

CDD will hear young people and traditional leaders on the revision of the National Land Policy



Credits: Ministério da Terra e Ambiente

The definition of the land regime in independent Mozambique has always had constitutional support from the first Constitution of 1975 to the current Constitution of 2004 (revised by 1/2018, of 12th June). Land in Mozambique is a State property and must not be sold, or in any other way, alienated, mortgaged or pledged.

In its article 8, the 1975 Constitution established that land and natural resources located in the soil and the subsoil, the territorial waters and the continental shelf of Mozambique, are property of the State that is accountable for determining the conditions of their use and exploitation. The first legislation concerning land use was established by Law 6/79, of 3rd July, which determined the fundamental rules for the economic occupation of soils and the preservation and conservation of renewable natural resources. Law 6/79, of

3rd July, also dealt with the validation of land rights acquired in the period before the National Independence.

The regulation of the first Land Law was approved by Decree 16/87, of 15th July, and established the allocation rules and decentralized the powers to grant the right to use the land for the various purposes of economic and social activity, and to ensure the preservation and conservation of natural resources by establishing soil, water, flora and fauna protection zones.

In 1995, the first elected Government of Mozambique approved, through Resolution 10/95, of 17th October, the National Land Policy and the respective Implementation Strategies to face the new phase of economic and social development characterized by a market economy. The National Land Policy was approved in a context in which Mozambique faced major national reconstruction and development

challenges, after the civil war and prolonged drought that destroyed the economy's productive base and social stability. As one of the most important resources available to the country, the land valuation was necessary to stimulate economic growth.

Two years later, the Land Law – Law 19/97, of 1st October, was passed, revoking the first legal framework for the use and exploitation of land that had been set by Law 6/79, of 3rd July. The new Land Law had as its main objectives to respond to the new political, economic and social situation and to guarantee access to and security of land tenure, both for Mozambican peasants and for national and foreign investors. By approving Law 19/97, of 1st October, the legislator intended to encourage the use of land so that this resource is valued and contributes to the development of the national economy.

The 1997 Land Law recognizes three ways

of acquiring the Right to Use and Exploit the Land (DUAT): (i) customary norms and practices – individuals and local communities can obtain DUAT through occupation-based on local traditions, as a heritage of their ancestors; (ii) good faith occupation – occupation by natural persons who, in good faith, have been using the land for at least 10 years. This type of occupancy applies only to national citizens; (iii) authorization of an application submitted to the State – it applies to foreign natural and legal persons.

In 1998, the Land Law Regulation was approved, through Decree 66/98, of 8th December. The new regulation revoked Decree 16/87, of 15th July, which regulated the first Land Law (Law 6/79, of 3rd July). In addition to simplifying administrative procedures, thus, facilitating access to land by national and foreign investors, Decree 66/98, of 8th December, regulated the innovations introduced by Law 19/97, of 1st October, namely the recognition of rights acquired by occupation by local communities and by national natural persons who, in good faith, have occupied the land for, at least, 10 years. This regulation applies to places that are not covered by the areas under the jurisdiction of local authorities that have municipal registry services, except for article 45 – which deals with the extinction of previous rights to use and exploit the land, which is applicable throughout the National territory.

25 years after the approval of the National Land Policy and the respective Application Strategies, the Government launched, on July 16, the public consultation process regarding the revision of that instrument that guided the approval of the current land legislation (Law 19/97, of 1st October – Land Law, and the respective Regulation approved by Decree 66/98, of 8th December). On the occasion, the President of the Republic, Filipe Nyusi, set the unchanging pillars that the discussion must not touch: “the State will continue to be the owner of the land and other natural resources; all Mozambicans have the right to access land; the rights acquired by families and local communities must always be protected”.

The Center for Democracy and Development (CDD) will actively participate in the process of public consultation regarding the revision of the National Land Policy. “When the current National Land Policy was approved 25 years ago, Mozambique had a population of 15 million, and it was not five years after the signing of the General Peace Agreement, in Rome, thus, there



was the challenge of post-war reconstruction and organization of displaced families. Today, the challenges are different: the population has almost doubled, including young people who are the majority; the economic context changed with the establishment of the extractive industry in Mozambique. For this reason, we believe that land legislation reform is justified”, CDD’s Director said.

Despite defending the National Land Poli-

cy reform, Adriano Nuvunga calls attention to “important issues”, such as the need to understand that, as Marcelino dos Santos once said, land is an achievement of the Mozambican people; that is why it belongs to all Mozambicans, both poor and rich. “The land must not be sold; it must remain as the property of the State to protect the most disadvantaged groups. Mozambicans must enjoy the right to use and exploit the land.

Adriano Nuvunga spoke on Monday,

July 27, after the signing of the Memorandum of Understanding between CDD and the Ministry of Land and Environment that aims to ensure greater participation of citizens, especially young people, who represent the present-day and the future of Mozambique. In this sense, CDD will carry out a public consultation campaign for young

people from all over the country to gather their inputs on land use.

In addition to youth, CDD will also hear traditional leaders who, for centuries, have safeguarded the land in Mozambique. "We feel very honored to participate in the process of revising the National Land Policy and we want to do this work with a high

sense of democracy, promoting inclusive, transparent and empowering consultation of youth and community leaders," said Adriano Nuvunga, who took the opportunity to invite all forces of society, cooperation partners and donors to join CDD's initiative in order to reach a larger number of people.



EDITORIAL INFORMATION

Property: CDD – Centro para a Democracia e Desenvolvimento
Director: Prof. Adriano Nuvunga
Editor: Emídio Beula
Author: Emídio Beula
Team: Emídio Beula , Agostinho Machava, Ilídio Nhantumbo, Isabel Macamo, Julião Matsinhe, Janato Jr. and Ligia Nkavando.
Layout: CDD

Address:
 Rua Eça de Queiroz, nº 45, Bairro da Coop, Cidade de Maputo - Moçambique
 Telefone: 21 41 83 36

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

PROGRAMMATIC PARTNER



FINANCING PARTNERS

