

Community Land Rights and Large Scale Investments in Mozambique



I intend to discuss...

- **Background to the Niassa case**
- **The Land Law and Community Land Rights**
- **Application of the Land Law**
- **Reactions in Niassa**
- **Sustainable Rural Livelihood**
- **What to do? The need of Compensation**

Background

- **Commercial interests in creating large forest plantations in Niassa in northern Mozambique. (100-200 000 ha each)**
- **This has put focus on how to promote this process in a sustainable way.**
- **Rural families usually farm about 2 ha. But they need much more in their extensive production system.**
- **Niassa is sparsely populated and with lot of land. The question is: could it be possible to make use of land both for small-scale and large-scale development purposes?**

Impact Assessment in Niassa

We found an unbalanced relationship between communities and investors resulting in a situation

- that has restricted the peasants' land access**
- put at risk local livelihood strategies,**
- without offering sustainable alternatives to improve human well-being in the local communities.**

Division of land between communities and large scale forest investments

- **The Mozambican Land Law from 1997 recognises customary land rights**

Land use right (DUAT)

- **Community land rights by occupation**
- **New rights by the State**
 - Land delimitation
 - Community Consultations
 - Negotiations – area and compensation package
 - Investors formal request to the state to grant a DUAT

Local management of land

- **Management of land by Community Authorities**
 - Traditional and contemporary systems
 - Following customary standards and practices
 - Manage conflicts, participate in consultations
- **Individual Land Right integrated part of management of Community land Rights**
 - The land belongs to whom is working the land.
 - Co-holder. Private right. Can ask for Land Title
 - The Law and Matrilinear and patrilinear systems
- **Trend - individualisation**

Dilemmas

- **Policy in Mozambique: promote large scale investments and defend Community Land Rights**
- **New guide-lines from the Government, 2008 +**
- **Changes to the Land Law Regulation 2007 –**
- **Large scale interests tend to dominate and the position of local communities are weakened**
- **Difficult for local communities to defend their rights and interests**

Application of the Land Law

- **The Land Law stipulates Public Participation and consultations but is/was not applied in a correct way**
- **Lack of representativity**
- **Legitimate local leaders not involved**
- **No compensation agreements**

Risk analysis

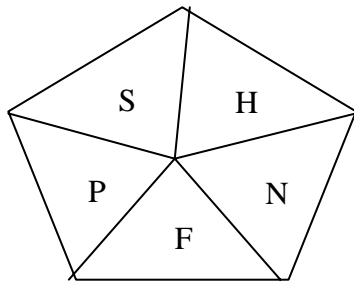
- **Less access to land**
- **Surrounded by plantations**
- **Longer distances to the fields**
- **Social differentiation increased**
- **Sustainability less priority**
- **Minimum wage does not compensate**

Local reaction

- The assessment study found a complicated situation that was sometimes very tense within communities affected by plantations. Local production systems, historical occupation and social organisation important for creating a safe livelihood and well-being were found not to be respected in the investments
- The population is becoming increasingly aware of the negative impact of the plantations on their access to the land they need to maintain their extensive production systems.

Sustainable Rural Livelihoods

- **N = Natural Capital** (land, water, forests and wild-life, bio-diversity)
- **F = Financial Capital** (monetary income, savings, credits and other capital)
- **P = Physical Capital** (basic infrastructure, work implements, transport means)
- **S = Social Capital** (social network, trust relationships, participation)
- **H = Human Capital** (ability, knowledge, education, working capacity, state of health)



Balanced access to resources
in different areas of life is vital
for achieving a safe livelihood.

SRL - Niassa reality

- **Local livelihood strategies**
 - Extensive production system
 - Diversification
 - Access to land and other natural resources
 - Fields close to the villages
 - Paid job as a complement
- **Employment with minimum salary**

Compensation

- When promoting land use for large scale investments, compensation measures must be introduced simultaneously
- If not, there is a risk to increase rural poverty and worsen gender inequalities

Summarising...

- **Identify and delimit locally held land rights before new projects are initiated**
- **Identify specific areas for compensation and intervention in advance**
- **Build upon respect for local rights, knowledge and strategies**
- **In close cooperation with local communities**
- **Strengthen local communities**



Thank You!

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