

LAND FOR SMALL COMMERCIAL FARMERS

Processes for obtaining the titles of the Right of Land Use and Exploitation (DUATs) need to be simplified to facilitate access to land for small commercial producers



The plurality of institutions involved in the processing; the difficulties of the applicants in elaborating the exploration plans for the requested land; the delay in submitting documents, and the fact that community consultations are dependent on the District Administrator's agenda are some of the main constraints that small commercial farmers face in obtaining DUATs. This is the finding of Eduardo Chiziane, a university lecturer and specialist in land legislation, who was speaking at the national conference on the challenges faced by small

commercial farmers in obtaining titles of DUAT, organized by CDD in partnership with NANA, with support from OXFAM Mozambique and the Embassy of the Netherlands.

During his presentation, the academic Eduardo Chiziane spoke of other constraints, such as poor representativeness in community consultations; slowness in the assessment and approval of applications by the competent authorities; delays in processing coming from the agency responsible for investment promotion and those requiring group A environmental



studies; processes lacking data, such as social, environmental and economic indicators; very vague and general opinions of the entities involved; and low institutional capacity (lack of human resources, means and equipment) - resulting in low quality of information provided.

To simplify the process of obtaining DUAT titles for small producers, Chiziane argues that the first community consultation should take place during the phase of reconnaissance of the area and preparation of the descriptive memory, in order to ensure that both the sketch of the location and the descriptive memory reflect the potential availability of the area applied for, at the ground level. Given the unavailability of the Administrator and the District Permanent Secretary to attend and direct all community consultations, Chiziane suggests delegating powers to the Chief of locality/Administrative Post to direct the first community consultation, for areas below 1000 hectares and above it respectively;

"Soon after the first community consultation is held, a notice should be posted at the Administrative Post and locality headquarters to allow, while the process runs at district and provincial level, any interested party to comment on the availability of the area, and to ensure that at the second consultation a decision on the application procedure is taken. Among the application requirements to be in-

cluded by this stage, the presentation of a simplified business plan should be allowed when it comes to economic activities," he explained.

Sectoral opinions must be issued within a maximum period of 15 days from the date of confirmation of their receipt; considering that the issue of a favorable opinion for the exercise of the activity does not exempt the necessary procedures for obtaining a license to exercise activities or environmental impact studies, their non-issuance or issuance outside the expected time should not hinder the processing, provided that the application is within the existing planning instruments.

There are also other challenges pointed out by the academic and specialist in land law, such as the lack of knowledge of procedures for the DUATs acquisition at the level of basic institutions (District, Administrative Post and locality); poor inter-institutional collaboration between the cadastral services and the entities that supervise economic activities, which negatively affects compliance with the deadlines for issuing technical opinions; lack of knowledge by users of the role/function of the chartered surveyor, as well as the high costs involved; poor dissemination of legislation and procedures for land acquisition and poor operation of the National Land Cadastre.

As proposed solutions, Eduardo Chiziane defends the simplification of the pro-

cessing procedures to make the process increasingly faster; the reduction of the socialization stages of the DUAT requests (Board of Directors, Technical Council, Consultative Council, Economic Council and Council of Ministers); the need to make the Cadastre Services increasingly efficient through the continuous training of technicians in matters of land legislation. "There must be greater inter-institutional collaboration between the entities that intervene in the land issues, in order to guarantee that technical opinions are issued on the applications within the stipulated timeframe; it is necessary to expand the Cadastre Services to all Districts or to assign cadastre technicians in the Districts; to disseminate the procedures and requirements for the acquisition of DUATs; to clarify and massify the role and responsibility of the sworn surveyor in the processing the DUAT, disclosing the standardized costs per district/hectare.

NANA, a civil society organization working in Zambezia province for 23 years and a partner of the CDD, points to the high costs of processing the DUAT application as one of the biggest problems for small commercial producers. "As small producers, how can we have facilities for obtaining the DUAT? Obtaining the DUAT involves very high costs, and we do not have the money. We have land conflicts among producers, but if we had DUAT, this problem would be overcome," said Paulina, a producer from

Alto Molócuè, Zambézia.

Speaking on behalf of the Ministry of Land and Environment, Olga Chicuamba admitted that the speed in processing the DUAT application processes and the security of land tenure are major challenges. "The sustainable and secure use of land requires increasingly efficient

planning and land-use planning. Land is an important factor for the development of our country and the generation of wealth. The Government's commitment is to create conditions so that people can work the land and improve their living conditions. The Terra Segura program aims to grant the DUAT free of charge to

people who have acquired land by good faith occupation. Recognizing the role that land plays in economic and social development, the Government initiated the process of revision of the National Land Policy as a way to improve its use and management", said Olga Chicuamba, from the Ministry of Land and Environment.

“Land-use plan of the Zambezi Valley makes clear which areas are for coal mining and which for agriculture,” Roberto Albino, Director General of the Zambezi Agency

If in all the mining concessions in Tete, the owners had found and exploited coal, there would not be enough land left for the resettlement of the affected population in the province. Some families would have to be resettled in Manica province and others in neighboring Malawi. The words are those of Roberto Albino, General Director of the Zambezi Valley Development Agency, a state entity responsible for agricultural development in the provinces of the Zambezi Valley, namely Tete, Manica, Sofala, and Zambezia.

The observation may seem exaggerated, but it shows how the race for coal has taken almost all the land in Tete, including that which should be reserved for the practice of commercial and family agriculture. Almost the entire land surface of Tete was made up of mining concessions, right up to where the airport is located. "We did the zoning plan for the Zambezi Valley to make clear which areas are for coal mining and which for agriculture. It was a broad and inclusive work, there was a series of community consultations. The proposal is already in Parliament", explained Roberto Albino.

The Zambezi Valley Development Agency, also known as the Zambezi Agency, supports thousands of small-scale producers not only in promoting production, but also in obtaining the DUATs. Therefore, Roberto Albino knows very well the constraints that exist in this process: "Many times the community consultations go very well, but when the landmark implementation phase arrives, problems start to arise. And these problems arise when the person request-



ing the land already has the DUAT, but the communities do not agree to cede the totality of the land requested. They start to impose limits on the DUAT holders to exploit the land."

For the General Director of the Zambezi Agency, the situation shows that, besides administrative problems, there are others that occur on the ground. "It is necessary

to sensitize the communities to realize that land exploitation can bring local benefits. It is part of our work to support small-scale producers in obtaining DUATs. In Chemba, we have more than 500 farmers who are producing and selling cane for organic sugar production. They all have DUAT and an area of 100 hectares for food production."

“New land policy and subsequent legislation must meet the expectations of all Mozambicans,” Adelson Rafael, OXFAM Mozambique


“On the occasion of the launch of the consultation process for the revision of the National Land Policy, in his speech, the President of the Republic argued that ‘in legislative terms, at the end of this exercise, the people expect to see a legal and institutional framework adjusted to the new social and economic dynamics that promotes the right to use and enjoy land that better responds to the expectations of all,’ thus, demonstrating his commitment that the new land policy being drafted and the subsequent legislation will fill the current gaps and eliminate the challenges faced by small farmers in obtaining DUATs. Given this scenario, it is necessary to find alternative and convergent mechanisms that contribute to the pursuit of this intention, generating opportunities for the new land policy and subsequent legislation to meet everyone’s expectations. This is where civil society comes into play, and it is also in this context that the partnership between OXFAM and CDD is framed. It is our understanding that civil society organizations have a fundamental role in this process, complementing the Government’s efforts.”



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