

Negotiating the Formalisation of Community Land Rights in Mozambique: National Policies and Local Processes of Land Law Implementation in a 'Traditional' Community

Randi Kaarhus¹

¹ Norwegian University of Life Sciences - UMB, Department of International Environment and Development Studies (Noragric), AAS, Norway

randi.kaarhus@umb.no

The Mozambican Land Law of 1997 has been widely acclaimed – but also contested – for its way of codifying into an official tenure system, the recognition customary rights in combination with equal rights for women, flexible rules of access, and the promotion of external investments in agriculture through modern business plans. Land Law and Policy implementation in Mozambique requires not only ‘real’ local participation, but also considerable process-related resources, and has at a national scale been relatively slow. Furthermore – and for good reasons – there is a lack of in-depth studies of the complex and time-consuming local processes of community land tenure formalisation. This paper gives an insight into one such process in Manica province in central Mozambique.

Manica province borders with Zimbabwe. Historically the people in this region have sought to adapt to distinct British and Portuguese colonial policies of African land and labour, and to different post-independence state policies. People also have the experience of permeable borders during the struggles for liberation and the periods of civil war in Mozambique, and later periods of political conflict and economic disaster in Zimbabwe. On the Mozambican side, it is currently a region where external investments in agricultural development may spur economic growth, and thus contribute to changes in local livelihoods, as well as increasing pressure on land.

The paper focuses on the formalisation of land rights in a community located in the buffer zone of a larger Transfrontier Conservation Area. It is a locality with its own history of civil war, international labour migration and post-conflict in-migration, but at the same time characterised by the presence and power of traditional authorities, practices and rituals. The analysis of the community land formalisation process focuses on the negotiation of roles, relationships, and authority in settings where the articulation of legal principles meets with contradictions and pragmatism at the interface of state policy implementation and local-level concerns and interests.