



VOZES DO NORTE DE MOÇAMBIQUE



GUARDIÃO DA DEMOCRACIA | www.cddmoz.org

Sunday, September 10, 2022 | Year II, Number 15 | Director: Prof. Adriano Nuvunga | English

LAND EXPROPRIATION IN PALMA

Four months after receiving 12,000 hectares of land in Palma, Cabo Delgado's CPD remains unknown and functions with only one executive director

- Last May 17 the Council of Ministers approved the request for allocation of 12,000 hectares of land located in Palma in favor of the Centro de Promoção de Desenvolvimento Económico de Cabo Delgado (CPD), an unknown public entity created in May 2021 and whose attributions and competences are confused with the mandate of the Agência de Desenvolvimento Integrado do Norte (ADIN).



- 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 the land legislation. This public consultation could not take place because of the conflict that forced the people of Palma to leave their areas of origin. In other words, the government took advantage of the flight of the communities affected by violent extremism to expropriate their land.
- Four months after receiving 12,000 hectares of land, the CPD of Cabo Delgado remains a totally unknown institution in the province, including by some senior officials of the Provincial Executive Council and the Secretary of State. CDD has learned that the CPD of Cabo Delgado is only down to its executive director. And nobody else.

It was during the 16th ordinary session on May 17th that the Council of Ministers approved the Resolution that provisionally authorizes the request for the Right of Use and Utilization of Land (DUAT) formulated by the *Centro de Promoção de Desenvolvimento Económico de Cabo Delgado* regarding an area of 12,000 hectares, located in the District of Palma, Cabo Delgado Province. The Council of Ministers' statement did not specify the purposes for which the area allocated in a conflict context to a hitherto unknown entity was intended.

CDD has consulted the Bulletin of the Republic (III Series, No. 145, of July 29, 2021) and found that the *Centro de Promoção de Desenvolvimento Económico* (CPD) is a public entity created in May 2021, with a focus on the "promotion and coordination of actions of a multiform character oriented towards the promotion of the socio-economic development of Cabo Delgado." It is a non-profit organization and also functions as a "consulting body of expertise in economic, social, and development issues.

The CPD is under the tutelage of the Provincial Executive Council, and its tutelage may be delegated at the sectoral level, namely to provincial directorates, by order of the Governor of the province. This institution has as its social object the "coordination, the inter-sectorial and inter-institutional articulation, as well as the management of strategic programs oriented to boost the local and integrated socio-economic development of Cabo Delgado". It is also responsible for designing support tools for the permanent evaluation

of development progress, elaborating projects, and attracting resources and internal and external partners for their implementation.

In fact, some attributions and competences 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; the promotion of employment generation and self-employment programs; the promotion of professional training initiatives for youth and women; the mobilization of funds and relevant national and international actors to invest and finance projects in Cabo Delgado; are confused with the attributions of the *Agência de Desenvolvimento Integrado do Norte* (ADIN).

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

In fact, the first reference to the CPD was made precisely on May 17, when the Government provisionally approved the DUAT application for an

area of 12,000 hectares in Palma, a district where large natural gas projects in the Rovuma Basin are taking place. This allocation of large areas of land to the CPD raises several questions, starting with the fact that the application covers a large area (12,000 hectares) and its approval comes at a time when Palma is facing violent extremism that has forced thousands of families to leave their home areas.

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 competencies of the Province Governor and the Minister of Agriculture and Rural Development. According to the Law 19/97 of October 1 (Land Law), the Provincial Governor can only authorize applications for DUAT of areas up to 1,000 hectares; the Minister of Agriculture and Rural Development authorizes applications for DUAT of areas varying between 1,000 and 10,000 hectares. Above 10,000 hectares applications are authorized by the Council of Ministers, as was the case with the CPD application.

The Land Law establishes, in number 3 of article 13, that the "titling process of the right to use and benefit from the land includes the opinion of the local administrative authorities, preceded by consultations with the respective communities for the purpose of confirming that the area is free and has no occupants. Now, the approval of the DUAT application formulated by the CPD occurs in a context of armed conflict that forced the communities of Palma to abandon their homes. Despite signs of a restoration of security, the fact is that many displaced families have not yet 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 12,000-hectare area. In fact, the government took advantage of the absence of the communities in their areas of origin to expropriate their land in favor of an entity whose vocation is not to implement projects of any kind. Only a consultation process with the communities could determine that these 12,000 hectares allocated

to the CPD of Cabo Delgado are free and have no occupants, which is unlikely. And if there was no consultation with the communities, what was the basis for the opinion of the local administrative authorities of Palma that served as a basis for the Council of Ministers to approve the application for the DUAT of the CPD of Cabo Delgado?

In addition to the legislation on land, the *Regulamento de Reassentamento e Compensações Resultantes de Actividades Económicas* (approved by Decree 31/2012, of 08 August) also imposes the obligation of public participation through public consultations and the dissemination of information of public interest through all means that are necessary. Of the information that must be disclosed, the following should be highlighted: (1) The decision to initiate the process, identifying the objectives to be pursued; (2) The communication of the beginning of the resettlement process to the Territorial Planning sector; (3) The opening and duration of the public consultation phase and its conclusions; (4) The implementation mechanisms used, (paragraph 4 of article 14 of Decree 31/2012, of 08 August).

The Constitution of the Republic of Mozambique establishes, in its article 111, that in titling the right to use and benefit from land, the State recognizes and protects the rights acquired by inheritance or occupation, unless there is a legal reservation or the land has been legally assigned to another person or entity. The National Land Policy (approved by Resolution 10/95, of October 17th) consecrates, as one of its fundamental principles, the guarantee of access and use of land to the population as well as to investors. And more: it recognizes the "customary rights of access and land management of the rural resident populations, promoting social and economic justice in the countryside".

Therefore, by approving the DUAT application in favor of the CPD of Cabo Delgado in a context where it is not possible to have an inclusive and transparent public consultation due to the conflict, the Government may have violated the Constitution of the Republic and other legislation governing the land sector in Mozambique. This action is irresponsible and may exacerbate

tensions for affected communities who, upon returning to their areas of origin, will discover that their land has been allocated to a foreign entity without their consent.

In essence, the approval of the 12,000-hectare DUAT in favor of the Cabo Delgado CPD aims to accommodate the interests of the political elites and international financial capital. It is clear that the CPD of Cabo Delgado does not have the institutional and financial capacity to explore 12,000 hectares, so this area will have to be parceled out in the future and allocated to various private entities with interests in the natural gas projects in Palma. The Rwandan regime, whose troops are fighting violent extremism in Cabo Delgado since July 2021, may receive land parcels in this area to install their companies that should provide services to the gas industry in the Rovuma Basin.

This is the second allocation of extensive areas of land in Palma District made by the Frelimo government in a controversial and non-transparent way. In May 2017, the former Minister of Land,

Environment and Rural Development, Celso Correia, signed the order of definitive authorization of the DUAT over an area of 6,475 hectares in Afungi, Palma District, in favor of the commercial company Rovuma Basin LGN Land (RBLL). RBLL is a company established between the National Hydrocarbons Company (ENH), with 30%, and Anadarko Mozambique Area 1, with 70%, and its object is the management of land aimed at the implementation of the liquefied natural gas (LNG) industry.

Initially, the controversial DUAT¹ had been provisionally allocated to ENH in September 2012, and the public company transferred it to RBLL in December 2012. In turn, RBLL transferred the same DUAT to exclusive exploration by Anadarko Mozambique Area 1, in a process marked by several irregularities. The assets of Anadarko Mozambique Area 1 passed to TotalEnergies in 2019, when Occidental Petroleum Corporation (OXY) acquired Anadarko Petroleum Corporation and sold the assets it held in Africa, including Mozambique (Rovuma Basin)².

¹ <https://oam.org.mz/plenario-do-tribunal-administrativo-furta-se-ao-julgamento-do-merito-da-causa-sobre-a-nulidade-do-duat-atribuido-a-exploracao-exclusiva/>

² <https://cartamz.com/index.php/economia-e-negocios/item/2741-occidental-conclui-aquisicao-da-anadarko>



EDITORIAL INFORMATION

Property: CDD – Centro para Democracia e Desenvolvimento
Director: Prof. Adriano Nuvunga
Program Coordinator: Prof. Domingos do Rosário
Deputy Program Coordinator: Américo Maluana
Editor: Emídio Beula
Author: Emídio Beula
Technical team: Emídio Beúla; Leonel Sapite (Nampula); Abdul Gafur Monteiro Tavares (Cabo Delgado); Evaristo Lucas (Niassa)
Layout: CDD

Address:
Rua Dar-Es-Salaam Nº 279, Bairro da Sommerschild, Cidade de Maputo.
Telephone: +258 21 085 797

 CDD_moz
E-mail: info@cddmoz.org
Website: <http://www.cddmoz.org>

Partners:



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Embaixada da Suíça em Moçambique