



How to Support Women's Land Rights in Mozambique?

Approaches and Lessons Learnt in
the Work of Four Main Organisations

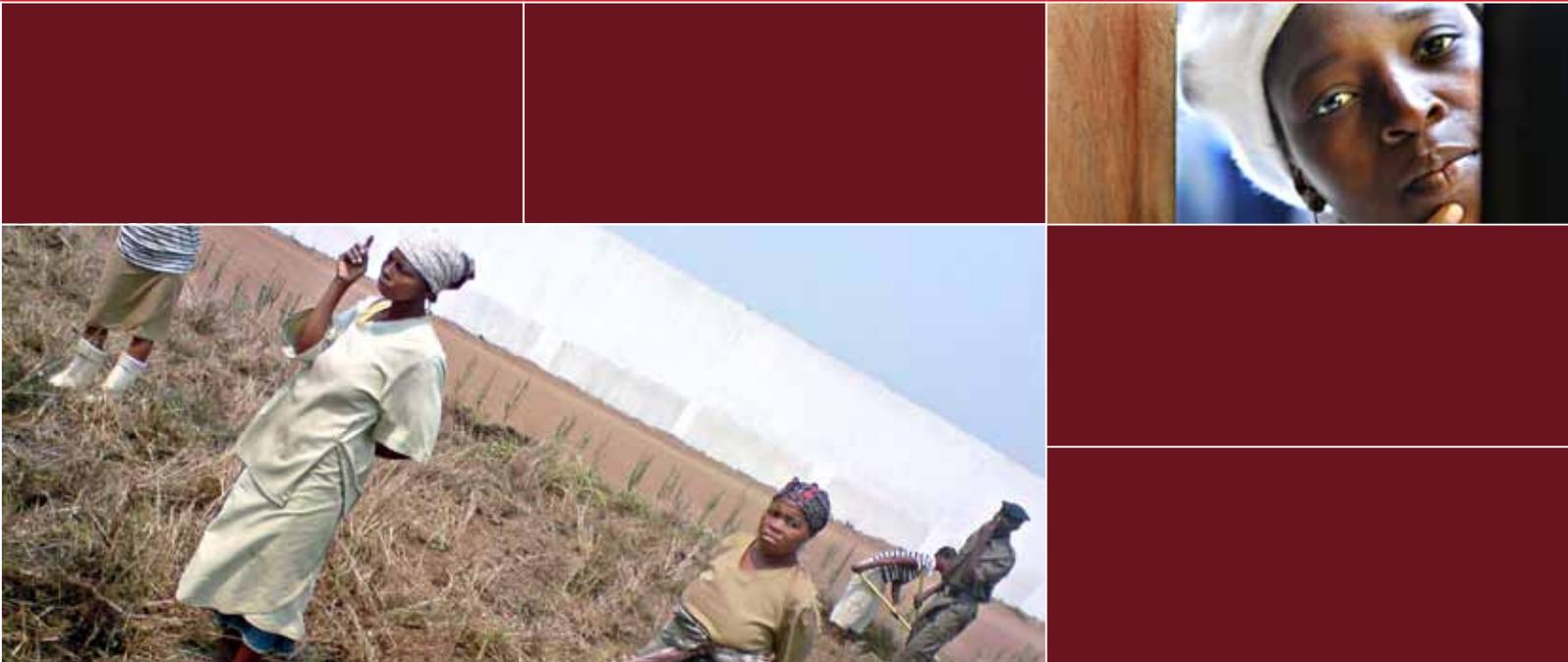


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Approaches and Lessons Learnt in the Work of Four Main Organisations

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CONTENTS

Acronyms and Key Concepts
SUMMARY

1 INTRODUCTION

- 1.1 Legal Framework for Women's Rights to Land in Mozambique
- 1.2 Norwegian Support: Guidelines and Objectives
- 1.3 The Context of New Land Investments
- 1.4 Land, Rights and Gender
- 1.5 Collection of Information for This Review

2 THE FAO GENDER AND LAND PROJECT WITH CFJJ

- 2.1 Reinforcing Gender and Women's Rights in Paralegal Training
- 2.2 How to Deal with Legal Pluralism?
- 2.3 Preliminary Concluding Remarks

3 FORUM MULHER IN COLLABORATION WITH PARTNERS

- 3.1 Norwegian Core Funding and Agreed Strategic Priorities
- 3.2 Profile and Approach in Support to Women's Land Rights
- 3.3 Results and Challenges

4 CLUSA: SOYBEAN PRODUCTION AND LAND RIGHTS

- 4.1 Smallholder Production Project and Local Challenges in Gurue District
- 4.2 Approach to Secure Land Tenure and Gender Equality
- 4.3 Results and Challenges

5 NORWEGIAN PEOPLE'S AID WITH PARTNERS

- 5.1 Partners at the National Level: UNAC and ORAM
- 5.2 How to Work in Niassa at Present?
- 5.3 UCA Working with Local Associations in Lichinga
- 5.4 A Preliminary Conclusion

6 RECOMMENDATIONS

7 LITERATURE REFERENCES

ANNEX : List of People Met and Consulted in Mozambique

ACRONYMS AND KEY CONCEPTS

AMRU	<i>Associação Moçambicana da Mulher Rural</i>
AMUDEIA	<i>Associação das Mulheres Desfavorecidas da Indústria Açucareira</i>
APAC	<i>Associação de Promoção de Agricultura Comercial</i>
APN/NPA	<i>Ajuda Popular de Noreuga</i>
ASSOMUDE	<i>Associação da Mulher para a Democracia</i>
BAGC	Beira Agricultural Growth Corridor
BI	<i>Bilhete de Identidade/Identification Card</i>
CFJJ	<i>Centro de Formação Jurídica e Judiciária/</i> Centre for Juridical and Judicial Training
CLUSA	Cooperative League of the USA
CSO	Civil Society Organisations
DANIDA	Danish International Development Agency
DUAT	‘Land use and benefit rights’ (<i>Direito de Uso e Aproveitamento de Terra</i>); rights to land acquired by individuals, communities, or corporations under the requirements and limitations specified in the Mozambican Land Law (<i>Lei 19/97</i>).
FAO	UN’s Food and Agriculture Organization
FRELIMO	<i>Frente de Libertação de Moçambique</i> (current governing party)
FM	<i>Forum Mulher</i>
HLPE	High Level Panel of Experts
ILC	International Land Coalition
iTC	<i>Iniciativa para Terras Comunitárias</i>
MCA	Millennium Challenge Account (US)
MFA	Ministry of Foreign Affairs
MINAG	Ministry of Agriculture
MULEIDE	<i>Associação Mulher Lei Desenvolvimento</i>
NGO	Non-governmental organization
NPA	Norwegian People’s Aid
ORAM	<i>Organização Rural para Ajuda Mutua</i>
PROMER	<i>Programa de Promoção de mercados Rurais</i>
REDD	International Climate and Forest Initiative (for reduced emissions)
DAE	District Office for Economic Activities
SPGC	Provincial Mapping and Land Registry Service
ToR	Terms of Reference
UCA	<i>União das Cooperativas e Associações de Lichinga</i>
UPCN	Provincial Union of Cooperatives in Niassa
UN	United Nations
UNAC	<i>União Nacional de Camponeses/National Farmers Union</i>

SUMMARY

The *Mozambican Land Law of 1997* has been referred to as one of the best in the world, for the way in which it protects and codifies local people's land rights. The law aims to balance different objectives and structures within one official tenure system. While accommodating 'traditional' community land rights, the law also protects equal rights for men and women based on the principle of non-discrimination in the Mozambican Constitution. The Land Law further has provisions that open up for external and larger-scale investments in agriculture, forestry, and natural resource extraction. According to the law, the absence of a formal title shall not prejudice (traditional) land use and benefit rights; but it also provides procedures for formalising land rights for local communities, individuals and corporations. A central dilemma in the implementation of the Mozambican Land Law is that resources are needed both to claim legally established rights, and to be able to benefit from them.

Different forms of investment schemes, partnerships, and development models have been initiated and tried out in Mozambique over the last years in connection with larger-scale land deals. At present, different local experiences, including local conflicts resulting from land deals and investment projects are coming up, and land is becoming a hot issue of debate. In this context: How to avoid processes where women's rights may be protected at the level of gender equality discourses, while especially poor and vulnerable women's rights are further marginalised?

Statutory legislation on land, both in traditional European and contemporary African states, has usually been based on *patrilineal* principles. It is also with reference to a patrilineal standard that contemporary principles about *equal rights* for men and women are usually formulated in constitutions, laws and regulations. This should be taken into account when addressing land issues in Mozambique, especially in the northern region where *matrilineal* principles have traditionally played an important role. Still, we should be aware that holding transferable rights in land as a productive resource, according to either matrilineal or patrilineal norms and practices, does not in itself mean possessing *decision-making power*. Neither is holding transferable rights in land as a productive resource the same as having control of other resources that make it possible claim and realize these rights in situations of conflict and contestation, or when there is increasing pressure on land.

The report discusses: *How to Support Women's Land Rights in Mozambique?* – by drawing upon the experiences, approaches used, and lessons learnt through Norwegian support to four main organizations: Norwegian People's Aid, FAO with the Mozambican Centre for Juridical and Judicial Training (CFJJ), CLUSA (Cooperative League of the United States), and the Mozambican feminist civil-society organisation *Forum Mulher*. These are all involved in projects aiming to protect, bring into effect, and promote the local implementation of women's equal rights to land, as

recognized in the Constitution and in the Mozambican Land Law of 1997. Their work is carried out in local contexts which in various ways are subject to the increasing interest in land from external investors, and the increasing pressure on land and natural resources that characterise the situation in many parts of Mozambique today. The organisations use different approaches in their work; they use different channels; but in many ways their efforts and approaches complement each other through addressing different challenges in a complex field.

FAO has worked to strengthen the gender component in the training, especially the training for *paralegals*, provided through short courses organised in collaboration with CFJJ. The trained paralegals perform important roles at provincial and district levels to inform about legal rights and assist in conflict resolution. A continued strengthening of the gender package in the training provided by CFJJ can be central to securing women's land rights in the districts. Forum Mulher has worked in collaboration with FAO to support trained paralegals when they return to their localities. They have established a pilot seeking to secure especially vulnerable local women's land rights through support to a locally based women's organisation, AMUDEIA, in Maputo Province. At the national level, Forum Mulher works in advocacy and lobbying to strengthen women's access to and control of land.

CLUSA works as a central actor in supporting smallholder agriculture in central-northern Mozambique. As an implementing organisation, it has received Norwegian support for promotion of soybean production in Gurue District in Zambezia Province. A land formalisation component under this project has aimed to legalise 600 individual *titles* – in Mozambique known as DUATs or “land use and benefit rights” titles. So far 167 men and 120 women have gone through the complex and time-demanding processes of formalisation. This project experience clearly indicates that the processing of a single DUAT formalisation document for a local small-scale farmer is exceedingly complex, resource demanding and time consuming. In the project, the required sequence of steps and processes have been organised, monitored and followed up by the legal consultant contracted by CLUSA. It appears clear that poor rural people actually needs both legal and economic assistance in order to be able to legalise DUATs, and get *land titles*.

NPA works through partner organisations in Mozambican civil society. The report focuses on two organisations at the national level: UNAC – the National Farmers Union – has an approach basically focusing on information about the land law in order to have women's equal rights implemented. ORAM – a central NGO in securing local people's land rights – has worked more specifically with community land *delimitations*. Both organisations recognize the challenges involved in securing women's land rights. NPA also works with partners at provincial levels. The report focuses on UCA – the Union of farmers' organisations in Lichinga – and their work in the currently volatile and challenging situation in Niassa Province. UCA works through a large number of local members, and NPAs support has been used to inform

members about the Land Law, and to mobilise people to stand up and defend their land rights in upcoming consultations with external investors who plan to develop large-scale forestry or agriculture projects in the province.

In Niassa, it is widely recognized that there have been problems with the legally required *consultations* with local people in connection with DUAT concessions to external investors: Who actually represented the ‘local community’ in the consultations? Were they aware of the scale of the land areas requested, and aware that the investors requested *exclusive rights* to the land? The consultations do seem to have taken into account that in this region land has traditionally been a resource accessed and passed on through women in matri-lineages. So far, women’s rights and gender equality have not been prioritised in settings where large-scale investments for economic development are at stake.

The scale and complexity of the problems addressed here point to the need – and opportunity – for a more concerted and focused initiative in Mozambique to support women’s land rights; and it is recommended that Norway responds to this challenge. At present, it seems important to support initiatives for a new, comprehensive and updated campaign to disseminate knowledge about the existing Land Law, including women’s equal rights to land under statutory legislation. The adaptation of information material to the diverse regional and local situations should be prioritised, especially with regard to traditional systems of access and land rights for women.

In the current situation it seems necessary to work with approaches specifically targeting women (“positive discrimination”) in order to achieve equal land rights for men and women in Mozambique. Promoting individual land titles for women is one central priority; securing land rights for women within delimited community land is another challenge. At present, no institution is specifically dedicated to work with women’s land rights; in all organisations this is only one among several priorities. As a step towards achieving more synergies in a challenging field of work, the report recommends to establish a Mozambican Network for Women’s Land Rights.

In order for the Norwegian Embassy to work more effectively to support women’s land rights, and situate that work within a broader development context in collaboration with the Mozambican government, it seems essential that the Embassy becomes a member of the Donor group for agriculture in Mozambique. This should be used as a central forum to raise issues concerning *women’s role* in rural and agricultural development strategies, as well as continuing the debate on approaches and lessons learnt to support *women’s land rights*.

1 INTRODUCTION

This report presents experiences and discusses the challenges involved in different organizations' approaches to support women's rights to land in Mozambique. It reviews approaches developed and lessons learned by four Norwegian-supported organizations: the Norwegian People's Aid, FAO, CLUSA and Forum Mulher. These are all involved in projects aiming to protect, bring into effect, and promote the local implementation of women's equal rights to land, as recognized in the Constitution and in the Mozambican Land Law of 1997. Their work is carried out in a context characterised by increasing interest in land from external investors, and increasing pressure on land and natural resources in many parts of Mozambique.

1.1 Legal Framework for Women's Rights to Land in Mozambique

The *Mozambican Land Law of 1997* has been widely acclaimed – and even referred to as one of the best in the world – for the way it protects and codifies local people's land rights and confers powers to local participatory processes that involve both men and women. At the same time it is evident that the law aims to balance different objectives and structures within one unified and official tenure system. The law basically guarantees the great majority of Mozambicans tenure rights to the land they actually occupy and use. While the legal framework gives equal rights to women and men, it also recognises customary rights – as long as they do not contradict the Constitution. Furthermore, the law has provisions that open up for external and larger-scale investments in agriculture, forestry, and natural resource extraction.

According to the *Mozambican Constitution of 1990 (Constituição da República de Moçambique)*, ownership of land shall vest in the State. This means that land cannot be sold, disposed of, mortgaged, or in other ways alienated or commercialised. The principle can be seen as a legacy of the former one-party socialist state, but is also a legal provision shared by a number of neighbouring countries in the region. The Land Law (*Lei de Terras, Lei 19/97*) defines and specifies the nature and conditions of rights and access to land in Mozambique for individuals, communities, and corporations. Article 12 of the Land Law states that land rights can be acquired in the following ways:

1. Through occupation by individuals and local communities, according to those customary rules and practices that do not contradict the Constitution;
2. Through occupation by Mozambican individuals who have been using the land in good faith for at least ten years;

3. Through a request to the state by individuals or corporate bodies to authorize ‘new’ use and benefit rights.

The first point recognizes and accommodates ‘traditional community’ land rights according to local customs and practices, as well as individuals’ land rights based on traditional use and occupation. But the law also protects equal rights for men and women, as the principle of non-discrimination in the Mozambican Constitution (Articles 66 and 67) also applies to land rights (Ik Dahl *et al.* 2005:46). When the Land Law was formulated, the second point (above) was specifically targeted for recognising rights to land acquired through use and occupation outside inherited family and (traditional) community land. It provided a basis for recognising rights to land for the large numbers of internally displaced people after the civil war in Mozambique (which only ended in 1992), and to protect their future livelihoods. The third point provides an opening for “new” right-holders to access land. In this way, individuals, as well as national and foreign investors, corporations, and companies can access land if they have developed concrete use and investment plans, and prove to have the capacity to implement such plans (Quadros 2004, Hanlon 2011). Nationals – individuals and corporations – receive a provisional authorization, and within a time limit of five years have to prove they are able to implement these plans, and also conclude the “demarcation”¹ of the land area. Foreigners are given such a provisional authorization for two years. After this, new rights-holders will receive a permanent “lease” from the State for 50 years (which can be renewed for another 50 years).

As ownership of all land in Mozambique is, in principle, vested in the State, the property rights of individuals, communities, and corporations are all formally called DUATs; that is, ‘land use and benefit rights’.² Regulations on the implementation of the Land Law in rural areas was passed in 1998, with a *Technical Annex* approved through a *Diploma Ministerial (No 29-A/2000)* in March 2000. Article 13 in the Land Law states that the absence of a formal title shall not prejudice (traditional) land use and benefit rights, but it also provides for a procedure for formalising local communities’ customary land rights. The *Technical Annex* deals more specifically with the procedures for identifying such rights, and sets out the procedures for delimitation, demarcation, and titling of community land (Quadros 2004).

¹ On *demarcation*, see below.

² DUAT – Direito de Uso e Aproveitamento de Terra, or ‘land use and benefit rights’. Hanlon (2011) discusses the English translation of *aproveitamento*, which could also be ‘use’, or ‘enjoyment’, even ‘development’. A DUAT can thus be said to imply the right to use, but also develop and invest in the land, in addition to benefiting from its products. On the international arena, according to Hanlon, for investors to acquire a DUAT in Mozambique is, in effect, to acquire “a long term lease” (2011:16).

The legal framework in Mozambique recognizes that land rights acquired through ‘traditional’ use and occupancy or through occupancy ‘in good faith’ are equal to land rights formalised through a title document. Calengo (2009:39) develops an argument on this point, stating that according to the law, the land rights of a community acquired by means of traditional use and occupation is in legal terms equal and equally secure as the land rights of a private investor represented in a legally acquired DUAT. But this last category of DUATs, acquired through requests to the State, are only valid when the land grant is formalised through a process of *demarcation* (De Wit, Villanueva and Norfolk 2010:20). When new investment projects are planned and carried out in local community areas, the Technical Annex also recommends that community land rights are formalised (Tanner 2011:85). Community land rights, acquired through (traditional or de facto) use and occupation recognised in the Land Law,³ can in turn be formalised in two ways: Through a process called *delimitation* (*delimitação*), leading to the issuance of a *certificate* (*certidão*), or through the more resource-demanding *demarcation* (*demarcação*) leading to the issuing of a *title* document.

1.2 Norwegian Support: Guidelines and Objectives

The Norwegian Government’s support to organizations involved in projects aiming to secure and bring into effect the legally established rights of women to land in Mozambique, has a basis in the Norwegian Government’s own White Paper “On Equal Terms” (2007-2008). More specifically, this support counts among the efforts to implement the Norwegian Government’s *Action Plan for Women’s Rights and Gender Equality in Development Cooperation* (2007-2009). The Action Plan’s gender perspective involves understanding “how social institutions, structures and systems, programmes, reforms and measures can affect men and women...differently” (MFA 2007:14). Along these lines, a gendered perspective on the formalisation of property rights can also, according to the Action Plan, point to the need for specific measures to “prevent greater economic marginalisation” of women (MFA 2007:18).

The Action Plan specifically recommends processes and measures directed at analysing “women’s interests in formalisation programmes” (MFA 2007:19). It states that it is important “to ensure that these are taken into account and safeguarded with regard to inheritance, ownership, business interests, collective and user rights, and the opportunity for women to promote their rights through local courts and mediation mechanisms” (MFA 2007:19). The Action Plan opens up for designing specific targeted measures to ensure that both sexes benefit equally from programmes and processes; when necessary, targeted measures should correct imbalances. In this way

³ Cf. bullet points 1 and 2 above.

the Action Plan more generally aims to “promote women’s rights, participation and access to resources” (MFA 2007:14).

1.3 The Context of New Land Investments

In Africa, the *land issue* as policy focus has for more than a hundred years “moved onto and off center stage” (Peters 2009:1322). At present, we find that different concerns and priorities are brought into the picture when the issues of land rights and land tenure formalisation come up for debate – as well as in discussions of programmes and project support, which is the case here. Over the last decades, field-based research in many parts of Africa has extensively documented:

...widespread and mounting competition and conflict over land, and a proliferation of transfers of land that reveal individualization of claims, “informal formalization”, and increasing commodification. (Peters 2009:1319)

These processes are, at present, also increasingly affecting Mozambique. At a global level, there is a highly unequal access to different types of resources. This includes land, and is a background for the growing interest we have witnessed over the last 5-6 years to invest in land, agriculture, and forest plantations in Africa. Raising food prices on international markets have since the food price crisis in 2007/2008 also contributed to an increasing interest to invest in agriculture (Kaarhus, Haug *et al.* 2010:1). At the same time, the climate change agenda has led to a demand for bio-fuels as a more environmentally friendly and sustainable alternative to fossil fuels. In this situation, investors’ growing interest in land often involves identifying land that is considered both “unused” and cheap, and made available by national governments on reasonable terms to external investors. One result is that land is now increasingly “becoming a global asset to be traded just like any other commodity” (HLPE 2011:8).

According to estimates presented in a report by the High Level Panel of Experts reporting to the UN/FAO, “50-80 million hectares of land in middle and low income countries” have over recent years “been subject to negotiation by international investors, seeking to buy or lease land” (HLPE 2011:8). Two-thirds of this land is, according to the estimates by Wily (2010), and quoted in the HLPE report, located in sub-Saharan Africa. The HLPE further observes that:

In many countries hosting large scale acquisitions, the government claims ownership of land, water and other natural resources. Hence, government is central in encouraging inbound investment, making land available, and negotiating with investors as well as enforcing contractual agreements. (HLPE 2011:9)

Internationally, there has been considerable debate on this new wave of investments and associated development trends. The 2009 report *Land grab or development*

opportunity? (Cotula *et al.* 2009) formulated some key positions in the ongoing debate, discussing both risks and opportunities:

Increased investment may bring macro-level benefit (such as GDP growth and improved government revenues), and may create opportunities for economic development and livelihood improvement in rural areas.

But as governments or markets make land available to prospecting investors, large-scale land acquisitions may result in local people losing access to the resources on which they depend for their food security... (Cotula *et al.* 2009:5-6)

In Mozambique, different form of investment schemes, partnerships, and development models have been initiated and tried out over the last years in connection with larger-scale land deals. At present, different local experiences, including local conflicts resulting from large land deals and investment projects are now coming up, and have been reported and discussed in a number of recent reports (Justiça Ambiental and UNAC 2009, Kaarhus, Haug *et al.* 2010, Justiça Ambiental and UNAC 2011, Hanlon 2011, Tanner 2011).

The report by Kaarhus, Haug *et al.* (2010) assesses the *agricultural growth corridor* as an approach to agro-investments based on public-private partnerships. As a partnership model, this approach has also received support from the Norwegian Government. It is being tried out in Mozambique through the *Beira Agricultural Growth Corridor* (BAGC) initiative.⁴ A basic tenet in the agricultural corridor approach is, actually, that the current level of agricultural development in a country such as Mozambique makes investments both risky and often associated with relatively low returns (Kaarhus, Haug *et al.* 2010:20). Through a negotiated public-private partnership, the idea is that public (national and international) funding sources will make available the “patient capital” which is needed for long-term investments in for instance infrastructure. These investments will make the current “greenfield agriculture” more attractive for private capital (Palmer 2010:7). Thus, *patient capital* investment are here considered as a basis for solving the problem of “lack of sufficient profitable investment opportunities” (Palmer 2010:3).

The BAGC initiative in Mozambique further involves funds for trying out different types of *partnerships*, both between investors and farmers, and between large-scale and small-scale farmers; including local out-grower schemes and locally-based joint ventures. Some of the partnership models being tried out under BAGC can no doubt represent alternatives to the large-scale wholesale land leases to external investors that are currently hotly debated in Mozambique. Other aspects of the BAGC model were subject to a critical discussion in Kaarhus, Haug *et al.* (2010).

⁴ <http://www.beiracorridor.com/news.php>

Hanlon's report (2011) on such land investments discusses the legal framework for land in relation to external investment initiatives in the country. According to Hanlon, the *land use and benefit rights* (DUATs) established by the law are usually interpreted to mean that "people should not profit simply from *having* land...only profit from using land" (Hanlon 2011:20). In other words, it is only the products of the land – in addition to investments on the land – and not the land itself that can legally be traded as assets or commodities on local and global markets. With reference to customary use and occupation, communities can claim land, not only land currently in use, but land left fallow for shifting cultivation, and even land set aside for future expansion. This means that a community can leave land vacant to be made available for new generations of community members. In the meantime, however, the community is in principle not allowed to get incomes from leasing out that land to outsiders. According to Hanlon, "communities may have formal rights over their land, but in order to realize any profit from it, they are under pressure to give up the land to outsiders" (2011:20). That is, to outsiders with the necessary resources to benefit economically from the land. This observation points to a key issue of discussion in the present report: *That resources are needed both to claim legally established rights in Mozambique, and to be able to benefit from them.*

Both Hanlon's report (2011), as well as Tanner (2011) discuss the problems encountered when external investors are brought in to *consult* with communities that will be affected by land lease requests and investment plans presented to the State. It is now an established principle in Mozambique that:

...land inside a delimited community ... is available to investors and others from outside the community, subject to a community consultation being carried out and the District Administrator then determining whether or not the land request should go ahead" (Tanner 2011:86).

Tanner argues that such consultations are complex processes that deal with complex issues. The knowledge, skills and resources needed to facilitate and negotiate transparent and participatory agreements between local communities and external investors, however, "go far beyond those currently available in the land administration services" in Mozambique (Tanner 2011:91). On the other hand, it is also a question to what extent external investors are really prepared to go through complex negotiations to reach agreements with communities. They may rather accept some level of conflict at the local level, as long as the state authorities support their request and investments. In this regard, Hanlon (2011:21) summarizes a widespread perception when he writes: "Many studies and reports show that consultations are done badly, in the most cursory way...and do not take communities seriously".

1.4 Land, Rights and Gender

What we know from research on land issues carried out across Africa is, on the one hand, that it is important to have knowledge of local systems of access and land rights within their “social, cultural, and political-economic matrices” (Peters 2009:1322). An important lesson is that we can identify some general principles, which we may talk about as local or traditional land tenure *systems*, such as *patrilineal* or *matrilineal* systems of access and inheritance. But these principles are not fixed rules. They are in practice rather “general principles open to interpretation and thus to negotiation” (Peters 2009:1322). In very simple terms, we could say that *patrilineal principles* in land tenure imply that *women* primarily have access to land through their relationships with men, while *men* are prioritised in terms of holding transferable rights and interests in land as a productive resource. *Matrilineal principles* imply that *men* primarily have access to land through their relationships with women (or matrilineal family), while *women* are generally prioritised in terms of holding transferable rights and interests in land as a productive resource. But in the field, matrilineal practices are not only more or less flexible adaptations of matrilineal principles to specific situations in families or communities, they are in many cases a result of combining local matrilineal principles with “more official” patrilineal principles. In rural communities, patrilineal principles are often associated with Government and State authorities, as well as with the requirements of the market.

Statutory legislation on land, as established in both traditional European and contemporary African states has, in fact, usually been based on *patrilineal* principles. It is thus with reference to notions about a patrilineal standard or *patriliny* as a point of departure that contemporary principles about *equal rights* for men and women are formulated in constitutions, laws and regulations. This should be taken into account when addressing land issues in Mozambique, especially in the northern region where matrilineal principles have traditionally played an important role. It becomes relevant for the present review, since we have been asked to put emphasis on northern Mozambique in the assignment reported here.

If we take a brief look at classical social science literature, there has for at least 150 years been a tendency to see matrilineal principles and practices as, somehow, more “archaic” than patrilineal principles. In the 19th century, influential authors in Europe and North America, such as L.H. Morgan, F. Engels, and E. Tylor tended to identify *matriliny* with “matriarchy”, which was considered to be an evolutionary stage prior to both “patriarchy” and contemporary European civilization. Drawing on this perspective, patrilineal principles and practices tended to be seen as more advanced and civilized than matrilineal principles and practices when Europeans encountered land tenure arrangements that differed from their own during the time of colonial expansion in Africa.

Today, social scientists wonder why so little has been written about matriliney in Africa (Arnfred 2011:19). One reason is that for about 150 years, matriliney and matrilineal land tenure principles have been seen as backward and something that will soon disappear, and thus of little interest for applied and policy-relevant research. In Mozambique, very few more in-depth studies exist (see Geffray 2000). In neighbouring Malawi, some more research on matriliney has been carried out (see Peters 1997). But we also know that in Malawi, both the British colonial administration and post-colonial policies intervened directly to shift the power balance in matrilineal groups in favour of men, actively seeking to replace matrilineal principles with more “advanced” patrilineal arrangements (Chanock 1985; Kaarhus 2010).

Generally, both social science analyses and current development policies “see...African women as subordinated and oppressed” (Arnfred 2011:3). There is often an implicit assumption that there is no significant difference between matriliney and patriliney, since men in any case hold the important positions of political power and decision making. A general lesson learnt is that holding *transferable rights in land as a productive resource* does not equal possessing *decision-making power*. Neither is *holding transferable rights in land as a productive resource* the same as having control of other resources that make it possible claim and realize these rights in situations of conflict and contestation, or when there is increasing pressure on land.

Based on fieldwork among rural Macua in northern Mozambique, Arnfred sustains that matriliney implies that gender power relations can be seen to differ from relations under conditions of patriliney; partly because of matrilineal inheritance to land, and partly because of what she refers to as a traditional “double-gendered system of chieftancy” (Arnfred 2011:3). Traditionally, each male chief had a female counterpart. Among the Macua that means that each *mwene* (male traditional authority) would have at his side a female *pwiyamwene* (traditional authority) who, according to Arnfred, would be “particularly responsible for matters regarding links to the invisible [or spiritual] world” (2011:3). Their role is, however, not officially recognized by state authorities today (Arizcurinaga 2008).

With Independence, and the later modernization of both legal frameworks, political processes and administrative procedures, together with an expanding sphere of market relations, Arnfred (2011:15) believes that women not only have a lot to gain, but women in matrilineal groups may also have something to lose. The central dilemma presented in Arnfred’s (2011) book *Sexuality and Gender Politics in Mozambique* is: How to avoid processes where women’s rights are protected at the level of gender equality discourses, while especially poor women’s rights are marginalised, and their daily life realities become harsher? This is in fact also a central question when we here discuss different approaches to support women’s rights to land in Mozambique.

The HLPE report (quoted above) states that both rights to access land and other natural resources are “typically differentiated within rural society” (HLPE 2011:29). While access rights in practice also depend on age, wealth and other forms of social status, the report holds that *gender-related access to and use of land and related resources* is “one of the sharpest and most visible forms of differentiation” (HLPE 2011:29). The HLPE report further points to the need for more empirical studies concerned with the gendered impacts of large-scale land acquisitions. Northern Mozambique stands out as a very interesting and highly relevant setting for further studies in this area; that is, studies linking women’s rights and access to land with current processes promoting external investments – and their impacts.

1.5 Collection of Information for this Review

This report is to a large extent based on the information obtained through three weeks of meetings, interviews and discussions with a series of individuals, organisations and other stakeholders in Mozambique in November and December 2011, in addition to consulting project documents and available literature on the topic. In Mozambique, the review team could both count on the support of the Norwegian Embassy in Maputo, and on the organisations more directly involved in the review – including their participation in a final workshop with a presentation of preliminary results in early December.

The review team also visited Manhiça – Maputo Province, Nampula Province and Niassa Province during the three weeks of field work. A list of people met and consulted is found in Annex II. The review team would like to express their sincere thanks to all those who generously shared their views, experiences and challenges with us during this study.

2 THE FAO GENDER AND LAND PROJECT WITH CFJJ

The Centre for Juridical and Judicial Training (CFJJ⁵) is a central institution under the Ministry of Justice in Mozambique. Established in 1997, and starting its first training courses in 2000, the CFJJ has now an important role in providing training and capacity-building for legal and judicial sector professionals in Mozambique. Its mandate also covers law-related research and legal information dissemination. From the start, the institution has in addition to basic Government funding been dependent on budgetary support from donors. The Danish cooperation has provided key institutional core funding for the Centre.

FAO's collaboration with the Centre is rooted in the organization's broader work with both legal and management aspects of land and natural resources. From the mid-1990s, FAO was involved in the development of the Land Policy of 1995, the Land Law (*Lei 19/97*), as well as the Forest and Wildlife Law (*Lei 10/1999*). At present FAO has a technical assistance programme with CFJJ. The main component in this legal support and capacity building is funded by the Netherlands cooperation and organised as a FAO project, which is planned to end in 2012⁶. One output is the organization of District Officer Seminars. The seminars inform about and discuss the implementation of the (new) legislation. Another central activity in the project has been the training of *paralegals*.

Through the FAO programme support, the Centre has been able to offer a series of two-weeks training courses. The participants in each course are approximately 25; with representatives from NGOs and provincial civil society organizations (ca. 60% of participants), and representatives for local authorities (ca. 40% of participants). During the first week of these courses, the participants are provided with a general overview of legal frameworks, the judicial system in Mozambique, and the potential roles for paralegals within this system. The second week of the course is dedicated to more practical exercises, where participants use the knowledge acquired to identify and resolve a concrete local conflict (FAO 2007:10).

⁵ CFJJ – *Centro de Formação Jurídica e Judiciária*. The Centre is located in Matola close to Maputo city,

⁶ FAO Project: GCP/081/MOZ/NET: *Decentralized Legal Support and Capacity Building to Promote Sustainable Development and Good Governance at Local Level*.

2.1 Reinforcing Gender and Women's Rights in Paralegal Training

The project we have been asked to review here, which we will refer to as the FAO *gender and land project*,⁷ is closely linked to the Netherlands-funded main FAO project (see above). When FAO-Mozambique actually developed a specific gender and land project, it reflects a growing awareness, also shared by a number of other organizations, of the real challenges involved in securing women's land rights, both in communities under "customary" tenure arrangements and in more formal settings. A need for a strengthening of gender aspects in the main FAO project was identified, and a proposal for a special gender and land project was developed by FAO. The project started in August 2009 (becoming operative in 2010), after two years of negotiations and reformulations of the project document. It was originally planned to be implemented in the period 2009-2011, but after adjustments of the time schedule it will run into 2013. Its overall goal is to: *Allow women to have full security and use of their land and natural resources, and be able to participate in new economic activities.*

The project should, according to the formal summary,⁸ be implemented through three main components:

- *Capacity building with CFJJ:*
 - Through contributing to CFJJ-FAO legal training and capacity building, *reinforcing gender and women's rights issues in paralegal training* for NGOs, associations and local government
 - Through training of District and judicial sector officials, enabling "key 'frontline' officials to *better manage the 'interface' between customary and formal systems*"
 - Through developing a stronger gender and women's rights component in CFJJ's main training activity for judicial sector professionals
- *Provide support to programme-trained paralegals and partner organisations in the field:*
 - Through follow-up supervision visits by CFJJ officers and other specialists
 - Through technical assistance visits to communities where programme trained staff are working, and additional support is required
 - Through partnership arrangements with other programmes

⁷ Project MOZ 3068 (07/037) *Community level legal education and support to help rural women secure and exercise land and resource rights, and address HIV-AIDS related tenure insecurity.*

⁸ Resumé given in Appropriation Document MOZ 3068 (07/037), Norwegian Embassy, Maputo, February 2009.

- *Information and advocacy:*⁹
 - Promoting the *defence of land and natural resources rights for rural women* through collaboration with partner organisations

Main outputs and activities are more comprehensively described in the land and gender Project Document (FAO 2008). The following output and associated activities develop and concretize components one and two above, and summarise key elements in the FAO land and gender project *approach*:

- *Communities and leaderships aware of the legal rights of women and able to adapt customs accordingly*
 - Training packages to strengthen existing CFJJ programme developed
 - Up to 200 paralegals understanding gender principles, and how to use both customary and formal legal tools to safeguard the land and resource rights of rural women
 - Up to 50 communities directly involved in training exercises and follow-up

During the series of interviews and provincial field visits carried out for the present review study, we perceived both considerable appreciation and a growing demand for the training provided through the two-week courses with CFJJ. We also found, on the one hand, that the trained paralegals are confronted with fairly demanding tasks and challenges when going back to their districts and communities to implement their new knowledge and awareness of legally established rights and principles. On the other hand, it is evident that as a two-week course, the paralegal training is overloaded with a heavy curriculum, combining both legal principles, legislation, and working methods. This is actually a dilemma inherent to these important two-week courses.

The range and complexity of themes and the legislation covered are well presented in the course *Manual Para Paralegais Na Área Dos Recursos Naturais, Ambiente, E Desenvolvimento* (FAO 2010). This “overload” is in practice also a context for the land and gender project’s aim to *reinforce gender and women’s rights issues* in the training; and more specifically develop, introduce and use improved training packages on gender and women’s rights in the courses.

The course *Manual* (FAO 2010) primarily refers to *gender and women’s rights* in the context of rights to land and natural resources (Manual Part 3: How to use rights to promote development). The course material developed for the new gender package primarily consists in two PowerPoint presentations, each to be presented during 2-hour sessions.¹⁰ The first emphasizes gender as a social phenomenon: While *sexual differences* and “natural”, universal and biologically determined, *gender relations* are socially determined. *Gender* is thus a social construct which can vary between

⁹ The Information and advocacy component will not be a topic for discussion in the present report.

¹⁰ *Igualdade de Género* – Two PP presentations developed by Marianna Bicchieri for FAO/CFJJ.

different cultures and societies. This also means that gender relations are dynamic and changeable.

During the 2-week course, a third session is dedicated to discussion on how to *apply* the legislation on women's rights in concrete cases. The planned support to programme-trained paralegals after they return back to their communities (as planned under component two in this project), should represent a significant strengthening of the gender aspects in the applied part of the paralegal training.

The gender package developed for the CFJJ as an output of the gender and land project, is more detailed and comprehensive than the course Manual of 2010 concerning the constitutional and legal rights of women in Mozambique. A central message, which both the new gender package and course presentations seek to transmit and reinforce, is that gender equality is an advantage for the whole society. In line with this view, in capacity building and training it is considered equally important to work *with men* as with women on gender issues, in order to overcome prejudices and convince men to *share power* with women.

The reinforced gender packages have (up to the time of the present review) been transmitted in 7 courses for *paralegals* and 3 *district officer* seminars, all organised by CFJJ since October 2010.¹¹ In interviews with several staff members at CFJJ we perceived that the FAO gender and land project had so far contributed to a greater awareness about gender issues at the Centre, as well as among the participants in the courses for paralegals. Interestingly, we learnt that it appeared more difficult to make an impact in the training of judges. The sustainability of the impacts achieved in terms of increased awareness of gender issues within CFJJ will, however, depend on the continued presence of key personnel employed at the Centre. Still, it *may* over time become a challenge to defend the importance of a *gender perspective* among all the other topics to be covered in the training offered by CFJJ. To develop and/or strengthen external relations of institutional collaboration with both NGOs and academic institutions which are actively working with gender and land, and prioritize this during the last year of the gender and land project could be one way of securing sustainability. That is, taking into account that FAO support is being phased out and the gender and land project ends in 2013.

2.2 How to Deal with Legal Pluralism?

The gender package developed as part of the gender and land project is in terms of perspectives basically in line with the already existing paralegal course *Manual* (FAO 2010) when it comes to the description of women's rights situation in rural Mozambique. Both the course Manual and the new gender package are fairly

¹¹ Only one course was funded by the Gender and land project.

comprehensive, detailed, and sophisticated when dealing with legal principles, Mozambican legislation, and how to use these principles in practice. When it comes to rural realities and legal pluralism in practice, however, the presentations are fairly brief and general. The main messages transmitted through the training material are that:

- Women play very important roles, especially in the economic and social organisation of rural society.
- In Mozambique, women and men have equal rights, according to the law.

Still:

- Mozambican society is essentially patriarchal.
- The woman is, in general, subordinated to the man (FAO 2010:117).

These general statements do not really describe the complex, diverse and changing realities with regard to land access and land rights in different parts of Mozambique today. Discriminating attitudes and practices are found, not only expressed in rural traditions, but also among the educated representatives of state power at different levels. One problem which we identified during field visit for this review study was that for former course participants in the traditionally *matrilineal* regions of northern Mozambique, the general messages and “lessons learnt” are somewhat confusing. The “new” knowledge acquired through the paralegal training may therefore not be as useful as it could be. That is, as a tool to analyse, interpret and act in the complicated and sometimes conflictive realities *paralegals* experience in their daily life, and when they need to give advice and intervene as paralegals.

In more concrete terms: According to the course material, customary rights only give women in Mozambique user rights to land. Furthermore, it is stated that women only have access to these rights through their relationships with men, and in this way depend on men (FAO 2010:118).¹² In northern Mozambique, many women – and men – know that they have in fact accessed or inherited land from their mother, from their mother’s family, or through the mother’s lineage, while many men have accessed land through marriage. This was also confirmed when we, during our brief data collection for the present review, talked with men and women in the provinces of Nampula and Niassa. The message communicated through the course material is that this is not “normal” or “standard”, and somehow not valid. That is, existing cultural or “customary” diversity is, so far, not really used as a resource in the training to make course participants aware of gender as a “social construction”. More specifically, in discussions of how to defend rural women’s rights to land and natural resources, “custom” is generally discarded as “patriarchal” and generally discriminatory.

¹² “No contexto costumerio ela tem o que é visto como um `direito de uso´ , e não um direito em nome proprio; Ela depende da relações com os homens para ganhar este mesmo `direito de uso´ sobre a sua terra”.

With the currently increasing interest in large-scale investments in land in northern Mozambique, questions of women's interests and rights in land as a productive resource seem more urgent than ever. To establish a broader, empirically grounded and research-based knowledge of how different tenure systems are used, mixed and negotiated with government representatives and external investors in different parts of the country, also seems urgent. Especially with regard to how matrilineal norms and practices in northern Mozambique structure current land tenure arrangements and negotiations there is need for more, better grounded, research-based knowledge. This is also highly relevant with regard to capacity building for civil servants, including government authorities at district levels. It may be one of the preconditions for achieving a better management of "the 'interface' between customary and formal systems"¹³ of land tenure, especially in the north.

2.3 Preliminary Concluding Remarks

Some of the resources made available to CFJJ through the FAO gender and land project have, as we understand it, been dedicated to carry out research in specific chosen localities in rural areas. Among the research topics is the role of Traditional Authorities in conflict resolution and decision-making processes in Community Courts (*Tribunais Comunitários*). To the extent that research will continue as part of the project activities, it is recommended that this research situates itself more clearly within current debates and ongoing international and inter-disciplinary research on women and land rights in sub-Saharan Africa.

This chapter has primarily dealt with the first of the three main project components in the agreed project summary (see above). The second of the three components in the FAO gender and land project: *Provide support to programme-trained paralegals and partner organisations in the field*, has in the project period been implemented in collaboration with *Forum Mulher* as a partner organisation. Here this component will therefore be discussed in the next chapter, which is dedicated to Forum Mulher and the organization's approach to supporting women's land rights at the community level.

¹³ Cf. gender and land project summary, component 1, above.

3 FORUM MULHER IN COLLABORATION WITH PARTNERS

Forum Mulher is a recognised civil society organisation in Mozambique, created in 1993, at the time of the preparations for the 1995 UN World Conference on Women in Beijing. Forum Mulher (FM) now serves as a focal point in a network of 84 local, national and international member organisations. Of these about 40 are members of FM, 20-30 are active members. FM represents a feminist perspective in Mozambican civil society, and is the most prominent gender organisation in the country. As such it seeks to play an intermediary role between civil society organisations and the state, lobbying for legal and policy reform, doing advocacy, and seeking to strengthen member organisations dedicated to the struggle for women's rights. The central Maputo office has around 20 full time staff.

Forum Mulher has a strategic plan for the period 2009-2013,¹⁴ which defines overall objectives and work methodology. It aims to transform socio-cultural determinants to achieve equal rights for women and men. The strategic plan also sets out the overall organisational structure, delineates a programme structure with five programme areas; and within these, strategic objectives, outputs and main activities. One of five programme areas is: (2) The *Gender Economy Programme*. A central element in the defined programme objective is to *strengthen women's access to and control of resources*. One defined output with particular relevance here is to: *Increase the number of women with DUAT and with capacity to utilize it*. Another is: *Strengthening member groups that work at the local level to promote access to and control of land*. Among the planned activities under this programme are: Disseminate information about the Land Law; Strengthen member organizations in their work with land issues; Support local capacity building on land rights issues through e.g. organizing workshops.

In Forum Mulher's Action Plan for 2011, the programmes and objectives are translated into a comprehensive list of concrete planned results and activities. Among these are:¹⁵

- Support 100 women to get DUATs in 2011
- Register 30 documented cases where women have succeeded in processes/conflicts over (legal) access to land
- Training of 30 paralegals
- Strengthen 4 associations with legal assistance to women to obtain DUATs: AMUDEIA + ASSOMUDE + AMR + Muleide

¹⁴ Plano Institucional Forum Mulher: *Planeamento Estratégico 2009-2013*. Maputo, Novembro 2008.

¹⁵ Forum Mulher: *Plano de Actividades 2011*, Maputo, Dezembro 2010, p. 11-12.

This is a fairly ambitious action plan. To obtain the desired results within programme area (2) *Gender Economy* on legal issues and land, there was no doubt a need to strengthen the capacity within FM, or to work in partnerships. There was clearly a potential for synergies if FM land-rights related activities linked up with the planned community-oriented project activities under the FAO gender and land project. The community-level, action-oriented component in the FAO project also aimed to work with partner organisations in the field (see Ch. 2.1.). So when FM was invited to be a partner in the FAO project, it was accepted. In FM's view, securing land rights for women could also be seen as a basis for increasing women's decision-making power over agricultural production and incomes. This collaboration could thus be seen as a component in a more *holistic* work with gender issues. In this way, a collaboration with the FAO project and with CFJJ could be seen as highly relevant within FM's larger Gender Economy programme area.

3.1 Norwegian Core Funding and Agreed Strategic Priorities

The Norwegian Ministry of Foreign Affairs (MFA) is one of five donors providing financial support to Forum Mulher. When MFA in 2010 entered into a contract with FM regarding core funding for the organisation, it was with the conviction that it was important to continue to support the most prominent gender organisation in Mozambique.¹⁶ An internal Capacity Appraisal had pointed to overstretched human resources in FM's central office.¹⁷ The appraisal referred to "project and donor fragmentation" as a factor that increased transaction costs, and in this way reduced both operational efficiency and strategic effectiveness of the organisation.¹⁸ A response on the donor (*partner*) side was a joint effort to channel funding to Forum Mulher, based on the organisation's own Strategic Plan for 2009-2013. The contract between MFA and FM is in line with this coordinated approach, and covers the period 2010-2013. The contract includes an annexed Agreed Strategy Summary, based on Forum Mulher's own Strategic Plan. The Contract as such is about implementing the strategic objectives and outputs delineated in the Agreed Strategy Summary.

The overall goal set out in the Strategy Summary is: *To contribute to transforming the socio-cultural determinants, in a gender perspective, focusing on the strengthening of the democratisation of the Mozambican society.* The Agreed Strategy Summary identifies specific outputs for implementation within all five programme areas defined in Forum Mulher's Strategic Plan. Within FM's programme area (2) *Gender*

¹⁶ *CONTRACT between The Norwegian Ministry of Foreign Affairs (MFA) and Forum Mulher regarding core funding to Forum Mulher for the period 2010-2012*, dated 09.06.2010.

¹⁷ *Capacity Appraisal of Forum Mulher*, 2009.

¹⁸ *Capacity Appraisal*, p. 17.

Economy, the following output is identified for implementation through the contract with MFA:

- Increase the number of women with land title and the capacity to utilise it.

This is also the concrete output we will mainly focus on in our discussion of Forum Mulher's approach to support women's land rights in Mozambique in collaboration with FAO.

3.2 Profile and Approach in Support to Women's Land Rights

In the Mozambican public sphere, Forum Mulher has a clear, distinct – and sometimes controversial – voice. It possesses a real capacity for advocacy, and is taken into account as a lobbyist. As part of the organisation's work to strengthen women's access to and control of resources, in 2011 it launched a campaign: *Uma mulher – Um DUAT* (One woman – One DUAT). This was one of the slogans used in a march organised in the municipality of Manhiça (in Maputo Province) on Rural women's day in October 2011. It is a good slogan; it defines an objective that – in principle – can be implemented. It asks for a response. It can also serve as a point of departure for further questions, request for information, reflection and discussion:

One woman – One DUAT; but what about men? Why one DUAT for each woman; why not joint titling?

This last question, and how to facilitate joint titling in practice, is in fact one of the issues addressed by Forum Mulher in meetings with central government authorities. FM is one among several organisations/institutions that have asked Mozambican central authorities to respond to the simple question: Why is there only space for one name on the DUAT title documents?

The One Woman – One DUAT campaign slogan further provides a setting for the more concrete defined programme output: *Increase the number of women with land title and the capacity to utilise it*. When actually deciding to get involved in project implementation and support women's land rights at the local level, one motive on the part of FM could be that it would strengthen direct links and communication with women in the member organisations "on the ground". Through working with local organisations in implementing projects, FM – as well as FAO/CFJJ – would follow local processes and access first-hand experiences by people in communities struggling to secure land rights, and be able to monitor the difficulties encountered when local people seek to obtain DUAT title documents through legally established processes. This could, in turn, strengthen Forum Mulher's advocacy role. Like in the case when in October 2011, FM publicly denounced the exceedingly slow and expensive DUAT

processes.¹⁹ The critical question here is: to what extent Forum Mulher, in collaboration with FAO/CFJJ, has been able to channel support and manage resources in collaboration with local partner organisations in the field, and provide the necessary follow-up supervision and technical assistance required to achieve their objectives.

The challenge for Forum Mulher has in this case no doubt been *how* to work, with partners, in concrete project implementation. The approach chosen by Forum Mulher, in collaboration with FAO, has been to start with a pilot, working through one locally-based implementing partner organisation.²⁰ They chose AMUDEIA, whose main office is located in the District of Manhiça in Maputo Province, but also has delegations in other provinces. Providing legal assistance to women is a priority area of work for AMUDEIA. The organisation disseminates information on women's rights, and AMUDEIA activists have in particular been active in assisting women in advice, negotiations and conflict resolution related to domestic violence.

Before describing the concrete experiences of Forum Mulher and the FAO project with AMUDEIA to support women's land rights, it could be relevant to look back at some of the problems identified and recommendations given in the Capacity Appraisal of Forum Mulher in 2009. According to the appraisal, at a general level:

...implementing organisations on the ground have a very low level of resources... which results in weak capacity to deliver and low sustainability of their activities and of plans. Usually, local implementing staff (such as the *activistas*) receive no financial compensation. Instead, they may receive some compensation in the form of food and attend some informative sessions on the topics to which a specific project is devoted..."²¹

This situation of very limited resources available "on the ground" poses a problem, if we take into account that the formalisation of a DUAT in the form of a title document in Mozambique, so far, has usually been a fairly complicated, time-consuming and resource-demanding process. In this case, in the collaboration with AMUDEIA some resources were provided for the local *activistas* to work in assisting selected, particularly vulnerable local women to obtain DUATs. When the review team visited AMUDEIA in Manhiça in November 2011, the activists' funds were, however, exhausted, the DUAT processes were halted, and in the District of Manhiça none had so far been concluded.

¹⁹ Radio Moçambique/Lusa 14.10.2011: Forum Mulher denuncia dificuldades no acesso à terra.

²⁰ That is, one of the four members organisations indicated for this type of work in MF's Action Plan for 2011 (see above).

²¹ *Capacity Appraisal*, p. 3.

In 2009, the Capacity Appraisal further pointed to a “weak culture of reporting and documentation at all levels”²². This would also relate to accounting practices. FM’s Contract with MFA – Norway, only sets out a limited list of obligations on the part of FM. But a key obligation in the contract is, in addition to Forum Mulher being responsible for implementation of the Agreed Strategy, to “ensure that funds are properly accounted for”²³. This obligation would require the local project administration to set up a simple, transparent and flexible system of accounting for a fairly large number of fairly small expenses, with and without receipts, incurred in processing DUAT title documents. Apparently, both the complexity of the processes, the time factor, and the potential costs incurred were here underestimated from the start.

According to the information the review team has been able to gather, the FAO/FM pilot project with AMUDEIA can very briefly be described as follows²⁴:

- About 12-13 members/*activistas* were in 2010 identified by AMUDEIA to be participants in the course for *paralegals* organised by CFJJ/FAO. Most of the selected participants were women; a couple of them were men. The majority were from Manhiça. In 2011, the trained paralegals told us: “Here, the women did not know that they have a right to land”²⁵; and “We had no idea about the land Law”. The participants had clearly appreciated what they had learnt through the paralegal training course.
- When the paralegals returned to their local communities, the second phase would consist in FAO/MF providing *support to trained paralegals to assist women to get DUATs/land titles*. Each trained paralegal should try to meet a “target” of identifying 3 cases of vulnerable women who needed to secure their land rights, or cases of local people’s land under pressure/disputed by external interests.
- The paralegals started with disseminating information about the existing Land Law and the Family Law. Some local people would then, after receiving this information, be interested in starting a DUAT formalisation process, and themselves both be capable and have the economic resources needed to start the formal procedure with the local authorities.
- Each of the paralegals then identified, in the localities where they worked as *activistas*, 2-4 cases that needed support with the formal procedures to obtain DUATs, and started the processes to obtain legal title documents.

²² *Capacity Appraisal*, p. 20.

²³ CONTRACT between MFA and Forum Mulher, 09.06.2010, p. 2.

²⁴ This description is to a great extent based on a meeting with about 10 AMUDEIA activists on 11 November 2011 in Manhiça.

²⁵ Manhiça is located in the predominantly patrilineal southern region of Mozambique.

- In May/June 2011 there was a follow up/supervision meeting with FAO/FM staff, but so far (that we know) no technical assistance visits to communities to follow up the work of the paralegals with local people.
- A limited amount of money from the FM budget (100.000 MZN) had been allocated to AMUDEIA to cover the costs of the paralegals when processing the DUAT cases. In November 2011, this money was, according to the paralegals, exhausted, and the DUAT processes initiated in Manhiça District had all stopped – at different stages of the formal legal procedures. But so far, none had reached conclusion.
- ❖ Among the activists selected for paralegal training by AMUDEIA, there was also a member of AMUDEIA in Sofala, who works in Dondo District (close to Beira). By July 2011, she had managed to secure land titles for three women in the Administrative Post of Mafambisse. Each title document formalises a land holding of between 0,34 ha and 1 ha, to be used “for agricultural purposes”.

3.3 Results and Challenges

On the web portal of the International Land Coalition (ILC), the Technical Advisor of the FAO project gives a brief account the approach and achievements resulting from this collaboration, and the work of the paralegals referred to above:

The achievement of a group of Mozambican rural women who recently obtain their own land titles is a good example of African rural women learning and standing up for their land rights. Since 2006 FAO has been working with the Juridical and Judicial Training Centre (CFJJ)...to provide legal education to rural people... Through the paralegal training courses the FAO/CFJJ program has been working to change the negative aspect of custom by sensitization on the advantages of gender equality to the whole society... After the paralegal training course, when they went back to their working areas this group...held community sessions at local level to sensitize rural people about their rights and started direct support to women in vulnerable situation who were at risk of losing their lands...and recently the first three land titles were issued. *It is extremely relevant the fact the all process to formalize the land rights of these women, which is really complex, was carried out by these paralegals without external technical support.*²⁶

The message communicated here is that with the learning and empowerment provided through training, the paralegals are – or should be – able to process DUAT formalisation without further external support. If the message is that local women, after two weeks of paralegal training need no external support to successfully conclude formalisation processes with DUAT titles for particularly vulnerable women, such a conclusion still seems premature. It is also somewhat surprising. On the one hand, this collaboration between FAO/CFJJ and FM precisely aimed to:

²⁶ Emphasis added, <http://jollygreengiant.landportal.net/taxonomy/term/243/recent-comments?page=2>

Provide support to programme-trained paralegals and partner organisations in the field. On the other hand, very few cases have as yet been concluded in the pilot project with AMUDEIA (3 DUATs).

If we analyse the three DUAT title documents, we see that the areas are fairly small (between 0,34 and 1 ha). The three formalisation processes approved in Dondo, Sofala, do not seem to have met resistance or formal obstacles on the part of local government authorities. In Manhiça, AMUDEIA initiatives, unfortunately, often seem to meet with resistance on the part of local authorities. It would have been very interesting to follow the 25 processes initiated by the paralegals in AMUDEIA in Manhiça to their conclusion. Some of the formalisation claims in process cover somewhat larger areas of land, and Manhiça is also an area experiencing increasing pressure on land, including interest in land on the part of external investors.

The major challenge associated with the approach of FAO/FM with AMUDEIA as described here is so far scaling-up. The FAO gender and land project document in this regard specifies a planned output of:

- Up to 50 communities directly involved in training exercises and follow-up²⁷

Forum Mulher's Action Plan for 2011, on its part, aimed to:

- Support 100 women to get DUATs in 2011²⁸

The limited number of cases concluded and documented so far makes it difficult to draw more far-ranging conclusions at this point. A final comment should, however, be made concerning the importance of the achievement of such specified targets. How much does it matter that only a limited *number* of planned outputs have been achieved?

Forum Mulher aims to contribute to transforming socio-cultural determinants; and has the ambition to work holistically – for change. In this context, it is, however, necessary to distinguish between *necessary* and *sufficient* elements or conditions for improving women's life situation. It can well be argued that a DUAT title document does not, in itself, necessarily change a woman's life, or lead to a change in socio-cultural determinants of her local community. But if it is identified as *one necessary condition*, it can in combination with other changes – other *necessary conditions* – add up to a total of *sufficient conditions* for change in a more holistic perspective.

²⁷ Cf. Ch. 2.1 of this report.

²⁸ Cf. Introduction to this chapter.

4 CLUSA: SOYBEAN PRODUCTION AND LAND RIGHTS

CLUSA – The Cooperative League of the United States – is a central actor among the institutions and NGOs seeking to support smallholders in Mozambique. CLUSA has been involved in organising farmers associations, and has been active in *agricultural extension* (transmitting science-based knowledge on improved production methods) to smallholder farmers. CLUSA has been working to increase both production volumes and productivity in smallholder agriculture, and to strengthen smallholders' bargaining capacity in relation to traders, thus aiming to increase both incomes and income opportunities for smallholders. In Mozambique CLUSA has concentrated its work to the northern region, which has a particularly large potential for agricultural development. The headquarter office of CLUSA in Mozambique is located in Nampula.

CLUSA is itself an *implementing* organisation, with staff working at different levels: From grassroot *extensionists* following up a group of organised farmers through the growing season of selected crops; to project leaders and central-office staff responsible for monitoring, accounting and reporting. CLUSA in Nampula has been collaborating with the Norwegian farmers' sales cooperative *Felleskjøpet*, and with the Royal Norwegian Society for Development (*Selskapet for Norges Vel*) in specific projects.²⁹

4.1 Smallholder Production Project and Local Challenges in Gurue District

As a follow-up of to a pilot project with Felleskjøpet to expand soybean production and marketing in northern Mozambique, the Norwegian Ministry of Foreign Affairs in 2007 entered into a contract with CLUSA for: *Support to Phase II Pilot Project on Promotion of Smallholder Production of Soybeans in the Nacala Corridor*. The project period was 5 years, from 2007 to 2011. The agreed defined goal of the project was: To increase the income of small soya bean farmers by 10% per annum.³⁰

The project activities have been concentrated to Gurue District in the Province of Zambezia, in a high altitude area with suitable conditions for soybean production. In terms of goal achievement, the project is in many ways a success. The total (farm gate) value of soybean production by project farmers was in 2011 estimated to USD

²⁹ On efforts to form farmers' sales cooperatives, cf. Kaarhus and Woodhouse (2012).

³⁰ Agreed project summary: Annex 1 to the Contract.

2,6 million. This represents an increase in value of about 100% since 2008.³¹ By 2011, around 5000 farmers were involved in the project. Of these, however, only 22% were women. On the one hand, women, according to the last annual project report, “...perform 55% of the work in the fields in Gurue district”. Why are not more women involved in the CLUSA project? It might seem paradoxical since Zambezia is known to be a traditionally matrilineal area, where men in principle would access land through their relations with women; while women themselves should hold transferable rights in land as a productive resource. But land rights do not equal decision-making powers in the household. Neither does the fact that women hold traditional matrilineal land rights necessarily mean that these women have much freedom or decision-making power in relations with the “outside” world – state authorities and markets. It is usually men who have been the “contacts” with the world outside family, lineage, and community. This also means that men are in a better position to link up with and benefit from development project opportunities in the locality. Matrilineal land rights – in terms of traditionally established rights and access to land – is, still, something women can lose in the current situation with increasing pressure on land. On the other hand, it is also a resource that a gender sensitive project can seek to take into account in a positive way, and make more secure – and productive.

In Zambezia the adult illiteracy rates are known to be very high, especially among women in rural areas. The CLUSA Project has therefore provided support to Basic Adult Education centres in the project area. About 64% of graduated participants from the literacy training are now women. The project also initiated the creation of savings and credit groups especially targeting women. With the assistance of the NGO Ophavela, an organisation specialised in this field, about 20 groups with have been formed. Of a total of 497 members, 80% are women.³²

A mid-term review carried out in 2010 drew attention to the fact that: “The women producers have made great progress during the first two years of the project, with some of the largest and most productive fields farmed by women. Women have also been very active in saving associations...”³³ But, the challenge remained, how could this project benefit more women in the project area?

When the project contract was signed, in May 2007, in the Norwegian Embassy’s internal assessment of the project, it states that *land-tenure related conflicts* are not expected to emerge in the project area, “at least not for the time being”. It continues:

³¹ CLUSA: Expanding Soy Bean Production and Marketing in Northern Mozambique. Annual Report, submitted to NORAD, 30 June 2011.

³² CLUSA – Annual Report, 2011.

³³ Svein Jørgensen: *Mid-term Review of Soy Bean Production and Marketing in Northern Mozambique*. Nordic Consulting Group. Submitted to NORAD, 25 May, 2010.

Whichever the case, there's a legal requirement for land concession by central authorities, to be cleared first by the local communities. The presence of international NGOs, (CLUSA...) further reduces the risk of peasant farmers being dispossessed of their land, especially by Government entities and officials, due to the potential wide exposure of such wrongdoings.³⁴

This assessment turned out as overly optimistic. In fact, Gurue has emerged as an area with increasing pressure on land and a number of land conflicts, with a series of external investors coming in at present. The land conflict that has received most attention so far is the conflict resulting from the grant in 2009 of 10.000 ha to Quifel Energy³⁵ (locally known as Hoyo Hoyo) in the Ruace area. After Independence, much of this area was occupied by the state farm enterprise UDARLI. The farm declined during the Civil War, and was abandoned by the late 1980s (De Wit, Villanueva and Norfolk 2010). Local smallholders in the Ruace area claim to have occupied and used land in this area in good faith for at least ten years (cf. Land Law Art. 12, Ch. 1.1). These smallholders have also been among the groups targeted in CLUSA's soybean production project, with very good results. Quifel/Hoyo Hoyo likewise has plans for soybean production at a larger scale; but so far with limited results, and much of the land granted is still lying idle.

In terms of land rights, it seems as a paradox that the state as the "ultimate" owner of land in Mozambique does not recognize occupation "in good faith", as established in the Land Law, on that particular type of "state land" which during the first era of FRELIMO government used to be state farms.

In 2011, the international company Tectona Forest of Zambezia³⁶ was granted approximately 20.000 ha by the Government, to establish forest plantations in Gurue and two neighbouring districts. The company seems to be transparent about the fact that it acquires community land for reforestation. Going through the legally required meetings and consultations with "interested communities", the land interests of Tectona are presented and linked up with employment opportunities for local people.³⁷ Still, in several communities (Inciza, Karico, Kontal, Nintulo) people say they have "lost land" to Tectona. There are also several other larger landholdings in the area, including landholdings by people belonging to the Mozambican economic and political elite. Finally, as would be expected in an area with high-potential agricultural land, increasing interest by external investors, and – in part – unclear and overlapping land tenure claims, there are also internal conflicts over land among local

³⁴ Appropriation document, Norwegian Embassy in Maputo, dated 31 May 2007.

³⁵ A company with Portuguese owners.

³⁶ According to news reports, there are also Norwegian investors involved.

³⁷ <http://www.open.ac.uk/technology/mozambique/pics/d128229.pdf>

people, including members of the same family, and between spouses (cf. Peters 1997, 2009).

4.2 Approach to Secure Land Tenure and Gender Equality

In 2009, the same year as Quifel Energy received the land grant in the Ruace area, CLUSA decided to include a specific land formalisation component in the soybean project. The objective was to secure the land of small-scale farmers' in other parts of the soybean project area – before more land was “lost” to or “grabbed” by external investors. At CLUSA's central office in Nampula, initiatives were taken to bring about a revocation of the land grant to Quifel Energy. At the same time, CLUSA recruited an external legal consultant to work in Gurue, to implement the DUAT formalisation component “on the ground”.³⁸

The work was concentrated to the localities of Tetete and Lioma,³⁹ both under the Administrative Post of Lioma in Gurue District. It has covered the members in more than 27 associations and about 30 local communities within Tetete. The defined objective of this *land and gender* component was to secure land tenure together with increasing productivity. The planned results (output targets) for a 3-year period was:

- Support legalisation of 600 DUAT titles; benefitting 300 men and 300 women.

While both the component and these targets had a clear gender orientation, this component as such was not very well “rooted” in CLUSA's central office. At the time, value-chain approaches were become dominant in support to smallholder agriculture, and – as some CLUSA staff clearly expressed: Value chains lack *gender*. On the other hand, CLUSA's internal project management and monitoring system is oriented towards clear and easily verifiable indicators. The planned output of benefitting 300 women and 300 men thus provided a “linking” to the main office. It also required a highly gender sensitive approach to implement it on the ground to achieve the planned results.

Starting the implementation of the land and gender component, for the contracted legal consultant it soon became clear that a first priority, in order to mobilise the necessary support from district and local officials, the consultant needed the backing and authorisation by the Governor, whose office in Zambezia is located in Quelimane. She therefore found it necessary regularly to go through Quelimane. It appeared necessary to continuously make sure initiated processes were not halted at some level in the administrative bureaucracy, and make sure that submitted documents actually did move on in the established chain of procedural stages towards authorisation.

³⁸ This consultant, Selma Martins, is also a co-author of this report.

³⁹ Tetete has a male traditional authority (*Régulo*); Lioma has a male traditional authority (*Rainha*).

The approach used in this context, and the strategies employed in different settings, was very much developed as a response to the various challenges coming up during the efforts to implement the defined project objective and output targets. The steps taken, and some of the challenges met, and lessons learnt, can briefly be summarised as follows:

- The first step in the process was to inform about the Land Law and the opportunity to obtain the formalisation of DUATs through the project.
- Starting out with mixed (men and women together) *information meetings* (*sensibilização*), the result was that no women came forward to express an interest in having their land formalised. Organising separate meetings for men and women resulted in women being more active, but without making decisions to obtain formal DUATs. A third strategy was to organise separate meetings to inform men about women's land rights, according to the Mozambican legislation. The men were given the task of informing their wives about the DUAT formalisation. This appeared as the necessary step to "break the barrier", create confidence, and start the ongoing major work in the implementation process.
- In order to further facilitate information dissemination about the Land Law and women's land rights in an accessible form, the project consultant recruited a professional popular-theatre facilitator, who trained a local group. This group had great success in making performances, both communicating information on land rights, and drawing attention to the work to formalise DUATs.
- Thus, after an initial phase when information meetings (and theatre) were essential, many local people become interested, and local informal communication channels spread news about this project component. Increasingly, both men and women are now coming to request to be included in the land formalisation project. The services offered by this component are now in great demand locally; while this component will be finalised in 2012.
- The majority of the women in the project area, and more women than men, lack an official Identity Card (BI). Still, a BI is essential to access many services, and is required for the DUAT title. The land and gender project component has therefore as a first step assisted a large number of women, in particular, to obtain their BIs.
- Illiterate women may be reluctant to request a formal title document. Rather than having to sign with their fingerprint – and maybe being exposed to public humiliation for not being able to write – they may prefer to have an application (and thus a land title) in the name of the husband. In this context, it was necessary both to encourage women to sign with their fingerprint, and to motivate women to attend the adult education offered in the area. In this way, the DUAT formalisation also became an element in a more far-reaching empowerment process.

- After being informed about the Land Law and the procedures of formalisation, and having made a decision to apply for DUAT formalisation, and further having acquired a BI, each applicant has been assisted by the project in submitting a request to the local authorities to have a Community Consultation process organised. These consultations serve to confirm the borders and ownership of each plot of land.
- In this initial phase, the elaboration of a topographical sketch of the land parcel, made by use of GPS, has also been carried out.
- In order to be valid, the *Community Consultation* has required the presence of the District Administrator or his representative, the Director of Agriculture in the District, the (one available) Topographer, the Traditional Authority (Regulo/Rainha) and the lower-level traditional authorities, in addition to the Government officials *Chefe de Posto* and *Chefe de Localidade*, and furthermore the members of the local community, the applicant – and in this case, the CLUSA project representative.
- Organising such consultations has been a demanding task, taking into account that the objective is basically to confirm the legal occupation of a limited land area. It further implies that the project has to invite and facilitate the conditions for civil servants to carry out the responsibilities that are actually part of their job. In this project it has been possible to process a relatively large number of DUATs through planning several consultations to take place on the same day. To organise such consultations on an individual basis can be an exceedingly demanding task to organise for a local people with few resources – for example a poor and illiterate woman, without economic resources and support from her family, with difficult access to transport, and lacking good contacts in the administration.
- After the Consultation, the DUAT process documents have first been sent to the District Office for Economic Activities (SDAE) for approval, then to the District Administrator, both in Gurue District. Then they have been passed on to the provincial level, first to the Provincial Mapping and Land Registry Service (SPGC); and then to the Governor for the *final approval*.
- From the province level, the process documents have been returned to the District, for the applicant (in this case, the project) to make the necessary *payment of fees* at SDAE, followed by a final step in the process, the *emission of the DUAT* – that is, the Provisional DUAT Authorisation.
- A final DUAT *title* requires a *demarcation* of the land within a period of 5 years. A demarcation involves the identification of exact topographical coordinates and the placement of (normally cement) boundary markers; which implies relatively high additional costs.

The processing of DUAT formalisation documents, as described here, seems exceedingly complex, resource demanding and time consuming. The steps and processes have been organised, monitored and/or followed up by the legal consultant

contracted by CLUSA. In her view, both the legal competence, technical and economic assistance, and process facilitation provided through the project have been essential for the local farmers involved to secure and formalise DUATs in Gurue District. But conditions, as well as costs, may vary a good deal between districts in Mozambique today.

4.3 Results and Challenges

The land and gender component within CLUSA's smallholder soybean promotion project can, so far, show the following results in terms of target output achievements:

- ❖ A total of 287 DUAT authorization documents issued;
 - of these 120 are DUATs for women/in a woman's name;
 - a total of 9 are final DUAT title documents (with *demarcations* carried out);
 - with 3 of 9 title holders being women.

A large number of women have, furthermore, got their official identity cards (BIs); the process has been perceived as empowering by many women; the DUAT documents have also made it possible for a number of individuals to access credit to expand their agricultural production.

The total land area formalised varies a great deal in each case, as there is also great variation in the land held (and used) by each individual in the local communities. Looking closer into landholdings in three communities in the locality of Tetete, the following variation comes up among the individual farmers who have been involved in this project:

Community 1:	Land plot areas: between 2 ha and 22 ha; average: ca. 10 ha
Community 2:	Land plot areas: between 1,2 ha and 10 ha; average: ca. 4,5 ha
Community 3:	Land plot areas: between 2 ha and 15 ha; average: ca. 6 ha

There may be many reasons why landholdings vary so much among individual farmers. It may reflect internal economic differentiation in communities; it may reflect local power differences; or it may reflect differences in access to labour to work the land. At an individual level, it may also reflect different stages in a person's life cycle. Formalising land held at a specific point in time may, therefore, "freeze" differences that under traditional "customary" tenure would have shown more flexible patterns over time. On the other hand, with the increasing pressure on land we are witnessing at present, formalising rural people's land rights still seem necessary, and the right thing to do. With regard to women in traditionally matrilineal regions and communities, to what extent land titles also play a role in significantly strengthening women's decision making power over land and agricultural production is, however, still an issue requiring further study.

5 NORWEGIAN PEOPLE'S AID WITH PARTNERS

Norwegian People's Aid (NPA)⁴⁰ is one of the main NGOs involved in Norwegian Development Cooperation. Established in 1939 as the Norwegian labour movement's humanitarian organisation for solidarity, NPA is at present working with long-term civil-society development cooperation, in addition to being a central actor in mine clearance internationally. In Mozambique, NPA was in the early post-civil-war period heavily involved in mine clearance. Since 2004, its main approach in Mozambique has been to *work through partner organisations in development*. A main focus in NPA's work at present is land and natural resource rights. In a situation where local people's rights to land and natural resources are coming under increasing pressure by large-scale external investors and international companies, APN seeks to support national and local organisations in their work with awareness-raising and defence of local people's rights and interests.

APN has chosen its main *partners* in Mozambique based on the organisations sharing NPA's values and thematic priorities. At the national level, APN's partners are: UNAC⁴¹ (National Farmers Union) and ORAM⁴² (Rural Mutual Support Organisation). At the provincial level, APN's partners are mainly located to the central and northern provinces. In Tete, it is UPCT⁴³ (Provincial Farmers Union of Tete); in Manica, UCAMA⁴⁴ (Provincial Union of Farmers of Manica); in Nampula, APN has initiated a partnership with UGCAN⁴⁵ (Union of Agricultural Cooperatives of Nampula); in Cabo Delgado, with UPCD⁴⁶ (Provincial Union of Farmers of Cabo Delgado); and in Niassa, NPA is working with UCA⁴⁷ (Union of Cooperatives and Associations of Lichinga).

In this study, we have chosen to focus on the approaches to support women's land rights in the two national organisations, UNAC and ORAM. At the provincial level, our focus has been how to work with women's land rights in the present situation of

⁴⁰ APN – *Ajuda Popular de Noruega* – in Mozambique

⁴¹ UNAC – *União Nacional de Camponeses*

⁴² ORAM – *Associação Rural de Ajuda Mutua*

⁴³ UPCT – *União Provincial de Camponeses de Tete*

⁴⁴ UCAMA – *União Provincial de Camponeses de Manica*

⁴⁵ UGCAN – *União Geral das Cooperativas Agrícolas de Nampula*

⁴⁶ UPCD – *União Provincial de Camponeses de Cabo Delgado*

⁴⁷ UCA – *União das Cooperativas e Associações de Lichinga*

increasing external investor interest and conflicts over in land in Niassa, and we will concentrate on the work of NPA's partner UCA in this context.

In NPA's Country Programme Plans for the period 2008-2011, the following gender statistics were given for women's participation in politics and public administration in Mozambique:

...there are 24% female ministers in the government; in the Parliament 35,6% (in political parties: Frelimo 43,1% and Renamo 22,2%). There is a huge gap in women's representation between central and local level. Women represent 18,18% in provincial government, but only 4,95% at district level and holding only 2,6% of administrative positions in municipal councils.⁴⁸

In our context, the local-level figures are important, since these are the civil servants who will process applications to formalise DUATs for women. They are also responsible for the work at the local level to secure women's equal rights to land according to the law, and make sure legal procedures are followed when external investors, with the backing of central-state authorities, want to organise consultation processes with local communities.

The overall goal for NPA's work in partnership with civil society organisations at different levels is: *Rights-based organizations in Mozambique have strengthened their ability and capacity to mobilize for democratisation, gender equality and social and economic change.* At the more specific level of expected results, the planned output of particular relevance in the Country Programme is:

Men and women in UNAC's associations claim their rights when threatened by investors or other people who exploit their land and natural resources.⁴⁹

5.1 Partners at the National Level: UNAC and ORAM

UNAC was established already in 1987, as an organisation to organise and mobilise people in rural communities. It is by far the civil society organisation with the largest membership in rural areas in Mozambique when counting the local associations that are members of UNAC (cf. Kaarhus and Woodhouse 2011). A majority of UNAC's members are women; 63% according to the statistics given at UNAC's central office. This majority is not yet reflected at the level of leadership positions, with 35% women.

UNAC's work aims to promote the rights and interests of small-scale farmers in Mozambique. They recognise that the Land Law gives equal rights to men and

⁴⁸ NORAD: NPA Annex: Mozambique Country Programme Plans 2008-2011, dated 30.10.2008.

⁴⁹ Ibid. In this document, UPCT and UCA are singled out among the "UNAC associations" with regard to implementation.

women with regard to access to and inheritance of land, and their main objective in this context is: *To have the law implemented*. The approach gender can basically be seen as *gender mainstreaming*.

Internally there has been some discussion in UNAC concerning “positive discrimination” of women, also with regard to land. But so far this large membership organisation is reluctant to make “privileges” for women. Neither does UNAC consider the formalisation of DUATs as a priority. Their position has been that rural people’s land rights in Mozambique are protected by the law, and the formalisation of these rights through title documents should not, in principle, be necessary. Information and dissemination of knowledge about the Land Law is seen as essential; in addition to defending the law as such. UNAC further considers this law as an important tool in defending local people’s land rights – also in relation to external investors. UNAC also aims to develop smallholder agriculture as a main development strategy in Mozambique.

Established in 1992, ORAM is a civil society organisation that from the start has worked to secure rural people’s access and rights to land, and more specifically with the formalisation of small scale farmers’ land rights. ORAM has thus been a major actor in the efforts to implement the Mozambican Land Law through the *delimitation of community land*.⁵⁰ The organisation’s record at a national level is now 190 community delimitations. In this regard, ORAM is known to possess considerable technical competence, and is often drawn upon by more recent and less experienced actors in the field of formalising land rights at provincial and district levels. ORAM has also supported the legalization of farmers associations, and worked with capacity building in communities.

The organisation has 5 provincial delegations: In Manica (also working in Tete), in Sofala, Zambezia, Nampula, and has recently opened a delegation in Niassa.

Like UNAC, ORAM realizes that it is a challenge to motivate and induce rural women to take an active role in decision-making in local projects, as well as in the resolution of conflicts in local communities. Through their work, ORAM staff has also realized that civil servants often act in ways that discriminate women when processing land-rights issues. In line with this, ORAM’s Strategic Plan for the period 2012 – 2017 includes both *Rural movements* and *Gender* as strategic priority areas.⁵¹ The objectives include: Sensitizing and empowering communities to be able to defend their rights. But also: Access for women to land and natural resources; Inclusion of

⁵⁰ Formalisation of land rights through *delimitation* of community land does not require the last step in a titling process, that is *demarcation*; which involves the identification of the exact topographical coordinates of the boundaries of a land area, and the placement of (normally cement) boundary markers.

⁵¹ ORAM: *Plano Estratégico 2012 a 2017*. Maputo, Setembro de 2011.

women in decision-making bodies (locally); and Promotion of community organisations for women.

Internally, a debate has been initiated in ORAM on the issues of women's land rights. From the start, ORAM has worked to defend and formalise *community* land rights, but experiences in the field show that securing community rights do not necessarily secure *women's rights* to land. Where women, according to local norms, have access to land through their relationships with men, they often lose the land when they lose the husband – through death, or divorce. The organisation now plans to work with specific measures or mechanisms to secure rights for women; including individual DUATs/ titles for women within delimited community land. But this is a field where different models need to be tried out, and approaches and lessons-learnt still need to be shared and discussed.

5.2 How to Work in Niassa at Present?

Niassa has traditionally been a province inhabited by matrilineal groups. It has traditionally also been sparsely populated. During the early years of independence, fairly large numbers of people (often men) were sent to Niassa from the – patrilineal – south. Many of them were “unemployed men” from the cities, recruited or obliged to be part of rural brigades that should develop modern agriculture in the province; and many later chose to stay on. One result is that in parts of Niassa, including Lichinga, both individuals and married couples will draw upon mixed – and partly contradictory – sets of cultural norms when negotiating and making decisions on land rights and inheritance at the family level. This type of situation is fairly common in parts of Mozambique where there have been significant levels of regional migration. What is experienced in Niassa at present is a new phase of externally-initiated development initiatives; with people, investments, and organisations coming in to bring about an economic transformation in the province. Present conflicts indicate that local people were not prepared – and not well informed – about the implications of these initiatives.

This is not the place to give any comprehensive account of the current situation in Niassa. Several available studies cover different aspects of the situation with regard to reforestation initiatives, actors involved, and local responses (cf. Siteo 2008; Åkesson, Calengo and Tanner 2008), while a series of news reports provide more ad-hoc stories of local conflicts. At the local level, very different accounts of the situation are given by different actors and institutions. During the visit of the review team to the province in November-December 2011, we were informed by a representative of SDAE⁵² that there were no conflicts in the area, while a representative of the investors told about hundreds of ha of new forest plantations being burnt down by local people.

⁵² SDAE – District Office for Economic Activities

What is also important in this context is that among the main actors involved in investment activities in Niassa at present are both Nordic institutions and Nordic capital. A central institution is *Malonda Foundation*, established as a result of a study organised by the Swedish Embassy in Maputo in 1998, which identified a large potential for both agriculture and forestry – with a lot of “available land” for investments. Malonda Foundation was established with the objective to promote, facilitate and prepare productive investments in Niassa, and thus promote development in the province. The message of available land still plays a central role on Malonda’s international web pages: Informing investors about more than 12 million ha of land suitable for agriculture, and 9,4 million ha of forest area.⁵³ With the current REDD initiatives of the Norwegian Government, the interest of potential investors in Niassa has further increased. Malonda Foundation has prepared and facilitated the entry of five investment companies in the province; two of these established with Nordic capital; Green Resources⁵⁴ and Chitweti Forests of Niassa⁵⁵.

Malonda followed the legally established procedures when investors request DUATs for “new” land. They organised consultations with local people, where much needed employment was offered if the local population agreed to the request for land. In Niassa, it is now generally recognised – except by Malonda – that there were “problems” with the consultations. Only three factors will be briefly mentioned here:

- One problem has been: Who represented the local *community* – with traditional land rights – in the negotiations with the investors? The easiest way out, and the choice made, seems to have been to consult a group of people mobilised by the main Chief or Traditional Authority (*Régulo/Sultão*) in each locality. On the one hand, this means that the traditional authorities formally recognised by the state as “intermediaries” between traditional and statutory power structures are also treated as representatives of landholding communities according to the Land Law (Tanner 2011). In practice it meant that a small group of people around a Traditional Authority was in certain cases considered to have the power to make land concessions on behalf of up to 30.000 people.
- A second problem was that local people, including the Traditional Authorities, were not necessarily aware that what the investors requested was *exclusive rights to land*. In addition to this, the actual size of a land area of several hundred ha was

⁵³ http://www.malonda.co.mz/index.php?option=com_content&view=frontpage&Itemid=1&lang=en

⁵⁴ Green Resources is operating both in Niassa Province and in Nampula Province. GR has got access to equity from the Norwegian development fund Norfund, and also received some support from NORAD.

⁵⁵ GSFF – Global Solidarity Forest Fund has provided capital to Chikweti. A Swedish district (*Västerås stift*), the Swedish Church, and the Norwegian Church through *Opplysningsvesenets fond* are investors in GSFF as an “ethical investment fund”. GSFF is also involved in Tectona Forests of Zambezia.

not sufficiently explained and visualised to the local representatives during the consultation meetings. The current conflicts on the DUATs land acquired by Malonda indicate that when local people became aware of the contents of the deals, many sought to protest by burning down the new plantations.

- Finally, the consultations did not at all take into account that in this region land is – traditionally – in principle a resource accessed and passed on through women in matri-lineages. Women have basically been marginalised in the negotiations about the transfer of land to external investors. Issues of gender equality and representation have so far not been prioritised in settings where large investments and future opportunities are at stake.

5.2 UCA Working with Local Associations in Lichinga

UCA – *União das Cooperativas e Associações de Lichinga* is a main partner for APN in Niassa. UCA dates its work back to 1991, when it was legalised as a district union in Lichinga District. UCA was also a founding member of UNAC at the national level, and of UPCN at the provincial level. UCA is widely recognised in the province for its capacity to inform and mobilise members, and to assist in defending their interests. Other civil society actors in Niassa consider that in the present situation it is very important to work with information and capacity-building in local communities. And UCA is considered to be a local organisation with a great deal of legitimacy among people in the local communities, and thus able to play an important role in this regard.

At present UCA has 68 member associations. Since 2008, UCA has become increasingly aware of the need to disseminate information about the Land Law and local people’s land rights. As a farmers organisation, UCA holds that it is important that not only traditional community authorities (such as *Régulos*) are called upon by state authorities to represent local people in rural areas. Where there are local farmers associations, these should also be considered as representatives of local people, according to UCA.

One lesson learnt and transmitted to the review team at the local level⁵⁶ was the importance of making men – as brothers, fathers, uncles, and husbands – proud of “their” women being able to “speak up” and have knowledge about “the world”. Another lesson learnt is that the internal distribution of land rights within communities is often a highly complex issue, carrying a long historical record in each case. Furthermore, the issue of land rights at the local level is very much tied up with the productive capacity of land, as a basis for food production, as well as a source of income; and thus the need for inputs to enhance agricultural productivity. In this

⁵⁶ When visiting the local associations in Lusanyando in Lichinga District.

context, however, a key question for women seems to be: Who controls the income, when agricultural products are sold at the market?

The experiences transmitted by a local women's association in Lichinga indicates one approach to strengthen women's rights, which can also contribute to strengthen women's decision-making power over production, as well as incomes. The association is called *Cachilenga*,⁵⁷ and has a membership of 13 adult women, with 4 young "student members". They started out as a group of women with some joint activities; and then requested to join UCA as a formal association. As a joint activity for a recognised association, they then requested the local *Régulo* for a (new) piece of land to cultivate together. They were indicated a good piece of land, and received support from UCA in the form of seeds and fertilizer. At harvest time, they could themselves, as women, make all the decisions about how to use the produce, and how to use the money they got from selling part of it. This was experienced as an important step in an empowerment process. They have also built a house for their association; themselves making the mud blocks, but also managing to recruit their husbands to finalise the roof. The association Cachilenga also formed a theatre group, and has performed their entertaining pieces with gendered messages in other localities – with support from UCA.

Both in Nampula and Niassa provinces the number of women's associations seem to be increasing (cf. Kaarhus and Woodhouse 2012). These women's groups have a potential to strengthen women's rights to land and incomes from production, through working together on a piece of land, in addition to other projects and activities (adult education, microcredit etc.). In this regard, *Cachilenga* can no doubt serve as an example and model for other women. These groups could also serve as a basis for a discussion of how to formalise DUAT rights for women within *delimited community land*. The question of formalising DUATs for organised women's associations within a community is an option which raises interesting questions about ownership at individual and collective levels under the present Land Law, which should be brought up for further debate.

In the present situation it may seem challenging to work with land rights for women, in particular, in Niassa Province. There are conflicts and contestations around DUATs affecting large areas of community land. Women's land rights can easily be seen as less important in this context. Still, promoting individual DUATs for women – along the lines of "One woman – One DUAT" – in this situation should not be discarded, but should be seen as a question open for further discussion. It further seems essential to continue with the work to inform about community land rights under the current Land Law, including women's land rights, in Niassa at present. Again it seems important that the information material takes into account the traditional rights of

⁵⁷ Cachilenga – a Yao term meaning "Don't rush" – "To run is not to get there".

women to land under matrilineal tenure arrangements. When using local farmers associations to disseminate information and work with capacity-building, to work specifically to enhance with the role of women should also be seen as an essential part of the process. In principle, all NPA's partners agree to such an approach. Still it seems important to emphasize the sharing of successful experiences in practice.

5.4 A Preliminary Conclusion

As a preliminary conclusion, we would say that the highly volatile and potentially conflictive situation in Niassa at present makes it necessary to work along several lines, including the need to *secure women's rights to land*. NPA is at present not supporting formalisation of community land rights through its work with UCA. But the collaboration includes support to dissemination of information about the Land Law. This work could no doubt be further strengthened. It also seems important to build capacity among the growing number of NGOs getting involved in land issues in Niassa. This calls for a new phase – and possibly follow-up courses – in paralegal training, along the lines presently offered by FAO/CFJJ (see Ch. 2).

The establishment of a provincial delegation of ORAM in Niassa, with support from NPA, could also become a significant contribution to locally available capacity and experience in securing community land rights. ITC – the Initiative for Communal Lands⁵⁸ has also established an office in Lichinga with support from the US-based MCA – Millennium Challenge Account⁵⁹. With support from MCA, iTC has expanded their work to the provinces of Niassa, Nampula and Zambezia. In Niassa they – as others – are however faced with the limited capacity available locally to carry out the complex work of community land delimitation on the ground. This work includes, as indicated here, both carrying out legitimate and representative local consultations, the solution of emerging conflicts, and the processing of legal documents that may change the status of fairly large land areas in the volatile situation of contested land rights that we find in Niassa at present.

⁵⁸ iTC – *Iniciativa para Terras Comunitárias* – was established in 2006, based on a cooperation between the Mozambican Government, civil society and donors. DfID was the lead donor from the start, while the consulting company KPMG-Mozambique had the executing responsibility. The office of the national coordinator of iTC has been located in Chimoio - Manica. The role of iTC has primarily been to serve as a fund to finance land delimitation processes, to which NGOs and communities could apply for funding.

⁵⁹ <http://www.mca.gov.mz/m/index.php/projects/land-project>

6 RECOMMENDATIONS

By way of conclusion, we would like to draw attention to the need – and opportunity – for a more concerted and focused initiative in Mozambique to support women’s land rights; and recommend that Norway now responds to that challenge.

We find widespread support to the current Land Law among those Mozambicans who have knowledge about it – though some central actors, including donors such as MCA, may prefer a review of both the law and current land policies in Mozambique. Still, the large majority of our informants believe that the major challenge is to *implement the law*. In Mozambican society, we see that individuals and communities need resources – both economic and political resources – to be able to claim and secure legally established rights to land. Thus people in a vulnerable positions are also at a disadvantage with regard to secure their land rights. This applies in particular to widowed and/or divorced women in a large number of communities under local and “customary” tenure arrangements.

- At present, it seems important to support initiatives for a new, comprehensive and updated campaign to disseminate knowledge about the existing Land Law, and women’s equal rights to land under statutory legislation. In this context, the adaptation of information material to the diverse regional and local situations with regard to traditional systems of access to transferable rights in land for both women and men, should also be prioritised.
- In the current situation it seems necessary to work with approaches specifically targeting women (“positive discrimination”) in order to achieve equal land rights for men and women in Mozambique.
- Promoting individual land titles for women is one central priority; securing land rights for women within delimited community land is another challenge.
- At present, no institution or organisation is specifically dedicated to work with women’s land rights; in all organisations it is one among several priorities. As a step towards achieving more synergies and join forces, we would suggest to initiate a Mozambican Network for Women’s Land Rights.
- In order for the Norwegian Embassy to work more effectively to support women’s land rights, and situate that work within a broader development context in collaboration with the Mozambican government, it seems essential that the Embassy becomes a member of the Donor group for agriculture in Mozambique. This should be used as a central forum to raise issues concerning *women’s role* in rural and agricultural development strategies, as well as continuing the debate on approaches and lessons learnt to support *women’s land rights*.

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ANNEX

LIST OF PEOPLE MET AND CONSULTED

Mozambique: November – December 2011

Graça Samo, Forum Mulher, Maputo
Nzira de Deus, Forum Mulher, Maputo
Marianna Bicchieri, FAO, Maputo
Christopher Tanner, FAO, Maputo
Carlos Serra, CFJJ, Matola
Irene Almeida, CFJJ, Matola
Frank Phiri, NPA, Maputo
Orlanda Lampiao, NPA, Maputo
Lorena Mangane, ORAM, Maputo
Padre Elia Ciscato, Nampula
Benjamin Nascimento, CLUSA, Nampula
Pine Pienaar, CLUSA, Nampula
Minês Miguel, CLUSA, Nampula
Lucilio Gerson Daniel, IKURU, Nampula
Diamantino Nhampossa, SCC – Swedish Cooperative Center, Lichinga
Edgar Ussene, SCC – Swedish Cooperative Center, Lichinga
Kajsa Johansson, SCC – Swedish Cooperative Center, Lichinga
Paulino Imedi, UCA, Lichinga
Tito Gouveia, Fundação Malonda, Niassa
Felix Cossa, ORAM, Niassa
Silva João, SPGC, Niassa
Nelson Jackson, iTC, Niassa
Yolanda Sambane, iTC, Niassa
Sr. Meboana, Paralegal, Lichinga
Tumi Dias, SDAE, Lichinga
Paula Santos, OIKOS, Niassa
Alda Salomão, Centro Terra Viva, Maputo
Luis Muchango, UNAC, Maputo
João Carrilho, DNTF/MCA, Maputo
Catarina Chidiamassamba, MCA, Maputo
Paulo Mole, KPMG, Maputo
Emídio Oliveira, DFID, Maputo
André Calengo, Lex Terra, Maputo

Meetings attended:

AMUDEIA, Manhiça; Meeting with 8 paralegal activists on 23.11.2011.
NUGENA, Nampula; Meeting with 8 members on 28.11.2011
UCA, Lichinga; Meeting with 6 coordinators on 30.11.2011
Associação Cachilenga, Meeting with 10 women, 30.11.2011
União Lusanyando, Meeting with representatives from 5 member associations:
Associação Unidos Familiar, Ass. Rapações Unidos, Ass. Boas Vindas,
Ass. Juvernial, and a Women's network; in Lusanyando, 01.12.2011

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