

Mozambique

Scaling up the 'Community Land Value Chain' (CaVaTeCo) approach in Mozambique

Legal history

Colonial era land usurpation:

- 500 years – colonial Portugal controlled coastal areas, taking land from local peoples, and struck trading arrangements with people living in the interior.
- 19th century – charters to private companies exploited other inland areas, often using conscripted labor.

Post-independence Constitution:

- "All ownership of land shall vest in the State."
- "The use and enjoyment of land shall be the right of all the Mozambican people."

1997 land law:

- All land is owned by the state (not by government!).
- Customary land rights are recognized in law and have equal weight to titled and registered rights.
- Women have equal rights to hold, access and derive benefits from land.
- No written proof of customary rights is necessary; oral testimony of neighbours is as enforceable as a paper title.
- Communities must be consulted and approve before an investor can receive land or forestry exploitation access; communities can negotiate, refuse, or offer counter-proposals.

Social mobilization

- Colonial war for independence: Land rights were a central factor in the war against Portuguese colonialism.
- 1997 land law: Communities and civil society were central in designing new law.
- 2010s: Government focus on attracting mega-projects from international investors often overrides existing community land rights.



From 01 June 2019

To 31 December 2021

Budget

US\$2,216,304



Proponents

ORAM Nampula (Associação Rural de Ajuda Mútua-Nampula)

Partners

Terra Firma

Nitidae

LUPA (Associação para o Desenvolvimento Comunitário)





Opportunity

- Partners' experience with CaVaTeCo (Community Land Value Chain) approach supporting delimitation of over 80 communities, recently delimiting 15,000 family parcels covering 50,000 hectares.
- High demand and enough data to enable development of a land administration system targeting land delimited under customary tenure.



Outcomes

- Rural communities and their families and households can independently register, formalise, and maintain up-to-date information in respect to their land tenure rights.



Activities

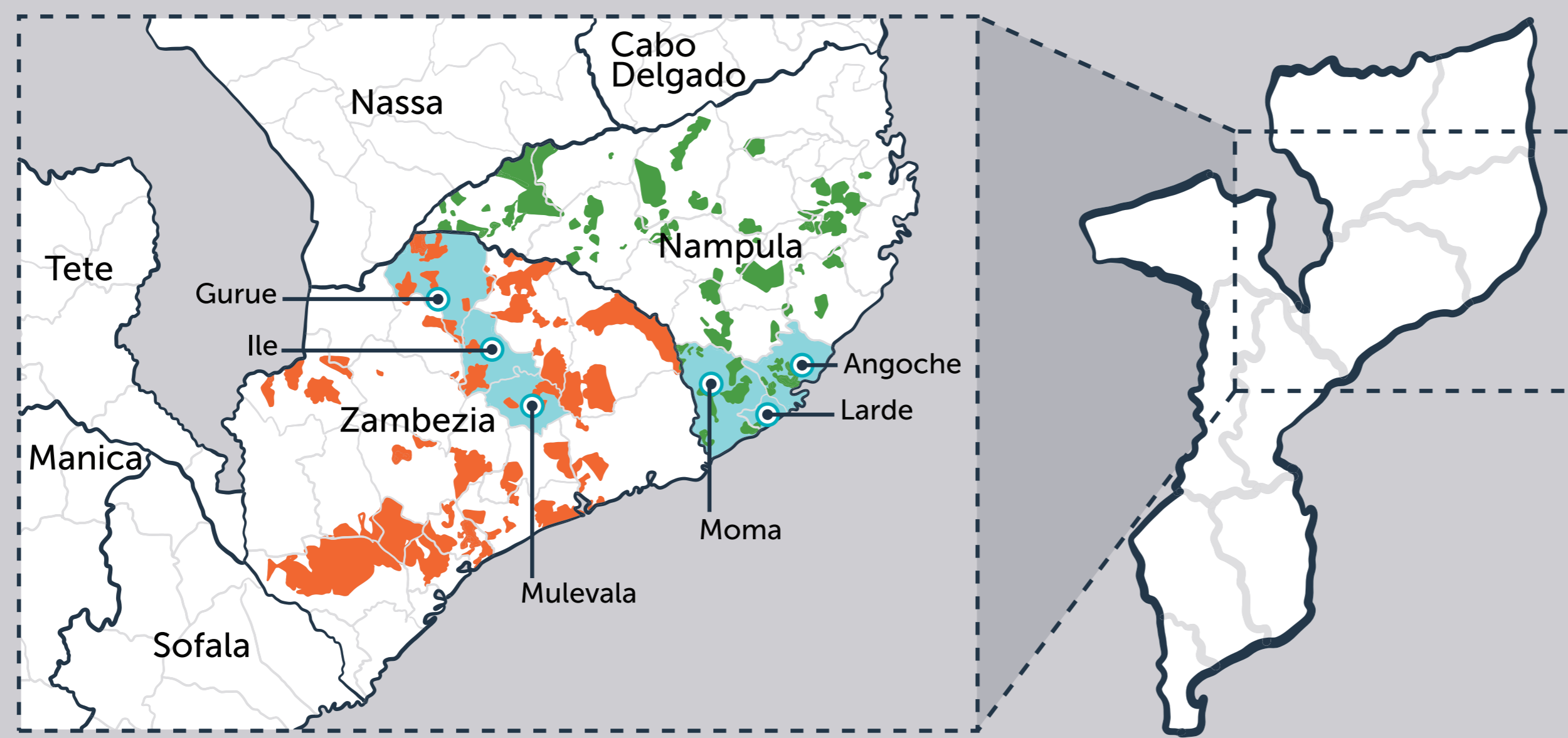
- Legally establish 60 communal property associations equipped with appropriate powers, tools, and information for land and natural resource management.
- Issue 33,500 declarations certifying legal tenure rights to land allocated to families, at least 40% in names of women.
- Establish a sustainable independent institution to manage a digital land rights register and cadastral system, making data on community and family land rights available through an accessible national platform (Cadastro Popular).
- Develop a Learning & Outreach programme to facilitate uptake of the CaVaTeCo approach and Cadastro Popular by other organizations in new locations.



Expected results

- 1: The legally-recognised tenure rights to land and natural resources of 60 communities and resident families in three eco-regions will be mapped, verified, and documented.
- 2: A sustainable independent national platform will host and administer the data related to those rights for their long-term maintenance and use.





What has consultation with communities and governments revealed?

- High demand from communities and local government demonstrated by written requests.
- Initial fears of land theft being replaced by increasing demand for land tenure regularization (80% of surface area delimited in several communities).

Key design elements of the project

- Law recognizes confirmation of land rights by communities, but this power is ignored by government program.
- Inexpensive technologies (open-source software, tablets and hand-held GPS devices) with community members as key members of field team.
- Land administration system will provide routine, inexpensive updating of data on title holders and parcels.
- Nearly 70% of the 15,000 title holders from prior projects are women.

Current status

- Project approved, government informed, staff recruited, initial training completed, initial communities identified.

