



EXPOPRTATION OF LAND IN PALM

Five months after receiving 12 thousand hectares of land, CPD of Cabo Delgado finally presented to the public

- The Cabo Delgado Economic Development Promotion Center (CPD) was launched on Monday, October 17, precisely on the day that marked the passage of five months after receiving 12,000 hectares of land in Palma. The Cabo Delgado CPD was created in May 2021 by the Provincial Executive Council with the mandate to promote and coordinate actions of a multifaceted nature aimed at promoting the socio-economic development of the province.



- On May 17, 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 in favor of the CPD was not preceded by a public consultation with the affected communities, as required by land legislation. And the public consultation could not take place due to the conflict that forced the populations of Palma to leave their areas of origin. In other words, the Government took advantage of the flight of communities affected by violent extremism to expropriate their lands.



Valige Tauabo, Governor of Cabo Delgado Province



António Supeia, Secretary of State for the Province of Cabo Delgado

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

The CDD consulted the Republican Bulletin (III Series, N° 145, of 29 July 2021) and found that the Center for the Promotion of Economic Development (CPD) is a public entity created in May

2021, with a focus on “promotion and coordination of actions of a multifaceted nature oriented towards the promotion of the socio-economic development of Cabo Delgado”. The CPD is not for profit and functions as a “specialist consultation body in economic, social and development matters”.

The CPD is supervised by the Provincial Executive Council, and the supervision can be delegated at the sectoral level, namely in provincial directorates, by order of the Governor of the province. This institution’s social object 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 the design of support tools in the permanent assessment of development progress, project preparation and raising of resources and internal and external partners for their implementation.

In fact, some attributions and competences of the CPD, such as the promotion of actions of multiform assistance to populations affected by extreme events; promotion of investment initiatives for socio-economic development; development of employment generation and self-employment programs; promotion of vocational training initiatives for young people and women; mobilization of relevant national and international funds and actors to invest and finance projects in Cabo Delgado; are confused with the attributions of the Northern Integrated Development Agency (ADIN).

The CPD is an institution created to promote initiatives and actions for the socio-economic development of Cabo Delgado, through the mobilization of funds to finance projects, attraction of investments, assistance to vulnerable populations and populations affected by extreme events, including violent extremism, and technical training, as well as professional. However, one year and three months after its creation, the CPD has not yet appeared publicly to carry out a single activity listed in its statute and had never been mentioned in the press as a relevant actor in Cabo Delgado.

In fact, the CPD's first reference was made on the 17th of May, when the Government provisionally approved the DUAT request for an area of 12,000 hectares in Palma, a district that is the scene of major natural gas projects in the Rovuma Basin. The allocation of large areas of land to the CPD raises several questions, not least the fact that the request concerns an extensive area (12,000 hectares) and its approval comes at a time when Palma is facing violent extremism that has forced thousands of families to abandon their zones of origin.

The fact that the Council of Ministers approved the DUAT request clearly shows that the area requested by the CPD goes beyond the competences of the Governor of the Province and the

Minister of Agriculture and Rural Development. Pursuant to Law 19/97, of 1 October (Land Law), the Provincial Governor can only authorize DUAT applications for areas up to 1,000 hectares; the Minister of Agriculture and Rural Development authorizes DUAT applications for areas ranging from 1,000 to 10,000 hectares. Above 10,000 hectares, requests 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 "process of titling the right of use and benefit of the land includes the opinion of the local administrative authorities, preceded by consultations with the respective communities for the purpose of confirmation that the area is free and has no occupants". However, the approval of the DUAT request formulated by the CPD takes place in a context of armed conflict that forced the communities of Palma to abandon 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 further 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 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 any kind. Only a process of consultation with the communities could verify that the area of 12,000 hectares allocated to the CPD of Cabo Delgado 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 land legislation, the Regulation on Resettlement and Compensation Resulting from Economic Activities (approved by Decree 31/2012, of 8 August) also imposes mandatory 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, emphasis goes to: (1) The decision to initiate the process, identifying the objectives to be pursued; (2) Communication of the start of the resettlement process to the Spatial Planning sector; (3) The opening and duration of the public consultation phase and its 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 its article 111, that in the securitization of the right of use and benefit of the land, the State recognizes and protects the rights acquired by inheritance or occupation, unless there is a legal reserve or if the land has been legally assigned to another person or entity. The National Land Policy (approved by Resolution 10/95, of 17 October) enshrines, as one of the fundamental principles, the guarantee of access and use of land to the population as well as investors. What's more, it recognizes the "customary rights of access and land management of resident rural populations, promoting social and economic justice in the countryside".

Therefore, by approving the DUAT request in favor of the Cabo Delgado CPD in a context in which it is not possible to carry out an inclusive and transparent public consultation due to the conflict, the Government may have violated the Constitution of the Republic and other legislation that governs the sector of land in Mozam-

bique. This is irresponsible action and can exacerbate the tensions of affected communities who, upon returning to their areas of origin, will discover that their land has been assigned to a foreign entity without their consent.

In essence, the approval of the 12,000 hectares DUAT in favor of the Cabo Delgado CPD aims to accommodate the interests of political elites and international financial capital. It is clear, that the Cabo Delgado CPD does not have the institutional and financial capacity to explore 12,000 hectares, so this area should, in the future, be parceled out and allocated to various private entities with interests in the natural gas projects in Palma. At the CPD launch ceremony, the Governor of Cabo Delgado, Valige Tauabo, defended that the province should "stretch the rope of possibilities with the potential to generate local solutions for development as much as possible".

"From now on, Cabo Delgado's Center for the Promotion of Economic Development will organize its own conferences and forums to debate and deepen matters concerning its operation and institutional development, as well as put coordination platforms into action. It is neither a finished entity nor a panacea for all evils, 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 launch of the Cabo Delgado Economic Development Promotion Center", declared the Governor of Cabo Delgado province¹.

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



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