



**BRIEFING NOTE**

**FOR INFORMATION**

**SUBJECT:** Mozambique Community Development Policy

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During post-civil war reconstruction in 1990's Mozambican policy-makers were faced with two potentially conflicting needs; securing land rights for the rural population and creating a welcoming environment for foreign investment to help rebuild the economy.<sup>1</sup> To ensure development of both needs the Mozambican government drafted a land law which is not considered by some as the most progressive in the world.

The law gives communities control and required participation on the development of their land by public and private actors. Furthermore, land rights can be granted through oral testimony alone, eliminating obstacles such as surveys, registration, and titling which may not be available to those that do not have the financial capabilities to undertake such claiming projects.<sup>2</sup> Although the State owns all land, citizens are given the right to use and benefit from the land through the State Land Use and Benefit Right (DUAT is the Portuguese acronym), and can claim personal development rights if they wish. There are three ways in which communities, individuals, and companies can obtain a DUAT.

First, rural communities and individuals are granted perpetual rights of land use and benefit based on their customary systems of land use. Second, individuals are given perpetual use rights under the law if they have been occupying the land for at least 10 years and/or having held the land for residential or family use. Third, individuals and entities, including companies, are able to obtain land rights upon application and authorization from the government for economic development.<sup>3</sup> Authorizations for the third type are available for up to 50 years, and are subject to consultation and approval by local communities. Approval by any of the three methods affords the recipient equal rights, and there is no distinction between the different types once it has been granted in terms of enforcement.

While the law provides rural residents with a strong formal protection mechanism, it has faced issues in implementation and enforcement. Both of these issues have been the result of inadequate institutional capacity at the local level, with many areas experiencing a lack administrative authorities having adequate knowledge of the law. The role of implementation and community engagement has largely passed to civil society and NGOs, who have been the most prominent figures in providing support for local communities through education and legal initiatives. Engagement with local communities through the Land Law is seen as positive for the

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<sup>1</sup> Robin L. Nielsen, Christopher Tanner and Anna Knox. "Mozambique's Innovative Land Law." *Focus on Land in Africa*, January 2011, 1-2. <http://www.focusonland.com/countries/mozambiques-innovative-land-law/>

<sup>2</sup> Ibid.

<sup>3</sup> Ibid., 3-5.

development of Mozambican society, and can limit the potential for future land disputes and conflict in the future.<sup>4</sup>

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<sup>4</sup> Ibid.