



Community Need, Government (In)Action and External Pressure: A Study of Civil Society and Land Rights in Mozambique

Land Rights, Land Use and Civil Society in Mozambique: An Overview

The growing global demand for agricultural products is generating investment opportunities in land, particularly in places like Africa where large tracts of land are made easily available by weak government institutions.

Without a strong voice or political power, the needs and demands of rural communities who live and rely on this land are often disregarded. There is an effort being made by communities, associations, non-governmental organizations (NGOs) and other aspects of civil society to push back and protect the rights of rural peasants.

Using issues of land and land rights in Mozambique as a case study, this research explores how civil society is formed in relation to community needs, government (in)action and investor pressures. Community and investor relations with the land and each other are essential to understand the conflict that is being created as a result of increased pressure on land.

Within the Mozambican context, conflict between these two stakeholders is generally compounded by the government which practices both bottom up community development and top down promotion of large scale land deals which often ignore the rights of communities. Low levels of education and poor

democratic representation has left rural peasants with minimal capacity to independently work towards securing their rights to land, but they are not without resources.

Mozambique has one of the most progressive land laws in Africa in regards to protecting the rights of peasants; yet it is not able to prevent the abuse of rural populations which is rampant across Africa. However, there is a growing capacity within civil society, which still is relatively weak compared to the government, to challenge the marginal enforcement of the law.

During two months of research in Mozambique, civil society's role in community empowerment and capacity building began to emerge as an important tool of protecting peasant rights and promoting rural development.

Associations and national NGOs which form the core of civil society serve to promote community-based development with the aim of making them visible to government and integrating rural Mozambicans into the larger Mozambican society. Ultimately these activities contribute towards enhancing civil society in Mozambique which is located between de Tocquevillian and Gramscian conceptions of civil society.



Mozambique has over 50 million hectares of arable land and a very low population density at roughly 30 people per km² yet due to limited agricultural technology the average farmer can only cultivate 1.2 – 1.5 hectares and only produce enough food to feed a family for eight months out of the year.

Research Questions and Context

- What is the current land rights legislation? What are the conflicts concerning land and land use in Mozambique? Who are the stakeholders? What are their interests?
- What is the role of government in land rights issues, and what is their relationship to stakeholders?
- What is the impact NGOs have on land use and rights in both communities and on the national level? What are the successes and limitations?
- How do these interactions help shape and define civil society in Mozambique?

Research was conducted while working as an intern at the head office of ORAM in Maputo. ORAM's mission is to defend the rights and interests of farmers, to support community associations, and to ensure ownership and sustainable use of land and natural resources by rural communities.

ORAM has six delegation offices that work throughout Mozambique on local project implementation

as well as lobby and advocacy at the district and provincial level.

Three tools based on qualitative research methods were used; semi-structured interviews, participant observation and secondary data analysis. The mixed method approach of triangulation was also used as a vehicle for cross-validating data to strengthen the rigor, credibility and confidence of the findings.

1997 Land Law: and the context in which it was created

Mozambique is ranked 184 out of 187 countries in the UNDP Human Development Index. Accordingly, rural Mozambicans depend heavily on land making land rights in Mozambique essential. While historical events going back 400 years impact land issues, they are more directly influenced by the period leading up to Mozambique's independence from Portugal in 1975 and the years since. The 1997 Land Law was the first attempt at NGO and civil society's inclusion in designing policy and has been heralded as one of the most progressive land laws in Africa. The law:

- nationalized all land but did not redistribute it, meaning all land became the property of the state.
- allows land rights (DUAT) to be acquired in three ways: 1) Local community occupation governed by customary law; 2) Good faith occupation (after 10 years of occupation without objection); and 3) Adjudication and allocation of a 50-year lease by the State.
- recognizes the lack of official documents in rural Mozambique and allowed for verbal testimony to authenticate land claims.

Community and Investor Land Interests

Communities: Many communities, even when located near major cities, have little access to markets due to poor infrastructure, be it for labor, agricultural products or manufactured goods, leading to minimal commercial activity in rural Mozambique. As a result, communities are forced to rely on local products cultivated from the ground or harvested from surrounding natural resources.

Additionally, outputs are minimal and there is little surplus to sell. Methods of agricultural production have changed very little since colonial times and most farmers lack advanced inputs such as seed or fertilizer and rely on hoes instead of animal or mechanized traction.

The diet of people in rural communities during the rainy season is rather varied and includes maize, sweet potatoes and vegetables. However, during the dry season people often rely nearly entirely on mandioca (cassava) and in one community I visited, they ate seeds provided by the government intended for planting.

Investors: There is a growing global demand for agricultural products as a result of biofuel demand, market liberalization, increase of global population and changing diets. Mozambique is an attractive investment target because there are abundant land

resources, favorable environmental conditions and social factors including low population density, minimal domestic demand and the government's inclination to reduce environmental and economic controls.

Investor interests often directly conflict with communities' as they both favor the most productive land. Although communities are protected by the 1997 land law, they are in a highly unfavorable position as they don't have the financial resources investors do, and they are often unaware of their rights as a result of low education levels in rural Mozambique.

Top-Down/ Bottom-Up: Conflicting Government Development Strategies

Communities assert that the Ministry of Agriculture is committed to helping improve living conditions and increase outputs. The Ministry sends technicians into communities to offer training, education and also provides inputs such as seed and irrigation. There are also initiatives aimed at including local leaders in policy decisions.

These policies are often undermined by the active promotion of large-scale land investments by other elements within the government. Although the two policies are not necessarily contradictory, the prioritization of investors

over communities puts them in direct conflict with one another.

Proponents of large-scale land investments claim agricultural and resource extractive industries will bring development in the form of jobs, improved infrastructure, income diversification and economic benefits to local communities and the nation.

Yet many in Mozambique question these claims saying that they are overstated, the negative consequences are ignored and investors often fail to honor the contract.



Rural women gather for a community association meeting. The association, which receives financial and technical support from organizations like ORAM and MuGeDe, meet weekly to address any local conflict, land claim or nutritional need. They also share knowledge and discuss NGO sponsored projects and negotiate the allocation and rotation of supplied agricultural inputs such as seed, fertilizer and the community tractor provided by ORAM.

NGOs in Society

Mozambican NGOs such as ORAM work both locally to implement projects and nationally to influence policy.

Locally these NGOs work directly with community associations as it is easier to coordinate and work with an organized structure. There is a focus on community development from within through capacity building and empowerment programs.

For ORAM educating rural communities on their legal protections is a necessary first step. Delegation offices then work with communities to create projects that build agricultural capacity based on local need. Initiatives that meet specific contexts increases long-term development and creates the potential for income-generating activities.

Empowerment through income-generating projects and education allows individuals and communities to become more self-reliant and to determine their own development. In rural Mozambique this has proven to be an effective and sustainable development strategy.

Yet NGOs, even reasonably well-funded national ones such as ORAM, are unable to meet the demand of rural communities across Mozambique, ultimately limiting their impact.

Nationally, Mozambican NGOs assume the responsibility of translating their in-depth local knowledge to become the voice of communities. They create a link from the local to the national and actively promote increased awareness of community needs.

Government's openness differs depending on ministry, level of government and officials. In response NGOs are beginning to unify their voice through coalitions.

Profile: ORAM (Associação Rural de Ajuda Mútua, Rural Organization for Mutual Help)

Mission: empower peasants to be key players in advocating for their legal protections and promote rural community development strategies.

Projects include: building agricultural capacity; providing inputs such as advanced seeds and fertilizer, water pumps, animal and mechanized traction; technical training in agriculture, irrigation, animal husbandry; legal, literacy, numeracy and leadership education.

Structure: the General Assembly is made up of leaders from member associations and dictates the strategic plan and objectives. The central office is responsible for carrying out the plan and ensuring the six local delegations work within the framework. Each delegation is responsible for creating and implementing projects based on local need.

Funding: each delegation as well as the main office is responsible for securing their own funding. Some major funders include; Norwegian People's Aid, Fundação para o Desenvolvimento da Comunidade, Foundation for Community Development, Brot für die Welt, CARE Mozambique.

Social Need and External Pressure, the Place of Civil Society in Mozambique

There is a growing level of self-awareness and an attempt by Mozambican civil society to be more reflexive and responsive to the needs of communities without allowing itself to be manipulated by communities or compromised by government.

Civil society acts in relation to government (in)action. It fills the void when government fails to provide needed services such as education, agricultural assistance or legal support. It works with government to increase project impacts when possible; and it challenges

government when it becomes unresponsive or oppressive.

This constant reaction to government has partially defined civil society. Yet civil society is not a victim of government or helplessly stuck reacting to government whims. Instead it pushes back and influences government, it proactively creates change in government mentality, and it acts as a platform from which a more inclusive social order can be created and maintained.

The relationships civil society engages in are dynamic and continuously renegotiated.

Conclusion

Civil society in Mozambique cannot be understood with Western perceptions of the concept and does not fit squarely within the Gramscian nor de Tocquevillian framework. Instead, born out of necessity and shaped by historical, cultural and social context, it has taken on characteristics of both.

In strengthening democratic processes through capacity-building and addressing community need, civil society acts according to de Tocquevillian thought.

Civil society also challenges the established governmental structure and acts as a counter-hegemonic force against unresponsive government entities to establish or alter the social order, allowing the subaltern to speak. When acting in this capacity, civil society adopts characteristics that fall within the Gramscian conception of civil society.

Mozambique's civil society has a nuanced understanding of community issues and an ability to work with and challenge government. By working with local NGOs, international NGOs and funders can help strengthen Mozambican civil society to more efficiently reach development goals.



Youth sell locally grown produce on the side of the road. Low agricultural outputs, and limited infrastructure and market access results in small profits but there are few other options.