

NATIONAL LAND POLICY REVIEW

Women of Nampula discuss access rights and secure land ownership

- The current National Land Policy, including the respective implementation strategies, was approved through Resolution 10/95, of 17th October, in a context where Mozambique was facing major challenges of national reconstruction and development, following the civil war and prolonged drought that destroyed the productive base of the economy and the socio-economic stability of families. As one of the country's most important resources, land valuation was needed to stimulate economic growth.



Two years later, the Land Law was approved - Law 19/97, of 1 October, which revoked the first legal framework for land use and benefit that had been established by Law 6/79, of 3 July. The approval of the current Land Law had the main objective of responding to the new political, economic and social situation and guaranteeing access and security of land ownership, both for Mozambican peasants and national and foreign investors. With the approval of Law 19/97, of 1 October, the intention was also to encourage the use and exploitation of land, so that this resource is valued and contributes to the development of the national economy¹.

In 1998, the Land Law Regulation was approved through Decree 66/98, of 8 December. In addition to simplifying administrative procedures and thus facilitating access to land by national and foreign investors, Decree 66/98 regulated the innovations introduced by Law 19/97, of 1 October, namely the recognition of rights acquired through occupation by local communities and by national individuals who, in good faith, have occupied the land for at least 10 years. This regulation applies to regions not covered by areas under the jurisdiction of local authorities that have municipal registration services, with the exception of Article 45 - which deals with the extinction of previous rights of land use and benefit, which is applicable throughout the national territory.

Twenty-five years after the approval of the current National Land Policy, the Mozambican population has almost doubled, including the youth, who are the majority; the economic context has changed, with the implementation of the extractive industry; and the decentralization process has deepened, with the introduction of provincial decentralized governance bodies. This new context led the Government of Mozambique to define the revision of the National Land Policy as one of the priorities for the present five year period (2020-2024).

To this end, the Ministry of Land and Environment created the Commission for the Revision of the National Land Policy (CRPNT), through Ministerial Diploma No. 56/2018, of 12 June, which includes personalities from various social sectors and technical-scientific areas, and subsequently approved the Action Plan of the National Land Policy Revision Process and related legislation. Under the CRPNT terms of reference, there is an extensive public consultation process in the districts and provinces and a set of preparatory works, including publications, research and debates.

To implement these actions, the Ministry of Land and Environment signed a memorandum of understanding with the Center for



Democracy and Development (CDD) in July 2020, taking into consideration CDD's mission and vision, which includes facilitating debates, studies and research on issues or themes relevant to democracy, development and human rights, where the issue of land access, use and ownership fits perfectly.

Recognizing the pertinence of the revision of the National Land Policy due to the various constraints faced, mainly by marginalized groups, regarding access to and use of land, the CDD, committed to its agenda of advocacy for inclusive, participatory and transparent processes, monitored the process and found that despite the efforts made to ensure inclusiveness, civil society participation was not effective.

Following this, the Government decided to extend the consultation period in order to res-

pond to the concerns raised, and to provide an environment of greater social justice and promotion of the rights that citizens have over land. In this context, the CDD, with support from Advancing Rights in Southern Africa (ARISA), is implementing the project on "Organizing and Facilitating Consultation of Women and Community Leaders in the Context of the Review of the National Land Policy and Related Legislation".

This is an initiative that aims to create an enabling environment for the promotion and protection of human rights, particularly rights related to access, use and ownership of land, by strengthening the capacity of women, including traditional leaders, to effectively negotiate with government authorities and other stakeholders to preserve and defend

¹ <https://cddmoz.org/cdd-vai-auscultar-jovens-e-liderancas-tradicionais-sobre-a-revisao-da-politica-nacional-de-terras-2/>

their land rights. On the 9th of June, CDD, in partnership with Forum Mulher, organized the first women’s consultation and auscultation event for the revision of the National Land Policy, which took place in Ribauè district, Nampula province. The event was attended by 47 women from the districts of Ribáuè, Rapale, Nampula-city, Moma, Angoche, Mogovolas, Mongicual, Nacala-Porto, Mecuburi, Muecate, Murrupula and Malema.

The consultation and auscultation of Nampula women was facilitated by the Coordinator of the National Land Policy Review Commission, André Calengo, and the Coordinator of CDD in Nampula, Leonel Sapite. The official opening of the event was made by the District Director

of Planning and Infrastructures, Félix Miriasse, representing the Ribaué district government. “This document that is currently under review is extremely important, as it will give us the guidelines about tomorrow, on how our development process will be. Therefore, the participation of women from different social strata here present is very useful because it will allow your opinion to be included in the final document”, explained the representative of the Ribaué district government.

After the opening session, the participants received the draft of the National Land Policy Review to better inform themselves about the main changes proposed in the document. With the facilitation of the coordinator of the

National Land Policy Review Commission, the women discussed various aspects related to land ownership, such as guaranteed access to land; protection and consolidation of rights acquired through occupation; governance of land and natural resources; resettlement of populations; titling and recognition of pre-existing rights; conflict mitigation and resolution; land tax system, and transmission of the Right to Land Use and Benefit.

Each woman who participated in the Ribaué event was tasked with replicating the process of consultation and listening to women at the local community level to gather the diverse sensitivities on issues related to land access, tenure and use.



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