

NATIONAL LAND POLICY REVIEW

Women of Gaza defend the inclusion of women and youths in the legitimization processes of land occupations and conflict resolution

- After the events held in Ribauè district, Nampula province, and in Tete city, now the debate on the draft of the National Land Policy Review was held in Chibuto district, Gaza province.



The event was organized by the Center for Democracy and Development (CDD), in partnership with Forum Mulher, under the project “Organization and Facilitation of the Women and Community Leaders Consultation in the Context of the Revision of the National Land Policy and Related Legislation”, funded by Advancing Rights in Southern Africa (ARISA).

Around 50 women from the districts of Chibuto, Chókwè, Guijá, Manjakaze, Limpopo, Xai-Xai and Bilene participated in the event held on the 5th of July. The consultation was facilitated by Armindo Chaúque, a representative of the Review Commission of the National Land Policy; Magda Mendonça, from CDD; Rebeca Mabui, Teresa Mboia and Joaquina Martinho, from Forum Mulher.

After reading and analyzing the draft of the National Land Policy Revision, there followed a debate on the main issues of interest to women, such as the need to include the participation of women and youths in conflict resolution and in the legitimization of occupation of a certain area.

The participants agreed with the recognition of the binding value of the minutes of the community consultations in the context of the titling of the Right of Land Use and Exploitation (DUAT), and of the negotiation of partnerships, leading to the process being shelved when the pronouncement of the communities is not favorable, in other words, in the sense that the area requested is not free and/or has occupants.

“Greater substance should be given to the women’s representation in the actions of local communities and other forms of organization and articulation in the interest of citizens, families and groups of residents”. Bearing in mind that the current Land Law only recognizes rights to people who have occupied the area in good faith for more than 10 years. Gaza women argue that it is necessary to recognize the rights of occupants with less than 10 years, provided that they have permission from the community and local traditional structures.

Regarding urban development and/or urbanization, Gaza women argue that there should be agreements with local producers, especially women. For example, the promotion and development of sustainable agricultural practices, such as agroecology, conservation agriculture, agroforestry systems, to ensure income generation for rural communities.

The regulation of buffer zones and/or protection zones should allow for direct negotiation between local communities and the private investor so that there is mutual understanding. Regarding resettlements which, as a general rule, have resulted in the expropriation of peasant lands, the women of Gaza subscribe to the idea that the processes should be assisted by the judiciary.

They also advocate the establishment of a prior demarcation procedure of the land required before authorizing the DUAT in areas not covered by land use planning instruments, as a way of mitigating conflicts, improving land management and administration and ensuring the allocation of rights in accordance with the real exploitation capacity



National Land Policy is more than 25 years old



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 tenure, both for Mozambican peasants and for national and foreign investors. With the approval of Law 19/97, of 1 October, the intention was also to encourage the use and harnessing 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

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

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 National Land Policy (CRPNT) Revision, 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.



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