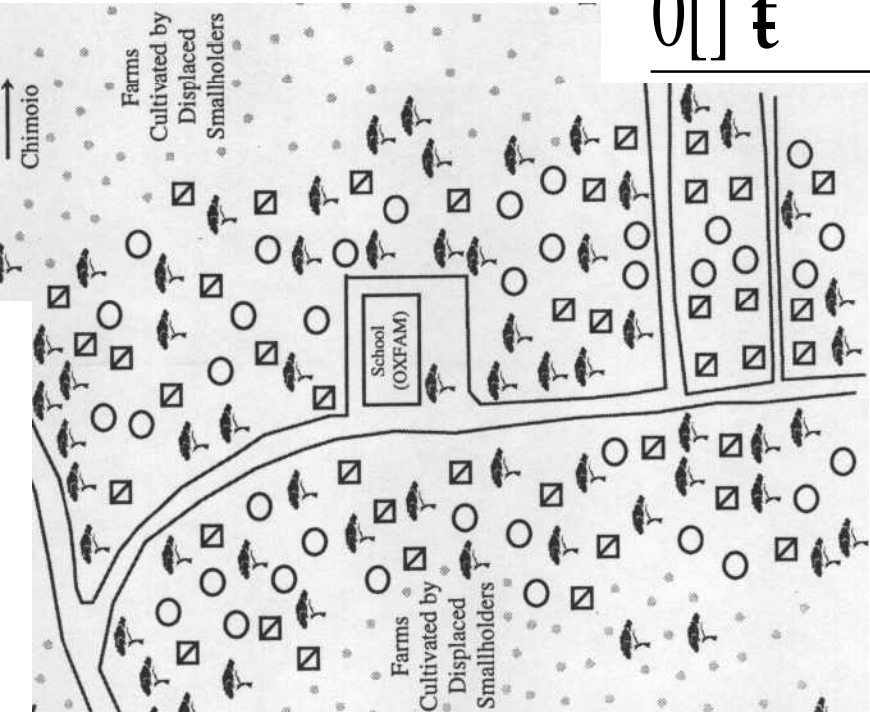
Legend

	Primary Research Site
	Secondary Research Site
	Area of Field Research
	* Provincial Capital

ANNAGRAPHICS and Land Tenure Center,  
Madison, WI, 1993

MAP 16  
Manica Province,  
Manica District:  
Vanduzi and Belas,  
1993





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## D. ANGONIA DISTRICT, T1 PROVINCE

### 1. RESEARCH SITES AND OBJECTIVES

The final research site discussed in this study is Angonia District, Tete Province. Approximately 200 individuals were interviewed in three rounds of research. More than 150 smallholders participated, including former refugees and displaced farmers, in three different areas of the district. Provincial, district, and locality officials as well as rural agricultural extension agents were also questioned. In addition, we spoke to small and medium-sized commercial farmers and representatives from NGOs that operated in the area. Research sites included: (1) villages around the perimeter of Ulongue city and farms along the road between Ulongue and Dedza; (2) territory around the administrative post of Domue, particularly the farms adjoining Block I of CAIA (Complexo Agro-Industrial de Angonia), a former state farm; and (3) territory around M'Languene, specifically, lands near Block III of CAIA (see maps 18-20).<sup>252</sup> The first round of research was conducted in March 1993, five months after the beginning of the peace accord; a second round<sup>253</sup> was undertaken in January 1994; and a third round was completed in February 1994.

In this study we seek to understand land tenure, production, and power relations in a district in northern Mozambique. We are particularly interested in the area because of its proximity to the Malawian border, its high concentration of returning refugees, and its relative poverty with regard to remaining infrastructure and services.

In all three locations we sought to understand if people were returning to their family lands—that is, how were returning refugees and displaced farmers getting access to land. We wanted to determine who was distributing land. We also tried to learn more about the land concessions being granted to smallholders and larger commercial interests by government officials and how recipients were investing in or exploiting the concessions. As in our other research sites, we attempted to learn as much as possible about the frequency and nature of land conflicts as well as the nature of and mechanisms for their resolution.

At the same time, we wanted to know if all categories of farmers at all locations felt they had secure rights and were investing in their land. We also focused on the commercial (private sector) farmers operating in the area to determine how they were interacting with smallholder farmers and local, small private interests. In Tete, more than anywhere else visited, larger commercial farmers complained about tenure insecurity, several alleging that temporary rights had been revoked. This case illustrates a different set of problems affecting investment and agriculture and a unique set of issues affecting local political relations.

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252. CAIA was **divided** into four **separate, noncontiguous production blocks, located in Angonia and Tsangano** districts.

253. Angonia was not included in the 1992 study of state farm divestiture. We were unable to make the same types of comparison that we had made in other research sites. Nonetheless, we could draw on a **comparatively** rich literature, noted in the following discussion, that focuses on Angonia **and** other parts of Tete Province.

The research locale differs substantially in several ways from the other cases reported in this study. First, Angonia District is located in the far northwest of the country, bordering Malawi. Consequently, during the war a larger percentage of the population sought refuge in camps across the border than in government-secured areas. Proximity to the border created social and economic opportunities that did not exist in most regions of the country. Second, in comparison to other areas in the study, this district had been less commercialized by Portuguese and Mozambicans during the colonial period—that is, there was a higher percentage of smallholder farmers in relation to larger commercial interests than in the other sites visited. At the same time, the district was relatively wealthy, and peasant smallholders reportedly benefited from this wealth.<sup>254</sup> Third, large areas of Angonia were controlled by RENAMO beginning early in the war; RENAMO continues to administer many of these neighborhoods in the postwar period. These characteristics are discussed below as they relate to our analysis.

We were interested in the area around Ulongue because of the high population concentration and resulting competition for land. During the last few years of the war, the city became a safe zone protected by government troops. Many families from Angonia and surrounding districts moved to this zone, resulting in increased population concentration and land conflicts between displaced and native families. We also interviewed families in the territory along the road between Ulongue city and the border post at Dedza (in Malawi), particularly focusing on Tchabualo and Calomue villages. These lands, bordering an important transportation route, have substantial commercial value. During the colonial period private farms were located on either side of the road; there is evidence that nonlocal commercial interests are returning to the district to resume control of these farms. In the first round of interviews, conducted in March 1993, some smallholders replied that they would not occupy these lands because they expected the former private (Portuguese) farmers to return when the war was truly over. The land near the border, adjacent to the Malawian city of Dedza, was of interest also because of its relative security during the war. Although RENAMO troops attacked some persons and kidnapped others in this region, people often farmed the lands closest to the border during the day while returning to Malawi at night. In some cases, these courageous farmers were not from the area but were exploiting abandoned land; in other cases, refugees who previously had land close to the border and were staying in Malawi continued to farm their own land. Many of the individuals in this latter group were the first to resume agricultural and other social and economic activities after the peace accord. We wanted to find out if returning refugees experienced any conflicts.

The second location investigated was Monequera village, Domue. We focused on the area around one of the four production units of the former state farm, CAIA. The land assets of this company were temporarily distributed during the war to nonlocal commercial farmers. Substantial conflicts have developed between local smallholders, state farm workers, and nonlocal private interests over rights to land.

The third location investigated was the locality of M'Languene in the villages of Bachone and Chipala. Like Dedza, M'Languene is located on the Mozambican-Malawian border. It

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254. See Coehlo (1993).

was also the site of one CAIA production unit. However, there appear to be significant differences between Domue and M'Languene that affect land access. These differences, which are historical and relate to internal social and political struggles, will be discussed below. Numerous land conflicts involving the private sector and smallholders have been recounted.

## 2. HISTORICAL, LAND TENURE, AND SOCIAL PATTERNS IN ANGONIA DISTRICT

Like others in Mozambique, the international border with Malawi cuts artificially across natural geographical terrain and social and ethnic groupings. Also like other borders in the country, it has been and continues to be very porous—with much population movement and commercial transactions crossing in both directions. There are important cultural, political, and economic relations among people on both sides of the border. These relations influence land access and land use, among other social phenomena. The people on both sides of the border are Chewa, a group having matrilineal inheritance patterns and matrilineal property relations; that is, a new husband typically gains access to land from his wife's family and remains in her father's compound for a number of years before moving elsewhere.

A number of private farms were established during the colonial period, but they were not all located on the best land in the district. In 1968 the colonial regime began its campaign of forced resettlement of the rural population into *aldeamentos*. In Tete Province, which became a major combat zone after 1968, more than 250,000 people (or nearly 60 percent of the population) were displaced by resettlement (Isaacman and Isaacman 1983).

After independence, the new government continued to move people into communal villages, but its program was far less extensive and less successful, affecting only 10-17 percent of the province's population (Isaacman and Isaacman 1983; Araujo 1988). As elsewhere, the government programs had mixed results. Women, for example, reportedly benefited from the large government-created villages because of improved access to education, grinding mills, and other commercial opportunities; at the same time, however, they apparently lost control over land rights because the villages promoted patrilineal marriage.<sup>255</sup> Similar to other places, traditional authorities were criticized and undermined by the new government, but these deprecations proved ineffective and were soon abandoned. In many areas FRELIMO secretaries were also holders of customary titles (Wilson 1991b; Bonga and Wilson 1993). At this time several private farms were also taken over by government to become part of CAIA, which then covered approximately 22,000 hectares and split into four production blocks.<sup>2</sup> Upon its founding, CAIA assumed control over some former private farms and adjoining smallholder farms. Displaced smallholders were moved to state-created communal villages. The state farm went bankrupt, however, and was

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255. Wilson (1991b); and Ken Wilson, personal communication, February 1994. In contrast, see Jean Davison (1988, p. 246), who believed that women in Sofala Province benefited from the cooperative and communal movements: "The state's role in land redistribution, in most cases, " she wrote, "has benefitted peasant women by giving them greater access to land equally. At the same time, such redistribution does not affect all women equally. Some women gain more than others." See also Isaacman and Isaacman (1983).

256. These production units were located in Domue (3,800 hectares), Matiasa (6,552 hectares), Tsangano (31,994 hectares), and Maniquera (8,466 hectares).

abandoned as early as 1984.<sup>257</sup> State farm workers then vacated the farm blocks and moved  
 258 Malawi or occupied land in government-controlled areas

Angonia District, which before 1986 included the territory of present-day Tsangano District, is among the most fertile areas of the country and has exceptional agricultural potential. Therefore, historically Angonia has been one of the most productive and prosperous regions of Mozambique. Before the war local inhabitants were relatively wealthy, controlling cattle and other resources. The best lands are along the Domue-Ulongue-M'Languene-Tsangano axis (three sites in this area were investigated). The remaining land in Angonia is less productive and is not in high demand (Wilson 1991b); most of it has limited accessibility, thereby reducing its attractiveness to both smallholder and commercial farmers. Before the war people in Angonia maintained that there was plenty of land available, even though the two districts were densely populated. The peasant population, though, was reportedly highly differentiated and factionalized, features that RENAMO exploited during the war.

Villages in the district were heavily attacked during the war by both RENAMO and FRELIMO soldiers.<sup>260</sup> By 1985 a large number of people had fled in Malawi. Not only was Malawi relatively close for most of the refugees—less than a two-day walk in many cases—but many refugees also had extended family living there. The government did not gain control of the area around Ulongue, Dome, and M'Languene until much later in the war. The territory being militarily insecure, smallholders confessed that they felt safer on their farms or in the bush.<sup>261</sup> However, the majority of the population in Angonia District fled the countryside between 1987 and 1989. The U.S. Committee for Refugees (USCR) estimates that during the war about 220,000 people fled Angonia District, moving across the border to refugee camps or staying in Malawi with relatives (Drumtra 1993; UNHCR 1993). USCR

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257. Interview with administrator of Angonia, March 1993. See also Eliseu (1994).

258. Interviews with smallholders, Ulongue, March 1993; interviews with smallholders, M'languene, February 1994; interview with administrator of Angonia, March 1993.

259. See Wilson (1991b); Bonga and Wilson (1993); and Ken Wilson, personal communication, February 1994.

Bonga and Wilson (1993) report that much of the killing and looting in northern Tete was committed by local inhabitants, who were neither FRELIMO nor RENAMO adherents. They say that local people used the war as a cover-up to resolve deep-seated ethnic, class, and other social struggles. At the same time, they observed that RENAMO capitalized on these internal divisions, mobilizing poorer peasants to attack wealthier peasants, commercial elite, and government officials. If these observations are correct, the end of the war may not bring a calm period of productivity, but rather new struggles as victims attempt to recuperate lost property or avenge perceived injustice.

260. Wilson and others report that FRELIMO soldiers frequently attacked the local population in Tete, those who were thought to be RENAMO collaborators in government-controlled areas being particularly targeted. Additionally, FRELIMO encouraged people to flee to Malawi since this would limit the number of individuals that RENAMO could (usually forcibly) use for logistical support (Wilson 1992b; Bonga and Wilson 1993; and Ken Wilson, personal communication, February 1994).

261. Interviews, smallholder farmers, Ulongue, March 1993.

also figures that an additional 92,000 people fled from Tsangano District to Malawi. We do not have comprehensive data for the number of people internally displaced in the district.

### 3. LAND TENURE IN ANGONIA DISTRICT BEFORE THE PEACE ACCORD

As noted, much of the countryside in the district was abandoned after 1986.<sup>263</sup> Government had little control over much of the province; there was little farming outside of the secure areas.<sup>264</sup> Some refugees and displaced families interviewed at the Malawian border and in Ulongue thought they had secure land rights and that they could reclaim their land when the war ended; others said they were not so sure about their land rights and were anxious to resettle.<sup>265</sup> In 1988 many smallholder refugees in Malawi started to farm the land nearest to the district borders while some farmers exploited the land surrounding the government-protected areas. There were shortages and competition between displaced farmers and smallholders claiming historical rights in just these two locations.

Also beginning in 1988 commercial producers occupied some of the lands formerly belonging to colonial private farms and CAIA. These farmers came largely from Ulongue and Tete city; they were secure during the war because they had their own security forces (*milicianos*) (Eliseu 1994). "Temporary" use rights were approved by district officials, though authorities insist that temporary users was given no legal documents to support their claims or have their rights registered.<sup>266</sup> However, the results of an investigation by the Norwegian Refugee Council in September 1993 suggested that some commercial producers were indeed

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262. Both USCR and UNHCR report that only 13,000 people remained in Angonia District during the war while an additional 5,000 persons stayed in Tsangano District. Presumably, by the end of the war, a great majority of these refugees were living in the three secure, government-controlled cities. However, we believe that the number of people reckoned to have remained in the districts is an underestimate. Further, the division between refugees in Malawi and those staying in the districts suggests there was no movement back and forth between Mozambique and Malawi and that people who fled to Malawi stayed there until the peace accord. We know, however, that many people were returning to Ulongue as early as 1986 and that there was considerable movement between Malawi and Ulongue (Eliseu 1994; Ken Wilson, personal communication, February 1994; and Bonga and Wilson 1993).

263. Some individuals chose to remain in the RENAMO-controlled areas and continued to farm throughout the war. The relationship between these farmers and RENAMO has been documented by Olaf Juergensen, Queen's University, Kingston, Ontario (forthcoming dissertation; see also Ken Wilson, unpublished notes on the war in Tete Province, personal communication, February 1994). Juergensen's research also seeks to determine why some inhabitants of the district went to Malawi and others to the government-controlled areas. He suggests that tenure security may have affected this choice. His work will shed light on an important set of issues.

264. Although we know little about the RENAMO-held areas, it is likely that there was intensive cultivation in a few of them (see Juergensen 1994?).

265. Interviews with smallholder farmers, Dedza and Ulongue, March 1993.

In 1993 Violet Bonga talked to refugees in Malawi before they repatriated to Mozambique. Many of her questions focused on the refugees' perceptions about postwar Mozambique, including a very brief inquiry about land access. She recounted that refugees did not think they would have difficulty acquiring land when they returned to Mozambique.

266. Interview with administrator of Angonia; and District Agricultural Officer, March 1994.

given titles.<sup>267</sup> Regardless, we later found that many of these farmers felt that their rights were permanent and intended to remain on the land granted.<sup>268</sup>

Shortly before the peace accord was signed, tens of thousands of people began to move from the refugee camps in Malawi back to Angonia, particularly to Ulongue.<sup>269</sup> They joined displaced and local inhabitants in the government-protected area. It is estimated that by August 1993, 90 percent of the refugees had returned to

Refugees with stronger ties to the land in Angonia were the first to return. Others who came back early either had weak ties in Malawi or had experienced problems while staying there. At about the same time that these refugees started back, many people began to move out of the government-controlled areas. This movement by both displaced and refugee families may have been motivated as much by concerns over land availability and security as by the absence of war and consequent physical

#### **4. LAND TENURE IN ANGONIA DISTRICT AFTER THE PEACE ACCORD**

By the time the peace accord was signed, a large number of people had already returned to Angonia, planted crops, and started building houses (albeit some were temporary). As time passed, more and more smallholders became settled, mostly on their old family lands.

District authorities told the refugees in Malawi that when they returned to Angonia, they should go directly to their old family lands and begin farming. However, the smallholders encountered problems. Essentially there were two movements of people: one group moving out of Ulongue, and another, larger group moving south from Malawi; in some areas these two movements overlapped. Since many people were not sure that peace would last, they maximized their options by planting as much land as they could near the secure zones, regardless of whether it was their land. As smallholders returned from Malawi or moved out of Ulongue, they often found other smallholders on their land. This generated conflicts. In most cases customary authorities were called upon to resolve these disputes; they generally decided in favor of the parties who had stronger claims to the land. The persons with weaker

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267. Nina Berg, Norwegian Refugee Council, personal communication, November 1993.

268. Eliseu (1994) reports that several of these commercial farmers also complained that their rights were weak, though they remained on the land. She noted that in at least two cases, commercial farmers were asked by government to vacate the land they were given.

With regard to commercial farmers in Angonia, in 1991 Ken Wilson predicted that while commercial farming would create economic opportunities, infrastructural and market development, and a suitable "demonstration effect," it would also enhance conflict over land in prime areas, thus "depriving peasant producers by privileging commercial producers" (Wilson 1991b, p. 5).

269. Many of them had already started to return as early as 1991.

270. Ken Wilson, personal communication, February 1994; and Drumtra (1993).

271. Ibid.

rights or no claim were asked to leave. If they had planted crops, they were allowed to harvest before they left.'

When we first visited the district in March 1993, there were many people farming outside of the city of Ulongue, and there were a few new settlements along the road between Ulongue and Dedza. In the area around Ulongue some smallholders mentioned land conflicts, largely between displaced farmers who did not "belong" in the pen-urban areas and returning refugees.<sup>273</sup> These conflicts were being sorted out by local lineage heads, other customary authorities, and some locality government officials. There were a few reported conflicts between local inhabitants and new farmers when the latter tried to farm on sacred lands (Eliseu 1994). It is not clear if these new farmers were returning refugees or displaced farmers looking for temporary use rights. District and locality officials were also involved in distributing land on a temporary basis to returning refugees and others who did not have land. One native farmer complained that district authorities were allotting land that was sacred. Another smallholder said that the officials were distributing land that belonged to other people who had not yet returned; he worried that there would be conflicts between these new recipients and the returning

District government officials stated that they knew enough about land occupation (or availability) in Angonia to distribute land to smallholders and nonlocal commercial interests. They felt that there was plenty of land available in the district for all interested individuals, and they encouraged outside interests to come to the district to invest in agriculture. In addition, district agricultural officers declared there would be plenty of accessible land near Ulongue because all the displaced farmers would move back to their homelands.<sup>275</sup>

In the area along the road to Dedza (see map 19) in March 1993, we noticed many areas that were unexploited. When asked, locality government officials and agricultural extension agents replied that those lands would be claimed by returning refugees and displaced families or by former colonial owners. They were convinced in the latter case that the owners would return and that no local smallholders would occupy the parcels. They did not consider the unoccupied land (most of which was along the road and therefore commercially valuable) free

for distribution.<sup>274</sup>

Most of the families living in the area had recently returned. The neighborhood was sparsely populated and new permanent houses were being constructed. Smallholders claimed

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272. Interviews with smallholder farmers, Ulongue, March 1993; **and agricultural extension agents**, Ulongue, March 1993.

273. Interviews with smallholder farmers, Ulongue **and** Dedza, March 1993.

274. Interviews with smallholder farmers, Ulongue **and** Dedza, March 1993.

275. Interviews with **administrator** of **Angonia Administrative Post**, March 1993; **agricultural extension agents**, March 1993; **and** representative of District Directorate of DINAGECA, March 1993.

276. Interviews with **representatives** of **Ulongue Administrative Post**, March 1993; **and agricultural extension agents**, Ulongue, March 1993.

that there was plenty of land available for their families and that they had returned to the same spots they occupied before the war.

In March 1993 we also noticed that the land at Dedza, near the border with Malawi, was already intensively cultivated. Smallholders recalled a few conflicts occurring as returning farmers confronted temporary farmers who had exploited their land during the war or occupied it during the months after the peace accord. By and large, however, smallholders were resolving disputes and resuming their lives.

When we returned to Angonia in January and February 1994, we revisited the area around Ulongue and the road between Ulongue and Dedza. We focused specifically on Tchabualo and Calomue villages<sup>277</sup> (see maps 19 and 20). The land bordering the road and around these villages was now intensely cultivated and densely populated.<sup>278</sup> Smallholders had reacquired their lands and in a few locations had occupied former colonial holdings. They asserted that these lands were historically theirs. Upon closer examination, however, it appears that these colonial holdings are being occupied by extended family members who do not wish to return to the interior of the district or province because the land there is reportedly unsafe and less fertile. Smallholders in Tchabualo answered that despite the population density, land access was not a problem. Most said that their family had at least two parcels of land and that the community held land reserves for further expansion. Smallholders told of numerous land disputes between returning smallholders over boundary demarcation, but said that these disputes had been easily resolved by local authorities.'

The area around the border, specifically Calomue village, was more densely populated, and the land intensely cultivated.<sup>280</sup> Smallholders noted that although historically Malawians had also farmed on these lands, after the 1940s Portuguese authorities attempted to inhibit their use of land near the village and on the Mozambican side of the border. Many small and medium-sized colonial farms developed along the border during the colonial period. Most of these farms were abandoned, but a few were reportedly occupied by native smallholders or Mozambican commercial farmers after independence. Mozambican smallholders did move onto lands "abandoned" by Malawian smallholders. This caused friction between the two communities when Mozambicans moved into the vacuum. Smallholders said that after the

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277. **Tchabualo** village is 25 kilometers north of Ulongue, and Calomue village is 40 kilometers north of the city.

278. During the first round of research, we visited two villages along the road to Dedza; other communities were just starting to reestablish themselves. At that time neither **Tchabualo** nor Calomue was **densely populated**. The distance between the new (reestablished) communities was more than 2 kilometers in some cases. When we returned in 1994, we drove **through** ten villages much like **Tchabualo**, all **densely populated**, and we witnessed other villages that were just reforming. We made several "spot checks" along the road to ask people where they came from. In most cases the **smallholders responded that they or their families were rebuilding on exactly the same spot they had abandoned when the war drove them away**.

279. **Interviews with smallholders in Calomue and Tchabualo, February 1994.**

280. District authorities reported that the **population** of the village in 1993 was 7,652 **people—and** that this was typical of villages along the border.

peace accord, some Malawians were attempting to reclaim rights and that this was causing conflicts between Mozambicans and Malawians.<sup>281</sup>

As a result of Mozambicans' entering the area along with natural population increase since the war (from births and marriages), smallholders admitted that there were land shortages along the border, particularly around Calomue village. The local community discussed the problem and appointed their chief (Nhacuacua) to contact locality government officials. The village requested that the district authorize the reoccupation of colonial holdings in the area. The community had not yet received a response to their petition when the study was conducted. In the interim, the community asked for land from other nearby villages, including Tchabualo. Some people were granted temporary use rights."

The lands around M'Languene were of considerable interest to our investigation not only because the area is densely populated but also because a high number of land conflicts had been reported. M'Languene is located approximately 40 kilometers east of Ulongue (see map 20). It is situated near the Malawi border. In 1989 the district registered a population density of 32 persons per square kilometer, more than twice the average density of the nation.<sup>283</sup> We know that many smallholders have moved or returned to this area since the peace accord was signed, so we think that the population has grown since 1989. We interviewed smallholders in Bachone and Chipala villages.<sup>284</sup> Many smallholders admitted that they continued to farm on Mozambican land nearest to the border during the war; however, it is clear that these farmers would have exploited any land available, whether it was theirs or not.

Most of the local inhabitants returned to the area after the peace accord was signed. Locality government officials advise that the population is significantly higher now than it was in the prewar period. Customary authorities, smallholders, and locality officials point to a number of land conflicts both among smallholders and between smallholders and nonlocal commercial producers in the last year.<sup>285</sup>

Most conflicts among smallholders involve returning refugees who have not respected old family boundaries. These conflicts are being resolved largely by local customary officials. Some conflicts are between displaced families and newly arriving farmers who are not historically from the area. The outcome of these disputes is undetermined (Eliseu 1994). Another set of conflicts between smallholders and nonlocal commercial producers resulted in violent confrontations. These are discussed below.

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281. Interviews with smallholders on the frontier, Dedza, February 1994.

282. Interviews with smallholder farmers, Calomue, February 1994.

283. Interview with representative of Directorate of Agriculture, Angonia District, Ulongue, February 1994.

284. Our field map of this area, also illustrating the CAIA holdings, was not prepared at time of publication. It is available, however, through the Land Tenure Center, University of Wisconsin-Madison.

285. Interview with M'Languene locality government representative, February 1994. This point was confirmed by the provincial director of agriculture and the provincial governor at the recent Second National Land Policy Conference in Mozambique. See Weiss and Myers (1994); and Myers and Weiss (1994).

At independence, some of the colonial farms in this area were intervened and became part of the CAIA production units. Local smallholders had thought that they could recover these lands and were disappointed by the state's intervention. Smallholders reported that **they** were encouraged to work for the state farm.<sup>287</sup> When the peace accord was signed, many smallholders tried to reclaim these lands. Some were successful and planted crops, but their tenure is uncertain because the government has not determined the status of the former state farm. Supposedly, government officials want to alienate the land to private commercial enterprises. In fact, some people were not successful in reasserting their rights precisely because some of the CAIA lands had already been distributed to commercial farmers.<sup>288</sup> Some of these commercial farmers got their land rights from district authorities as early as 1986.<sup>289</sup> Many of these "temporary" land rights had been granted to nonlocal interests.

Local customary authorities conceded that there have been conflicts over agricultural and sacred lands. Some of the case have been violent. In the first dispute, some smallholders are struggling with the new commercial holders, claiming that they have priority rights to former CAIA land. Other smallholders claim that the commercial producers are not respecting the limits of their concessions and have encroached on adjoining land. In the second case, smallholders attested that private farmers (and some nonlocal smallholders) had started to farm on sacred (i.e., ceremonial and burial) land.<sup>290</sup> In both cases the smallholders presented their complaints to district and locality officials.

Government officials have not been successful in resolving conflicts that the government initiated through granting concessions. One customary authority interviewed in Chipala inferred that district officials protect the interests of commercial producers and disregard the claims of smallholders.<sup>291</sup> At least one dispute case was passed to the local court, but it too has not been resolved.<sup>292</sup> In the meantime, smallholders are acting on their own initiative.

The situation is far from clear and far from one-sided. While it appears that government has been favoring commercial interests, it is not certain that smallholders have lost all disputes. Two of the private commercial farmers interviewed complained that they had lost

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**286. Interviews with smallholder farmers, M'Languene, February 1994.**

287. Interviews with smallholder farmers, **M'Languene, February 1994; and** with locality government representatives, **M'Languene, February 1994.**

288. See Eliseu (1994).

289. Interview with representative of the District Directorate for Agriculture, Angonia, February 1994. The information was confirmed by **participant** debates at the Second National Land Conference in Mozambique.

These land concessions were reportedly granted on a temporary basis. The term "temporary" was never defined. Recipients say that they were told they could use the land until the war was over or until "things changed." We do not know what these farmers paid for their concessions, though one reported investing 70 million meticaïs (**approximately** US\$13,000 at the current rate of exchange, December 1993).

290. See Eliseu (1994); also see Weiss and Myers (1994).

291. In **contrast, another** district government official **suggested that no one would be entitled to CAIA land for a long period of time because** the state was **going to resume agricultural operations. Interviews with representatives of the District Directorate of Agriculture, January 1994.**

292. Interviews with smallholders and customary authorities, M'Languene, February 1994.

land rights because the government retracted some of the land granted to them and permitted smallholders to farm it. In these cases tenure security was explicitly defined for neither commercial nor smallholder producers. At the same time, smallholders are aggressively defending their own interests, in one area driving off some of the nonlocal commercial producers. In a dispute over sacred lands, there was a violent demonstration that resulted in casualties. In another case, local smallholders presented their complaint to district officials, who suggested that the private farmer return part of the area to local inhabitants. Yet the smallholders refused to accept the proposal, demanding the return of the entire concession and threatening to drive out the commercial producer. Although the issue was still pending at the time of the last investigation, smallholders had peremptorily squatted on some of the land, reducing the private commercial farmer's access to part of the holding. Other commercial farmers in the area have been pressured by smallholders to return part or all of the land they were granted.'

District government officials acknowledged that they were not titling or registering land concessions in the area until the disputes were resolved. Smallholders suggested that the government should demarcate their lands and prevent commercial producers from occupying those areas (Eliseu 1994).

The last site investigated in Angonia covered the terrain around Domue, the location of a second CAIA production block. This locale also was chosen because of its fertile lands, its location along the transportation corridor, and its high number of reported conflicts. Domue is located approximately 45 kilometers northwest of Ulongue (maps 19 and 20). In February 1994, the NGO World Food Program estimated its population, including both government- and RENAMO-administered areas, at 116,108 people.

Land conflicts among smallholders and between smallholders and commercial producers in this area have been reported in the popular press. Our research confirmed these stories.' Returning refugees complained of conflicts with other refugees because of confusion over land rights. The difficulty stems from the colonial period when villages (*aldeamentos*) were created and smallholders were forced to abandon their lands, at which time numerous villages were created in the area around Domue.<sup>293</sup> The confusion was compounded by the government after independence, when smallholders were again required to live in communal villages.'

When smallholders began to return to the area, district authorities told them to go to their areas of origin or areas of choice. This poorly conceived plan brought on a number of confrontations. Authorities presumably thought smallholders would return to the lands

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293. This lack of clarity over rights and the struggles between commercial **and** smallholder producers in both **M'Languene and Dome** (another CAIA production area) was **debated** in the Second National **Land** Conference. The governor of Tete, Sr. Mutemba, concurred that there were land conflicts in these two areas.

294. They were also confirmed by other researchers in the area, including Nina Berg, Norwegian Refugee Council, personal communication, November 1993; **and** Virgilio Ferrao, chair, Ad Hoc Land Commission, Ministry of Agriculture, November 1993.

295. See DINAGECA, district and **provincial** maps, Maputo. This is confirmed in Coehlo (1993).

296. *Ibid.*

belonging to the former communal villages. It is uncertain if they considered the plight or demands of local smallholders with historical rights. Local customary authorities as well as locality government officials are reportedly having difficulty resolving many of these disputes; tension among smallholders persists.

Smallholders with historical rights reported that when they attempted to return to Domue to reclaim their land, they found other smallholders already there. The former smallholders claimed that the land had been given to them by either colonial or government officials. The farmers already present maintained that the land had been abandoned and was free for occupation. In other areas, farmers who had been given land as part of a colonial or government scheme returned to find other smallholders, who said they had historical rights, farming on what they thought was their land. Apparently there was great confusion over who had superior rights to the land. Locality and district government officials were aware of some of these conflicts but were unsure of what to do. They indicated that there was no policy and that they were waiting for a course of action to be established.<sup>298</sup> In the meantime, they were attempting to help smallholders find land to farm temporarily.

As in M'Languene, private commercial farmers started acquiring some CAIA land in 1986. District authorities were unable to tell us how many commercial agricultural concessions had been granted to these nonlocal farmers. Returning smallholders have tried to recover these lands and have petitioned the district government authorities requesting the removal of the commercial farmers.<sup>299</sup> Commercial farmers answered that they had acquired the land legally and that the government was not protecting their rights. One commercial farmer declared that he had invested several million meticaís and demanded that the government uphold his right to the land. Another commercial farmer accused the government of withdrawing land-use rights in an election year.<sup>300</sup> District government authorities contend that they are reviewing the case and that no titles will be issued until all the facts have been acquired. In the interim, tension between smallholders and commercial farmers remains.

## **5. CONCERNS RAISED BY THE CASE OF ANGONIA**

The case study in Tete Province reveals that a large percentage of the refugee population has returned to the province, specifically to Angonia District, without hinderance. Although we do not know what is happening in the RENAMO-controlled areas, we are certain that most of the refugees in the government-controlled portions have gained access to some land and have planted crops during the last two agricultural seasons. It is not evident, however, whether smallholders have secure tenure rights. It is also not clear where smallholders are

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<sup>297</sup>. Interviews with smallholder farmers, Domue, February 1994; interviews with agricultural extension agents, Domue, February 1994.

Unfortunately, we have no data on the number of conflicts occurring in either Domue or M'Languene; however, the frequency of reports about conflict from smallholders was substantial.

<sup>298</sup>. Interview with locality representative, Domue, February 1994.

<sup>299</sup>. Interview with locality agricultural extension agent, Domue, February 1994.

<sup>300</sup>. Smallholders commented that both FRELIMO and RENAMO have been trying to "mobilize" peasants in the district.

going. In the cases of Calomue and Tchabualo, smallholders seemingly returned to their family lands with little difficulty. In other areas, such as Domue and M'Languene, there has been great difficulty with reintegration; much of the problem has come from confusion over land rights, most of which is due to overlapping and competitive claims. This process is being complicated by the government as it grants concessions and fails to devise a determinate tenure policy. The fact that government authorities simply told people to return to the land they had abandoned exhibits extreme insensitivity toward smallholders and the historical circumstances surrounding land access and tenure security.

Reports from other sources indicate that there are few land conflicts in the interior region of the province or away from the major transportation/commercial Domue-Ulongue-M'Languene-Tsangano axis.<sup>301</sup> Most conflicts are occurring where population density is high and where the best (most strategic) land is located—in addition to the areas where land concessions have been granted.

It appears that most conflicts between smallholders are being resolved by customary authorities, though several of these farmers reported that locality officials had also been involved. It is obvious, however, that further research is needed to understand the dynamics between returning refugees, new arrivals, and other local smallholders. Internal struggles within these communities may become manifest as the refugee population settles and more land is exploited for agricultural production. This area should be monitored in the future.

There is some evidence that Mozambicans and Malawians are entering the district because of its fertile and productive lands. Demobilized soldiers have also been negotiating for land rights, and their demands may be accelerated by the demobilization process. These new entrants may destabilize the district, particularly since the latter group is powerful and has the backing of international donor agencies.

Although we cannot be certain, at the time of research it appeared that district authorities had stopped granting land concessions. Whether this moratorium is for election purposes or some other objective, the end result is positive. In addition, however, district authorities must resolve problems pertaining to the concessions granted during the war. Part of the difficulty stems from the fact that CAIA land has not been officially divested. In fact, the issue in Angonia is representative of problems affecting the state farm sector elsewhere, for the central government has yet to articulate a definite divestiture policy. At the same time, district and provincial governments must find ways to promote commercial agricultural investment. This will be impossible given the current confusion surrounding the status of the state farm sector.

District authorities need to decide if they will support previously granted concessions or extinguish these rights. As it stands now, the authorities have avoided making a firm decision, thus contributing to tenure insecurity. It is not sufficient for them to say that they have not

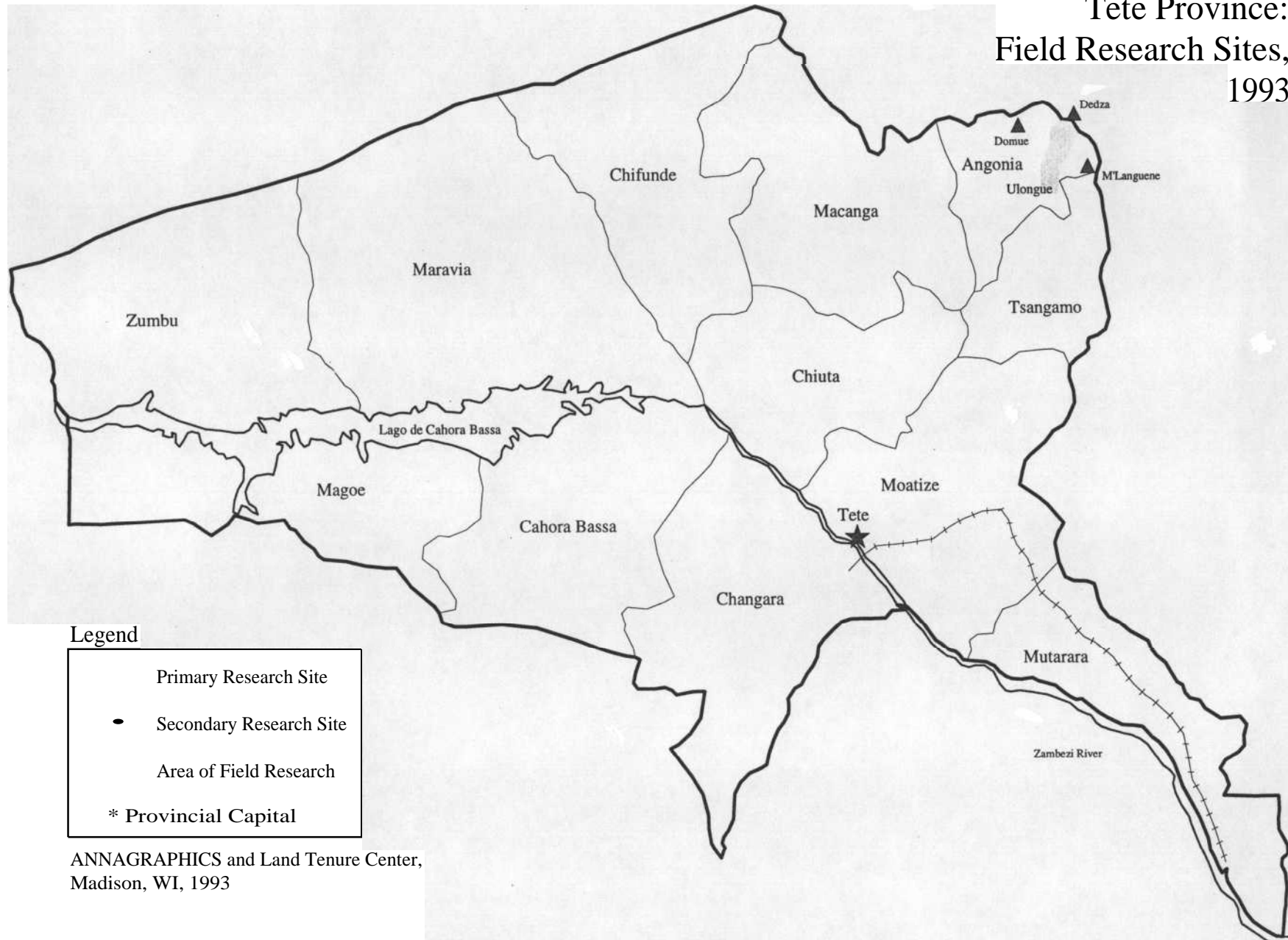
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**301. Bonga and Wilson (1993); Wilson (1991b); and Nina Berg, Norwegian Refugee Council, personal communication, November 1993.**

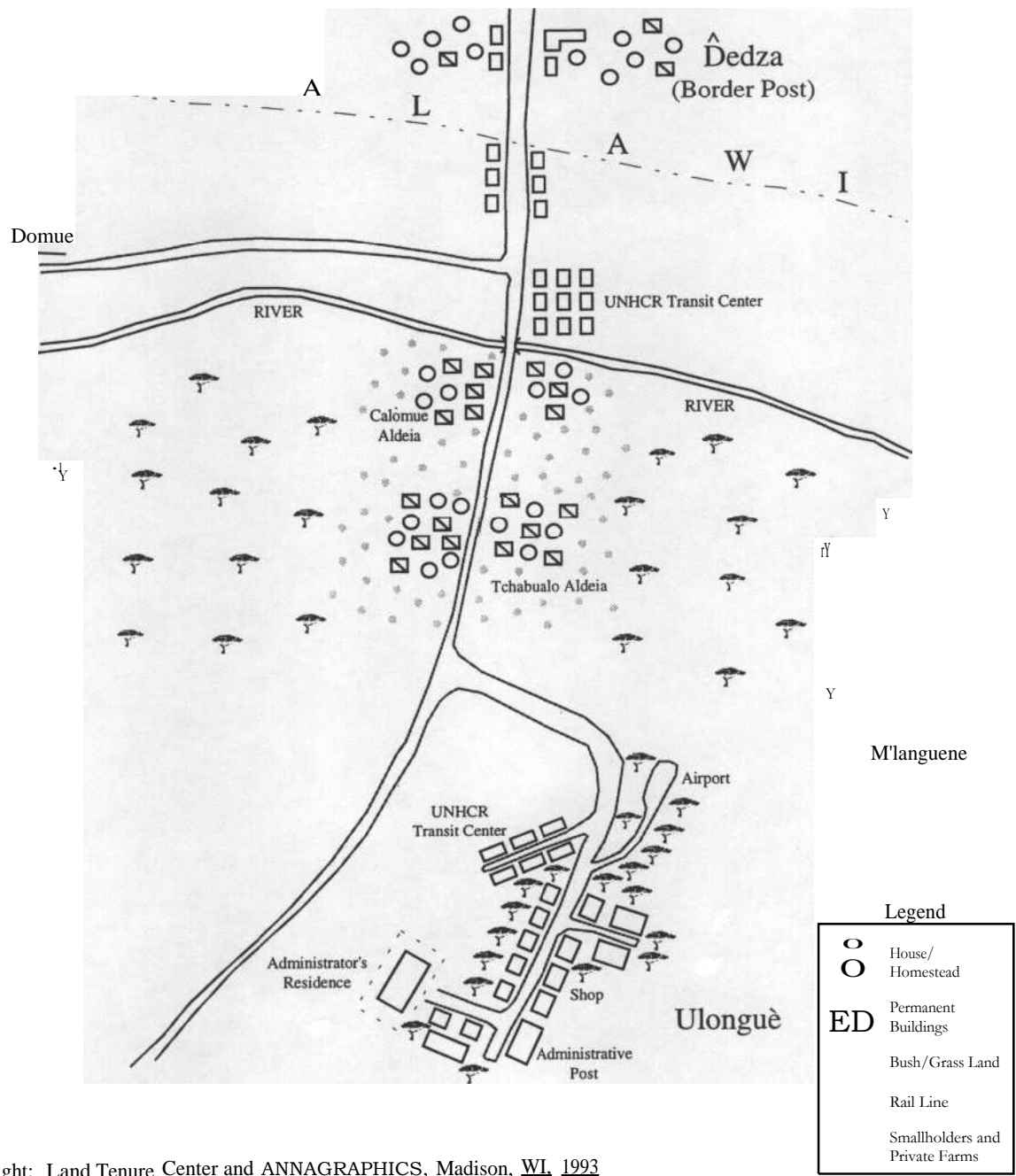
granted titles—and will not grant titles until the matter is resolved. The district should immediately develop a policy to be implemented in a timely and transparent fashion.

Finally, if it is true that much of the violence against local inhabitants during the war was committed by other local residents, the end of war may lead to yet another round of social struggles. These conflicts will be intensified, however, in a climate of tenure uncertainty, where the government further challenges existing land rights by granting concessions to nonlocal producers without the local denizens' participation or consent.

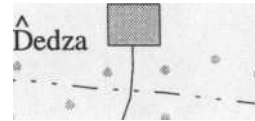
MAP 18  
Tete Province:  
Field Research Sites,  
1993



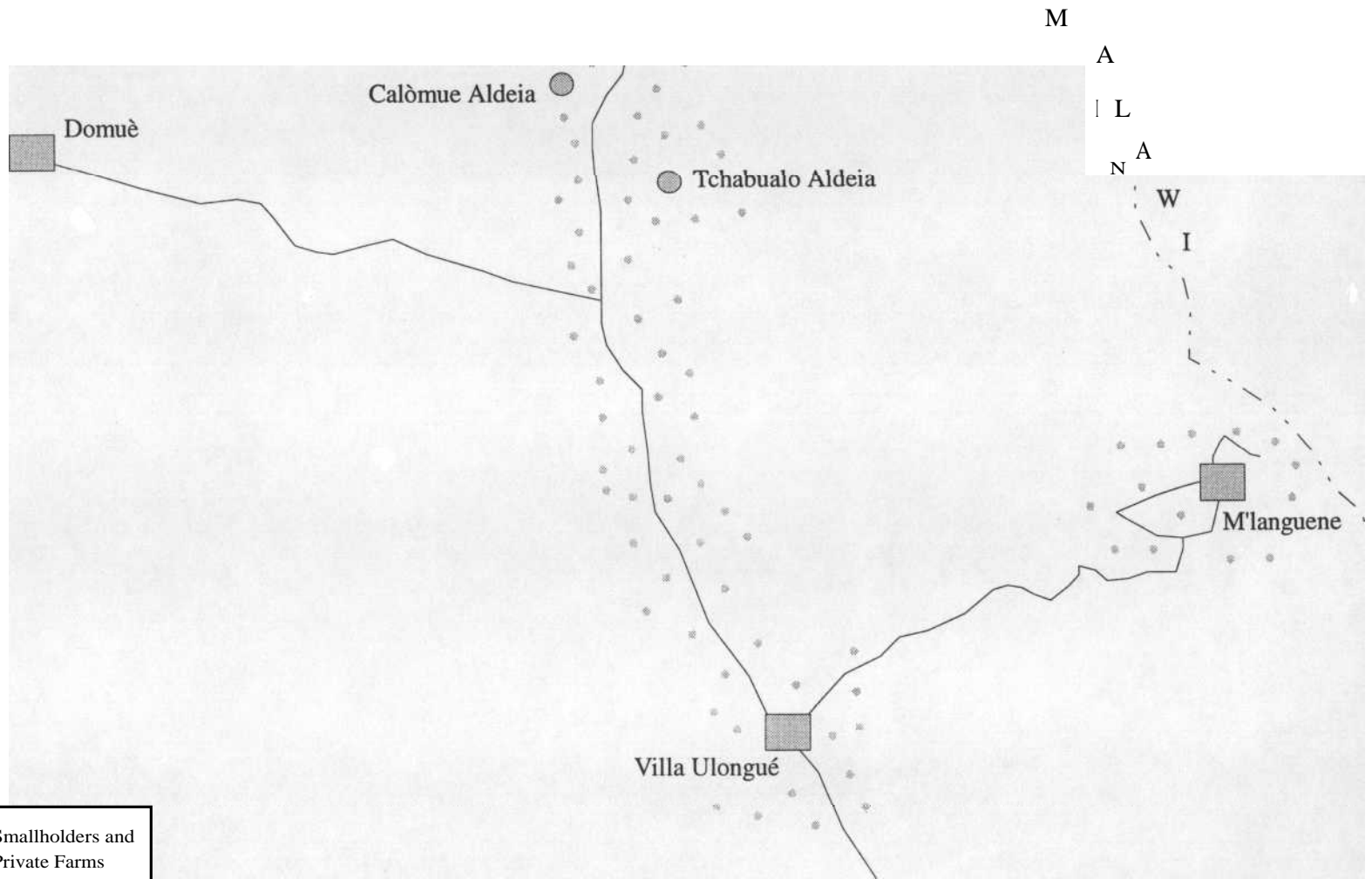
MAP 19  
Tete Province,  
Angonia District:  
Ulongue and Dedza,  
1993



M A L A W I



MAP 20  
Tete Province,  
Angonia District,  
1993



Legend

Smallholders and  
Private Farms

## V. SYNTHESIS AND CONCLUSIONS

As noted in the introduction, the countryside in Mozambique is in a state of intense transformation. Many facets of this change are positive, if fragile, creating economic opportunities for individuals and leading to greater food security and to a better, more secure way of life.

At the same time, aspects of this great metamorphosis are negative, destabilizing, and may well erode the economic and political gains achieved since the signing of the peace accord. The *de facto* land policy that is emerging undermines agricultural and other economic investments and the development of collaborative and decentralized political relations and institutions. Despite existing land laws, the government is facilitating a massive land-grab that strips many smallholders of their land and tenure rights and adversely affects investment strategies for all landholders.

Three critical problems exist. First, the statutory land law empowers the state to strip people of their land rights and to redistribute those privileges. This often occurs at the expense of smallholder producers, but it also stymies commercial investment: it pits smallholders against one another as well as smallholders against larger commercial interests; it frustrates the possible collaborative and competitive economic relationships that might emerge between smallholders and commercial farmers; and it denies smallholders the opportunity to compete with larger producers.

Second, individuals within government aid the process that denies smallholders land rights through their manipulation of the law, for they believe that they are doing what is right for both smallholders and the agricultural sector as a whole. These persons argue that smallholders are incapable of exploiting the better lands in the country, are unproductive, and must be protected by the state.<sup>302</sup> Provincial and district officials in many locations expressed this view. Strong evidence from Maputo Province and unconfirmed reports from Gaza, Manica, and Sofala indicate that this tactic is used more frequently against female farmers or landholders than against males. This has been shown by both our research and the investigations of others. Unfortunately, government officials often have a weak understanding of smallholder production and tenure relations. Further, there are continuing biases within government against smallholder producers, customary legal authorities, and small-scale production; these prejudices are founded not on fact but on ideology. Although many officials, particularly at the lower levels of government, have good intentions, they are not achieving their objectives. In the final analysis, it is the state in its current configuration that poses the greatest threat to smallholders and sabotages commercial investment.

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302. This was stated several times at the recent Second National Land Conference in Mozambique; see Weiss and Myers (1994); Myers and Weiss (1994).

At the same time, we cannot deny the fact that corruption is, in part, driving this process. Even more disturbing than the lack of resources and the contradictions and weaknesses within the laws and regulations, there appears to be a profound disregard for land law—and individual rights—by a few government representatives who have the responsibility for implementing and administering these laws. Numerous cases are reported throughout the country of government officials dispossessing others of land and redistributing it, for private gain, to themselves, their families, or other interested parties.

Third, the state is unwilling or unable to effectively administer the land laws. It lacks the manpower and other resources to impartially implement these laws, particularly outside of urban areas. This situation is compounded by a weak or nonfunctioning judiciary. Justices proclaim that they are unwilling to hear disputes involving smallholders while government officials protest that smallholders are ignorant and do not understand the courts or the laws. Most disturbing, executive councils and judges often decide cases in favor of commercial interests even when evidence supports smallholder claims.

Testimony gathered by the case studies indicates that for most Mozambicans land is not an abundant resource, free from competition or conflict. In many areas of the country, "good land" becomes a limited commodity as it is acquired by returning (foreign and national) private interests or is obtained and redistributed by the state to national and foreign private parties and joint state/private enterprises. This usually occurs at the expense of small- and medium-sized landholders. In all areas of the country and for all types of investors (especially smallholder farmers), land tenure rights are weak. Given that most farmers in Mozambique are women, these developments are unequally affecting one segment of the country's rural population.

Evidence from the case studies also demonstrates that the formal system of land access in Mozambique is perplexing: There is confusion and ignorance about how people gain rights to land, who has authority to distribute or grant land rights, and what types of rights are being granted or acquired. There is no structure for linking the customary and the statutory legal systems—no courts exist to bridge the gap between the two and bind them together. No structure exists to permit disputes heard at the local level in a customary setting, using customary laws, to be passed to a higher, formal court of appeal.

Data indicate that the weak land-tenure system—combined with an administrative process that lacks clarity and an uncontrolled distribution of land at central, provincial, and district levels—is leading to conflict and insecurity. This undermines economic investment and creates a fertile environment for unproductive land speculation. The impotent tenure system also adversely affects agricultural production and reintegration of the more than 6 million refugees displaced by war and drought, contributing to the emergence of a new category of postwar refugees; it modifies the quality of life for the majority of the country's population, particularly women, who make up most of the farming population. Above all, the ineffectual tenure system will lead to political instability at all levels of society, from the household to the central government.

The frequency of reported land conflicts, often of a violent nature, is increasing dramatically throughout the country. Conflicts have been recorded in every province; they are occurring most often in areas where population is dense and capital investment is prodigious. It is obvious that there is a relationship between population density, capital investment, and official land concessions, on one hand, and the occurrence, location, and frequency of land conflicts, on the other.

Customary authorities in Mozambique lack an officially sanctioned role in the process of land distribution. Indeed, customary authorities are rarely encouraged by formal administrators to become involved in the process of land distribution to commercial interests; more frequently they are isolated or ignored. Efforts to bypass customary leaders, whether successful or not, have affected power relationships at the local level, creating tensions within many communities. It has also curtailed the power of customary authorities to protect and defend their own positions as well as their ability to defend the resources of their communities against acquisition by the state or private economic interests.

Smallholders and some larger commercial interests are gaining access to land in a variety of ways, but this process is not well understood by policymakers and other government officials in Mozambique. Farmers acquire land by reclaiming old "family land." For smallholders, family land may include parcels to which they had rights in precolonial times, holdings that they received or that they were forced onto during the colonial era, or areas that were given to them after independence. Family land may be land that formerly belonged to a private colonial farm, a colonial government-created village, a state farm, or a postindependence government-created village. Research reveals that in many areas there are multiple conceivable claimants to the same piece of land. Many categories of people, with varying degrees of justification, assert rights to land, though some feel that their claims have legal basis. These beliefs that claimants' demands are legitimate make many land disputes especially complex and acrimonious.

Smallholders are gaining access to land in other ways as well. They are clearing bush that they consider to be unoccupied (but is usually part of their community's land). They are also squatting on former colonial private farms and state farms, acquiring plots as tenants of new commercial farmers, and occasionally purchasing rights to land. In a very few cases, smallholders are receiving land through government-granted concessions (however, in most reported cases these concessions were temporary).

The research shows that many former refugees and displaced families are leaving refugee camps and other areas to which they were relocated, and it is clear that in many cases they are moving to areas that do not contain home or family lands. In some instances, former refugees and displaced people are unsure of where they should go; in others, smallholders are choosing to move to localities that offer the best economic opportunities or the best physical security, regardless of whether it is "where they came from." Other farmers are dividing their time between two locations. Where or when people move—and what they do when they get to the new locale—depends on many factors, including where they came from, how long they were displaced, and the conditions they find in their new location. Government predictions that refugees and displaced families will return to their areas of origin have proved

inaccurate. Many displaced families will remain where they currently reside to maximize opportunities and minimize risks. However, farmers who have planted crops are not necessarily permanent settlers and may move again after the next agricultural season—again depending on opportunities and risks. This movement has both positive and negative consequences: It is positive because smallholders are seizing opportunities that ensure them the best quality of life; it is negative because such flux creates economic and geographical instability and causes openings for unscrupulous persons or for the government to confiscate land and displace smallholders.

The research also discloses that many former refugees and displaced families have acquired at least temporary rights to land and have cultivated for at least one agricultural season. But smallholders in many locations are acutely aware of the transitory nature of their rights and the possibility that they could lose them. There is tension among smallholders in some locations. Research showed that land disputes between smallholders were positively resolved by local customary authorities in most locations, were resolved by locality-level government officials less frequently, and were settled by the courts in not a single case investigated. The incidence of customary authorities' being unable to resolve disputes involving smallholders signifies the complex social struggles reemerging in the postwar period.

The case studies also reveal confrontations between smallholders and larger commercial interests, between smallholders and joint-venture enterprises, and between smallholders and the government. In many situations smallholders are being forced to abandon land in favor of more powerful interests. Customary authorities were unable to resolve these disputes and often refused to become involved. In most circumstances smallholders presented petitions or complaints to government officials and in a few cases achieved an investigation and a favorable decision. More frequently, however, government officials either did nothing or decided in favor of the larger commercial interests. Conflicts have resulted, sometimes leading to physical violence. In some places tension remains high.

Research revealed the emergence of a new category of postwar displaced smallholders. These individuals and families are being uprooted as government grants land concessions and as unscrupulous private interests—who are exploiting the relative weakness of smallholder farmers and the lack of clarity in land laws—force people to move.

Admittedly, unexploited land exists in many locations, and smallholders say that they have enough land in many places. Our primary focus and area of concern is land that is more strategically located—in the former corridors; on the state farms; and near the cities, international borders, coast, rivers, and major roads. These areas, which have the highest population concentrations, are the most valuable and desirable. Larger commercial interests are acquiring these lands, and smallholders are being displaced in the process. More importantly, smallholders are being denied an opportunity to compete with the more powerful commercial interests, thus depriving them of the opportunity to improve their economic position.

At the same time, laws and the administrative procedures do not foster security of title for many commercial activities (including agricultural, mining, hunting, and forestry). Concessions are granted and sometimes retracted with great speed. Some concessions have been given, but when questioned, the government often fails to support or defend its actions. Like smallholders, commercial farmers are discovering that the lands they acquired often have multiple claimants. These protesters include colonial-era private farmers, the state, and other claimants from the postwar period, including smallholders. Some commercial farmers and joint-venture interests resort to private militias to support their perceived rights. This lack of clarity and security also leads to instability, speculation, underinvestment, and abuse of resources.

While mistakes have been made, the consequences are not irreversible. Government and civil society need to identify priority areas in the country and address the most acute problems. At the same time, government should participate in an open dialogue with all segments of Mozambican society, focusing on land-law reform and land administration. Particularly, Mozambique needs to determine who will be responsible for land management and at what level of government decisions will be made. The role of customary rules and authority must be made a part of this discussion. Government and civil society should cooperate in the management of land and other natural resources, with the government completely reconsidering its evaluation of smallholder agricultural potential. In some regions, locality, district, and provincial officials are attempting to resolve some of the more pressing issues by setting land aside, for example, for landless farmers. Such innovations should be considered as part of the discussion and should be pursued where appropriate. Above all, government must work with smallholders in an open, transparent, and cooperative manner.

There are no simple solutions to the problems identified in this report. The decisions that appear the most obvious are often inappropriate and cost-ineffective. Some people suggest that the best solution to land tenure problems in Mozambique is to title all land in the country—or to title all the strategic lands. They argue that this would ensure security. Others reply that the land law and land regulations are adequate as they stand and simply need refinement. They state that the problem lies in the administration of the law—that is, that the law is not administered as intended or is not administered uniformly. They suggest that favoritism and nepotism undermine its application. Still others suggest creating reserves for smallholder producers. This last is perhaps the most potentially disastrous solution of all.

Current land law is not appropriate for Mozambique. Key considerations for developing a new land law include the following: It should be able to function in the prevailing economic and social environment; it should be socially responsible and contribute to a more equitable society; it should encourage investment and sound resource use; it must be acceptable to all segments of society and its administrators must be viewed as legitimate; it should decentralize control over land to the local level; and, finally, it should be framed so that it can be successfully implemented by government and civil society. If the new land law in Mozambique meets these criteria, the country faces a bright and promising future.



## **VI. RECOMMENDATIONS**

### **A. RECOMMENDATIONS FOR GOVERNMENT**

1. Central government should suspend granting land concessions until the land law is revised or clarified.
2. Government should open a public discussion concerning land law and property rights in Mozambique at the earliest opportunity after elections. The land law should be assessed, then revised or replaced.
3. A revised land law should legalize land transactions, including those that are already taking place. Privatization of land markets may well give women—and other land users with secondary rights—greater opportunities to gain control of property and hold resources. But this should be studied carefully; this type of regime, particularly if combined with individualization and/or registration, may lead to the concentration of all rights in the (male) heads of household or lineage heads, stripping women and others of their secondary user rights.
4. A revised land law should create secure, negotiable, private rights. As part of this revision, government may consider registering property rights in selected areas of the country, particularly those of the most economically strategic importance.
5. Provincial governments should strive to devolve land management to the district and locality level.
6. District and locality governments should incorporate local communities and their leaders in the process of land management. Open forums should be created in which government representatives and local community members can exchange ideas regarding their needs and objectives.
7. All levels of government should recognize local community political structures and their leaders and involve them in the management of land and natural resources and the resolution of conflicts.
8. The land tax code should be reassessed, revised as necessary, and enforced. Commercial landholders should pay land taxes that reflect the market value of their lands. (This would help to discourage some types of land speculation.)
9. Government should avoid entering into joint ventures, which continue to place demands on state resources without substantial returns to the treasury, and should seriously consider privatization of its existing joint-venture enterprises.

10. Government should invest more resources and vest greater authority in the Ad Hoc Land Commission to study land issues and make recommendations. Its terms of reference should be expanded and it should report directly to the Council of Ministers or the National Assembly.
11. Government should continue its review of the judiciary, and ways should be found to allow interaction between statutory and customary legal regimes. As part of this process, government should review inheritance laws and determine if they can be modified to create more secure rights for women and others with secondary land rights.
12. Government should begin to keep records of land concessions and other government land transactions.
13. Government and civil society should consider the creation of a civil body that has the power to review land grants and concessions and, where they overlap, determine which has precedence. This body should be empowered to determine who should be paid compensation—and how much they should be paid—for the loss of land rights that were legally acquired.

#### **B. RECOMMENDATIONS FOR RENAMO**

14. RENAMO should stop making land concessions in areas under its control.
15. RENAMO should allow the free movement of people and goods throughout the areas under its control.

#### **C. RECOMMENDATIONS FOR CIVIL SOCIETY**

16. Civil society should insist that government and RENAMO stop making land concessions.
17. Civil society should open a dialogue regarding land and property rights in Mozambique. Government should be encouraged to participate in this exchange.
18. Civil society should insist that all land concessions be subject to judicial review.
19. Local communities, with the assistance of locality and district government, should discuss the creation of local land-management boards or other institutions, empowering them with the ability to defend community land rights and negotiate the exchange of rights with nonlocal interests.
20. The Universidade Eduardo Mondlane should initiate research into questions relating to property and land rights, customary authorities and political institutions, and the role of civil society in the democratization process.

**D. RECOMMENDATIONS FOR DONORS AND NGOS**

21. Donors should encourage the government to stop making land concessions and should tie international assistance to this action.
22. Donors should help with creating an environment in which government and civil society can communicate and negotiate over land law and tenure reform.
23. Donors should continue to fund programs that enhance national technical capacity and skills, particularly with regard to dispute resolution and resource administration, and that generate information leading to more informed public debates about land and property relations in Mozambique.
24. Donors should encourage civil society to pursue the above-noted recommendations.



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