

WAITING FOR LAND SPECULATION?

A year later, Cabo Delgado CDP with no projects for its 12,000 ha of land in Palma

- The Cabo Delgado Economic Development Promotion Center (CPD) was created in May 2021 by the Provincial Executive Council with the mandate to promote and coordinate actions of a multiform nature aimed at promoting the socio-economic development of the province. In May 2022, the Council of Ministers approved the request for the allocation of 12,000 hectares of land located in Palma in favor of the CPD. The approval of the provisional DUAT was not preceded by a public consultation with the affected communities, as required by the legislation on land. And the public consultation could not take place due to the conflict that forced the people of Palma to leave their areas of origin.



- One year after receiving the provisional DUAT in the district that hosts the LNG projects, the projects that the CPD of Cabo Delgado intends to implement in the extensive lands that it received from the Government are still not known. There are fears that the CPD is waiting for the best moment to speculate on land, especially when LNG projects resume on the Afundi peninsula, District of Palma.

It was at the 16th ordinary session on the 17th of May that the Council of Ministers approved the Resolution that provisionally authorizes the request for the Right to Use and Benefit from Land (DUAT) formulated by the CPD of Cabo Delgado referring to an area of 12,000 hectares, located in the District of Palma, Province of Cabo Delgado. The Council of Ministers announcement did not specify the purposes for which the area allocated in a context of conflict to a hitherto unknown entity was intended.

Five months later, in October 2022, the CPD was finally launched, in a ceremony in which the Governor of Cabo Delgado, Valige Tauabo, defended that the province should “stretch as much as possible the rope of possibilities with the potential to generate local solutions for development”. In the first phase, according to the Governor of Cabo Delgado, the CPD would take care of organizing conferences and forums to debate and deepen matters of its operability and institutional development, as well as putting coordination platforms into action.

“It is not a finished entity nor the panacea for all ills, it is an endogenous force that is born from within because no one can do better for us than ourselves. With these words, I declare

the Cabo Delgado Economic Development Promotion Center launched”, declared the Governor of the Province of Cabo Delgado¹.

Six months after the launch, there is no memory of a conference or other event organized by the Cabo Delgado CPD, as promised by Governor Valige Tauabo. Even in the first months after its public launch, the Center had to organize “its own forums to debate and deepen matters of its operation and institutional development, as well as to put in place coordination platforms”.

Now, it is not clear how the Government assigns 12,000 hectares of land to an institution that has not yet studied matters of its operability and institutional development. What land exploration project did the CPD present to the central government to justify the allocation of extensive land in a district that, in the future, could face a great demand for land.

The CPD is a public law institution created in May 2021, with a focus on the “promotion and coordination of actions of a multiform nature aimed at promoting the socio-economic development of Cabo Delgado”. The CPD is non-profit and also functions as a “specialist consultation body in economic, social and development matters”.

The CPD is supervised by the Provincial Executive Council, which may be delegated to the sectoral level, namely in provincial directorates, by order of the Governor of the province. This institution’s corporate purpose is “coordination, intersectoral and interinstitutional articulation, as well as the management of strategic programs aimed at boosting the local and integrated socio-economic development of Cabo Delgado”. It is also responsible for designing support tools for the permanent assessment of development progress, designing projects and raising resources and internal and external partners for their implementation.

In fact, some attributions and competencies of the CPD, such as the promotion of multiform assistance actions to populations affected by extreme events; promotion of investment initiatives for socio-economic development; development of job creation and self-employment programs; promotion of professional training initiatives for youth and women; mobilization of funds and relevant national and international actors to invest and finance projects in Cabo Delgado; are confused with the duties of the Integrated Development Agency of the North (ADIN), another public institution that is not exercising its mandate, since it was created in March 2020.

Controversial allocation of 12,000 hectares of land in Palma

The first reference to the CPD was made on May 17, 2022, when the Government provisionally approved the DUAT application for an area of 12,000 hectares in Palma. The allocation of large areas of land to the CPD raised several questions, not least the fact that the request covered a large area (12,000 hectares) and its approval took place at a time when Palma was facing violent extremism that forced thousands of families to leave their areas of origin.

The fact that it was the Council of Ministers that approved the DUAT request clearly shows that the area requested by the CPD goes beyond the powers of the Governor of

the Province and the Minister of Agriculture and Rural Development. Under the terms of Law 19/97, of 1 October (Land Law), the Provincial Governor can only authorize DUAT applications for areas up to 1,000 hectares; the Ministry of Agriculture and Rural Development authorizes DUAT requests for areas ranging between 1,000 and 10,000 hectares. Requests for more than 10,000 hectares are authorized by the Council of Ministers, as was the case with the CPD request.

The Land Law establishes, in number 3 of article 13, that the “title process for the right to use and benefit from the land includes the opinion of the local administrative authori-

ties, preceded by consultations with the respective communities to confirm that the area is free and has no occupants”. Now, the approval of the DUAT request formulated by the CPD occurs in a context of armed conflict that forced the communities of Palma to leave their homes. Despite the existence of signs of restoration of security, the fact is that many displaced families still have not returned to their areas of origin for fear of new attacks.

This situation shows that the approval of the DUAT application in favor of the CPD was not preceded by a consultation with the communities that may hold rights in

¹ <http://www.zumbofm.com/index.php/noticias/item/5148-cabo-delgado-criado-o-centro-de-promocao-do-desenvolvimento-economico>

the extensive area of 12,000 hectares. In fact, the Government took advantage of the absence of communities in their areas of origin to expropriate their lands in favor of an entity whose vocation is not to implement projects, of whatever nature. Only a community consultation process could verify that the area of 12,000 hectares allocated to the Cabo Delgado CPD is free and has no occupants, which is unlikely. And if there was no consultation with the communities, what was the opinion of the local administrative authorities in Palma based on, which served as the basis for the Council of Ministers to approve the request for the DUAT

of the CPD of Cabo Delgado?

In addition to the legislation on land, the Regulation for Resettlement and Compensation Resulting from Economic Activities (approved by Decree 31/2012, of 08 August) also imposes the obligation of public participation through public consultations and dissemination of information of public interest through all the means that prove necessary. Of the information that must be disclosed, the emphasis goes to: (1) The decision to trigger the process, identifying the objectives to be pursued; (2) Communicating the start of the re-

settlement process to the Territorial Planning sector; (3) Opening and duration of the public consultation phase and respective conclusions; (4) The enforcement mechanisms used, (Article 14(4) of Decree 31/2012, of 8 August).

The Constitution of the Republic of Mozambique establishes, in article 111, that in the titling of the right to use and benefit from land, the State recognizes and protects the rights acquired through inheritance or occupation, unless there is a legal reserve or if the land has been legally assigned to another person or entity.



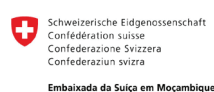
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