

CARE International in Mozambique

Briefing Paper – A potential approach to securing poor communities' and women's rights to land and natural resources in partnership with large scale investments in Mozambique

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A. Background

CARE involvement

CARE International in Mozambique (CARE) has been implementing a DANIDA funded Forestry and Agriculture Programme in Mozambique (FAPIM) in Meconta district in Nampula province since April 2009. Towards the end of this programme, CARE commissioned a review of the community land delimitation and demarcation processes as implemented by various organisations in Nampula province. It focuses principally on the work undertaken by ORAM. The report contains an analysis of the extent to which these programmes are assisting communities to prepare for the advent of an expected wave of large-scale investments throughout the north of the country, in the face of gas and coal discoveries and the proposed development of large-scale agribusiness ventures along the Nacala corridor.

This paper concludes with a proposal on a potential approach to securing group land rights that permits the establishment of partnership arrangements based on the use of land by private sector entities.

How economic growth affects land tenure

Land tenure and land rights, along with other natural resource use rights, are critical in a country such as Mozambique, with such a large population dependent on livelihoods that are based on land and natural resources. In all countries, the common results of economic growth generally include:

Increased value of land and increase in conflicts over tenure: the main effects of economic growth and the associated provision of transport and other infrastructure are to raise the value of land and associated natural resources (especially water, coasts and beaches, and forests). Conflicts over land access and tenure are likely to increase. Combined (as in Mozambique) with a lack of transparency over land values, significant imbalances in information and minimal land

taxation, the prospect of economic growth and investment also leads to speculation in land and the development of huge inequalities in land assets and wealth, both between remote and better-connected communities and within towns and communities.

Displacement or impoverishment by economic development: Some people may be directly displaced from their land to make way for new farms, mines, roads, schools and other infrastructure, while others may see the economic value of their holding decline following economic development. The repercussions from large scale land acquisitions are not distributed evenly across the sexes, because of the inequalities in women and men's rights (even if they are equal on paper as per the law), roles, responsibilities, voice, economic status or social relationships.

How land tenure can affect economic growth and poverty reduction

Four generally agreed points are that:

1. Security of land and natural resource tenure is important for long-term investment and sustainable land use. Insecurity of tenure discourages permanent constructions and agricultural investments such as perennial crops and irrigation, and encourages "short-termism" with respect to the environment and natural resource use.
2. However, formal written land registration is not a prerequisite for feeling secure and able to invest. Both in the rural and urban context, customary and verbal agreements can give land holders a sense of security (which may or may not be justified).
3. The link between secure land tenure and access to credit for investment is weak, especially in rural areas. As noted by Field & Torero (2003) "...the ability of property titles to transform modest landholdings into a viable form of collateral for commercial loans cannot be taken for granted ...[as] transaction costs associated with collateral

processing, foreclosure and resale are large relative to the average size of loan requests [and] political or legal factors impede repossession of property as is the case in many developing countries...”

4. Common property areas of land are vital for the livelihoods of the poorest rural people, who depend on shared natural resources such as firewood, pasture and wild fruits. Formal land registrations often result in “enclosures” which ignore historic rights to the commons (Woodhouse, 2001, Alden Wily, 2012).

Issues being faced

The Mozambique government, along with many other African governments, has tried to attract large-scale investors in agriculture and natural resources, with mixed results in terms of spillover to poverty reduction. This is the logic behind the ProSavana programme, which seeks to make linkages between large and small farm growth. This ‘hub and spoke’ model sees large farms as a means of getting the necessary infrastructure, credit and technical assistance to smallholders, as well as creating employment and growth in their own right.

Land tenure is a critical concern in such a growth model. Some key issues are:

Secure land rights are essential for customary holders of land who are attempting to negotiate with incoming investors, “as otherwise smallholders would have little to negotiate with” (Vermeulen and Cotula, 2010) An initial issue is that GoM has presented large tracts of land as being “empty” for investors, a fact disputed by local smallholder associations and those that represent them.

Growing inequalities: Richer and more powerful members of a community may negotiate deals at the expense of poorer members, who may find their customary rights expropriated without compensation. This particularly applies to common property resources and to women’s customary access rights. An example of this was found in one community in Meconta; the Regulo has the sole voice in deciding community affairs. All members present noted that if he said for them to move, they would move, “even though we have nowhere else to go.”

Land-use planning: Deininger and Byerlee (2011) in their multi-country study of large scale land investments noted that “...it was surprising that in many cases the nature and location of lands transferred...are rather ad hoc - based more on investor demands than on strategic considerations. Rarely are efforts linked to broader development strategies, careful consideration of the alternatives,

or how such transfers might positively or negatively affect broader social and economic goals.”

Reliable valuation of land is important both for negotiating fair deals and for compensating those expropriated. Land valuation is weak in Mozambique, especially in rural areas.

Trends and Concerns on land access

The side effects of poorly-managed external investments have been documented from some plantation forest companies (e.g. Green Resources, Chikweti Forests, Tectona Forests, Portucel) and large-scale commercial agricultural ventures (e.g. Quifel, PROCANA) as well as the well-known conflicts over the Vale company in Tete¹. In most cases problems have arisen because clear boundary demarcations were not carried out, and local people had a limited idea of the extent and impact of the proposed developments, but in some cases, investors have also ignored promises made during the consultations. In almost all cases community expectations in relation to job opportunities and other, indirect, benefits have been disappointed (Waterhouse, Lauriciano, & Norfolk, 2010).

Although consultations with local communities have been part of the statutory process for land allocation, these have been widely criticised (e.g. Tanner et al, 2006, Matavel, Dolores, & Cabanelas, 2011; Aabø & Kring, 2012) for being superficial, conducted without sufficient preparation or representation on the part of the community, not incorporated into legal agreements and not followed up. The GoM has tried to tackle these problems by issuing a second regulation on community consultation, but it does not address all the issues identified above, in particular community preparation.

The recently passed Decree 31/2012 aims to fill an important gap by providing safeguards for people displaced and resettled by economic activities and development projects. While the decree includes important protections, many significant gaps remain (Human Rights Watch, 2012). The drafting process was subject to little, if any, consultation and important stakeholders such as civil society organizations, local communities, donors, the private sector and multilateral institutions were not invited to review or make inputs. The decree provides detailed requirements on some elements such as housing, but overlooks vital protections related to land and livelihoods, access to health care, grievance mechanisms, and meaningful consultation and participation of affected communities.

The failure of land use planning

Norfolk & De Wit (2010) set out some of the key failures in respect to current practises in land use planning:

- Serious policy gaps and inconsistencies between policies; the absence of an overarching National Land Use Policy is the most salient example.
- Lack of institutional capacity to implement the territorial planning law and policies in their present context, let alone in a broader sense in which planning is used as a tool for balancing interests.
- Lack of practical and tested tools.
- Widespread use of technical approaches, mostly alien to local stakeholders and over which they are unable to exert influence or take ownership.
- Absence of coherent and comprehensive land use planning continues to fuel the speculative behaviour and expectations of investment initiatives.
- Competing political priorities seem to override strategic planning in a number of instances, and causes tension between technical staff and politicians, and between the different spheres of government.
- Widespread failure to prevent the dangerous settlement patterns of many informal settlement areas, even where adequate preventative measures and alternatives have been made available.

Gender issues and land

In respect to gender issues affecting land tenure, use and security in Mozambique, there are six overarching conclusions:

- Secure access to land is critical for the livelihoods of the vast majority of Mozambicans. In general, **women have less land and less secure access to land** than men.
- **Shared access to common areas** of land, water and natural resources is critical to the livelihoods of many poor women and men. Any work on land tenure must recognise this.
- **Widows and divorced women are at the sharp end of inequality, particularly in patrilineal areas (mainly centre and south).** Although the Mozambican constitution and Family Law guarantee equal inheritance rights,

in practice “even before the funeral is over, the in-laws may come and claim the house and land and throw the women and children out” (interviewee). This is as true for wealthy Maputo women as for remote rural women.

- **Formal rights are far outweighed by traditional mores and social pressures.** The formal legal system is remote from daily life, particularly in many rural areas. In many cases women are able to work within traditional community structures to gain reasonable access to land and natural resources and to resolve family conflicts (Waterhouse & Vijfhuizen, 2001); however any attempt to confront the status quo may result in ostracism or violence (Izumi, 2007). Thus, changing attitudes and awareness must go along with any attempt to enforce formal legal rights.
- **Women’s access to and use of land is also impeded by lack of access to education, to information, to finance and to representation.** The HIV/AIDS pandemic has also made the situation worse for many women, by increasing both widowhood and persecution of widows and in some cases increasing eviction of suspected HIV-positive women from land (Kachika, 2009). Thus, any programme looking at women’s land tenure must take a broader view.
- Finally, formalising a woman’s land rights at a particular moment, even if this is possible, carries the risk of “freezing” limited rights that under traditional tenure systems might have been more flexible over time. Factors such as age, kinship and marital status affect women’s rights to use land, plant and sell annual and tree crops, and common property rights. On the other hand, when society is in flux, the more powerful tend to accumulate more power, while the less powerful lose.

In rural areas, the above factors argue *against* an immediate focus on formalising individual women’s land titles and *towards* a broader focus on improving social attitudes towards women’s land rights, in particular for vulnerable groups such as widows and orphans, as well as working to improve women’s status on a wider front. This is recognised even by those authors who favour giving women individual titles (Sweetman, 2008). The formalising of women’s rights as part of the delimitation of community rights in Mozambique fits within this approach; in a number of instances in which communally-held land is secured in the name of community groups, women are included within the new institutional structures set up (associations or community resource management

committees) to administer the land areas. These institutions operate alongside or within the customary framework, but have offered opportunities for women to negotiate and shift attitudes and approaches without coming into direct conflict with the status quo.

B. Consultations & partnerships

Concepts and principles

It is the mandatory consultation process in the Land Law and Regulations that represents what is undoubtedly *the key moment* in establishing a framework for partnerships, or indeed any agreement between a community and an outside investor.²

But legal difficulties arise in respect to the important issue of the representation of local rights holders. The approach to improving the legal framework in this regard has unfortunately made the fundamental mistake of confusing the consultation of *citizens*, as people who might be affected by developments within a particular jurisdiction, with the concept of consulting with *rights holders*, as persons who in law must give their authorisation to any changes to the constitution, nature or holding of those rights. Whilst the Land Law clearly identifies ‘local communities’ as groups that *hold* land use rights, the legal framework for consulting with these groups approaches them *as if they were merely residents of an area*, limited to having sufficient interests to justify their right to participate in decision-making processes.

Challenges in partnership establishment

We suggest here that the best way to understand the challenges involved in establishing partnerships between communities and investors is to look at the issue primarily from the perspective of *the establishment of group rights*. The challenges are significant:

- The first key challenge relates to the identification of the group itself. Here, the issue is whether to encourage the formation of partnerships that involve all of the community members within a defined geographic area, or merely a subset of members of the community that are interested in actively participating. Many actors express the view that a partnership arrangement will have a better chance of success if participation is defined more narrowly, through a group that has actively ‘opted in’ to the arrangement. There are pros and cons to this approach, as well as implications in terms of the tools to be used.
- If partnerships are to be established with a smaller ‘subset’ of a community, the land

available to them as a group will need to be defined and negotiated with the broader community, as will the basis on which they will be permitted to ‘claim’ this land. The challenges here will be how to define if there is a need for, and the mechanisms to implement, any wider benefit-sharing from the partnership amongst members of the broader community that are not directly involved.

- Equity arguments would seem to suggest that, at least where community land that was for communal use is involved, such a need for wider benefit sharing will exist and the mechanisms will need to be designed. Associations, for example, frequently represent a minority of better-organised and wealthier farmers in a community (CLUSA 2002) and demarcating association land can cut off poorer and more vulnerable members of the community, including many women, from good-quality land that they were previously able to use, for example riverine or ‘*machongo*’ land, without any compensation (Knight et al., 2012; Vijfhuizen, 2001) This can increase conflicts within the community, as well as potentially increasing poverty and social exclusion.
- An additional issue to be considered, when choosing the available options for legal recognition of the group, is the legal restriction that applies to associations, which by definition under Mozambican law are not-for-profit organisations and are prohibited from any distribution of dividends or surpluses to individual members. A new law, the General Law on Cooperatives³ was promulgated in 2009. It provides a framework for business-oriented initiatives, including farmers’ cooperatives, to operate as entities that specialise in business transactions for the benefit of their members. The surpluses of the operations of a cooperative, in contrast to an association, may be distributed among the members.⁴
- Whilst it is legally possible for a group within a broader community to define itself also as a ‘local community’ as defined in the Land Law, and thus undertake a delimitation of the land, there will still be a requirement for the boundaries to be clearly established in consultation with the rest of the community members. Given that the legal implication of a delimitation process is a permanent ceding of the use right to the group, great care should be taken if this option is used. Not to do so would run the risk of supporting a ‘land grab’ within

the community and prejudicing the livelihoods of poorer and more vulnerable groups.

- There are also legal uncertainties in respect to the delimitation option. The first is whether or not the process, in and of itself, would serve to award legal personality to the group that undertakes the delimitation. Even if it did so, the group would then, in terms of the civil law, possess the use right to the land in a regime of full co-ownership. The implication of this is that every member of the group would have to give explicit assent to any ceding of those rights in the context of a partnership arrangement. The kind of tools that exist, for example, in the South African context (where there are model statutes and training modules applicable to the establishment of Communal Property Associations) have not yet been developed in Mozambique.
- A second uncertainty relates to the status of the certificate issued on completion of the delimitation. It remains unclear as to whether the delimitation certificates can be the object of registration in the Real Property Registry or if the land would need to be further demarcated and a title issued in order for this to take place. Although the law is clear on this, and permits communities to register rights in the *Registo Predial* on the basis of a Certificate of Delimitation, the practise has been to refuse such requests. This is an issue that requires clarification by the authorities. It is closely related to another issue, which is whether or not a contract of *cessão de exploração*⁵ can be entered into where the land in question has merely been delimited rather than demarcated.
- An alternative approach would be to establish a legal association and for that association to apply for the award of a DUAT by the state. This would address two issues: firstly, it would ensure that there would have to be a formal consultation process with the broader community, thereby establishing their formal consent to the award of the land and agreement on the terms for wider benefit-sharing; secondly, the legal personality of the association, along with statutes that would specify representation mechanisms, would be a necessary part of the process. However, this process also raises other issues.
- There is uncertainty as to what happens if the DUAT is revoked for any reason in the future. Some provincial administrations have acted in the past as if a revocation implies that the land itself, along with any infrastructure, becomes available to them to re-allocate as they see fit,

rather than being returned to the domain of the local community and subject to their consent before any further ceding of the use right.

- A common issue, in any of the different potential arrangements, is the question of how to value the potential equity contribution of a community, represented by the ceding of the use rights to land. There are different potential approaches to this, and some risks that must be borne in mind. One approach would be to negotiate a form of rental payment, which would need to be reviewable on a regular basis. A different approach would be for the community group to acquire shares in the commercial venture, an option that represents greater risks but which also could lead to greater benefits. Here there is a challenge in terms of how to value the land, in a context where legally it has no market value beyond the holding cost represented by the annual land taxes. In these instances, the issue arises of how to structure the initial equity contributions; that is, whether these represent the purchase of a share quota that cannot then be diluted in the event of further capitalisation of the venture.
- The facilitation and the on-going monitoring of partnership arrangements will need to form part of the future architecture of an enabling environment. This arises from a perception that both investors and community groups will need assistance in order to ‘deal with one another’ and obtain mutual benefits from the partnership. The role of permanent ‘honest brokers’ is therefore seen as a key element in the future, and strategic decisions will have to be made regarding the sustainable provision of such services.

C. A potential approach to securing land rights in the context of a partnership

Notwithstanding the challenges highlighted above, this section proposes a potential approach to securing group land rights that permits the establishment of partnership arrangements based on the use of that land by private sector entities. It is untested and would need to be piloted and documented. Lessons learned from attempting this approach could be fed into the ProParcerias process, with a direct impact on policy development and lesson learning.

The approach assumes a number of pre-conditions, which would obviously have to be established as part of the facilitation process:

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- A community is in agreement that their land ought to be delimited with a view to negotiating the rental of a part of that land to an outside investor, through a partnership arrangement.
- The community is able to identify the area of land that they are willing to cede on a temporary basis in return for receiving a rental payment of some form, which payment would accrue to the community as a whole.
- The community are in agreement that, because the area of land will be used for commercial purposes, there is an obligation to pay the annual land taxes to the state in respect to that piece of land. The community further agree that the payment of these taxes is their responsibility, since the use rights to that land are legally recognised by the state as belonging to the community.
- There is an investor willing to access land through a partnership arrangement with the community, or a subset of members of the community, that is in the nature of a rental agreement for a fixed period of time. At the lapse of that agreement, the investor would need to understand that the land use rights over that land, and any infrastructure on it, would revert to the community as a whole.
- The investor is willing to establish some form of legally-recognised joint venture that guarantees a minimum quota-holding by the community members.

If these conditions are met, then the steps involved in this potential approach would be as follows:

- The community as a whole undertakes the delimitation of their land, which would be certified through the issuance of a document (a *Certidão de Delimitação*) recognised and signed by the *Serviços Provinciais de Geografia e Cadastro* (SPGC) office of the relevant province.
- The delimitation process would need to involve the identification of the area which the community are willing to cede to the investing entity. The identification of this area would need to be sufficiently well-documented (a *planta* and *memoria descritiva*⁶) to permit its inclusion in a subsequent contract that would be witnessed and notarised (*escritura publica*). This means that the process for identifying this piece of land would need to approximate the technical specifications of the demarcation process rather than those of the delimitation process.
- The joint venture between the investor and those members of the community that wish to participate would need to be legally established. This will be the investing entity that manages the commercial operation on the land and would therefore need to have an appropriate legal form to enable it to apply for all future necessary licensing, etc.
- A contract for *cessão de exploração* over the particular area of land would need to be entered into between the investing entity and the community as a whole. Article 15 of the Land Law Regulations specifically allow for a local community to issue a contract of *cessão de exploração* as long as all the members of the community consent to the arrangement. A mechanism to ensure and document this consent will need to be established. This may require the establishment of a legally-recognised association that represents the interests of all members of the community. A Community Management Committee (*Conselho de Gestão Comunitário* - CGC) is not sufficient, since this does not have sufficient legal personality, and is only recognised in terms of being able to receive funds from the state.
- The Land Law Regulations, in article 15, also stipulate that the contract of *cessão de exploração* must satisfy two conditions:
 - it must be submitted for prior approval by the entity that originally recognised the underlying land right, which in this case would be the SPGC office that issued the certificate of delimitation
 - it must be celebrated through a public deed (an *escritura publica*, which is a document witnessed and attested to by a public notary)
- The contract of *cessão de exploração* must also contain a clause that ensures that the community accepts the obligation to pay the annual land tax to the state in respect to the land in question. This amount can be offset by the amount paid as a rental by the investing entity to the community.

Once the contract of *cessão de exploração* has been authorised and executed, the investing entity would be able to take up the use rights to the land. Any activities on the land would need to be expressly permitted by the contract of *cessão de exploração*. In addition, there may be a number of licences (e.g. a construction license) that would need to be applied for in the name of the community (as the holder of the underlying land use rights) rather than in the name of the investing

entity – if this is indeed the case, the investing entity can assist the community to complete this process.

D. Implementing regional and international standards and guidelines

Mozambique was one of the countries that played an active part in developing the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security⁷ and the African Union Declaration on Land Issues and Challenges in Africa in accordance with the Framework and Guidelines on Land Policy in Africa.

To ensure that the country stays true to these principles, there must be positive actions in the future to ensure the following:⁸

- Women who live under traditional and collective forms of land tenure and agrarian systems must have their land and resource rights protected by traditional authorities;
- The land and resource rights of local land users must be recognised and protected, with the state acting as a facilitator of development.
- The government should enshrine the right to development, the right to dignity, the right to justice, and the right to land and natural resources in all investment codes - with specific reference to the enhancement of rural women’s rights.
- Land acquisitions for speculative purposes should be prevented - the state must take action to effectively monitor and cancel or reduce DUATs where investment plans have not been fulfilled.
- Agricultural and land-based investments from commercial entities must clearly demonstrate the added value they bring to participatory integrated rural development plans that enhance women’s and small holders’ rights, promote food self-sufficiency and protect the environment. These elements of the investment proposals presented to CEPAGRI must be made available for independent scrutiny.
- The results and agreements made as part of consultation processes must be enshrined in independent agreements established in writing between investors and communities.
- The government, in consultations with communities, must implement proper participatory land use planning, and place appropriate statutory limits on the total areas of land allocated for different land-based investments and the duration of these.
- All land acquisitions should include the value of thorough, gendered cost-benefit analyses to compensate any losses that men and women might face as a result.
- The government must ensure compliance with the timeframes and stipulations of the detailed work plan and implementation mechanisms agreed under the Nairobi Action Plan to Promote Land-Based Investments that Benefit Africa.
- The government must provide specific support for women involved in the land allocation consultations, providing them with information and ensuring that they consent to any development projects that may affect their access to and control over land and natural resources, food security and economic opportunities.
- The government should further develop and support the use of tools to identify the land use patterns in communities so that all the resources that women require to sustain and care for households, expand their economic activity and ensure food security are identified and protected.

This Briefing Paper is a summary of a report by Norfolk, S., & Bechtel, P. (2013), “Land Delimitation & Demarcation: Preparing communities for investment”, commissioned by CARE-Mozambique.

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References

- Aabo, E., & Kring, T. (2012). The political economy of large-scale agricultural land acquisitions. Implications for food security and livelihoods/employment creation in rural Mozambique. (Background Paper: African Human Development Report). Maputo: UNDP Mozambique. Retrieved from <http://www.afhdr.org/background-papers/>
- Alden Wily, L. (2012). Customary Land Tenure in the Modern World. Rights to Resources in Crisis: Reviewing the Fate of Customary Tenure in Africa - Brief #1 of 5. RPI.
- Deininger, K., & Byerlee, D. (2011). Rising Global Interest in Farmland: CAN IT YIELD SUSTAINABLE AND EQUITABLE BENEFITS? World Bank. Retrieved from http://siteresources.worldbank.org/INTARD/Resources/ESW_Sept7_final_final.pdf
- Field, E., & Torero, M. (2003). Do Property Titles Increase Credit Access among the Urban Poor? Evidence from. Retrieved from <http://www.rwj.harvard.edu/papers/field/Field%20Do%20Property%20Titles%20Increase%20Credit....pdf>
- Human Rights Watch. (2012). Human Rights Watch Recommendations for Mozambique's Resettlement Decree.
- Kachika, T. (2009). Women's land rights in Southern Africa: Consolidated baseline findings from Malawi, Mozambique, South Africa, Zambia and Zimbabwe. Niza and Action Aid International. Retrieved from <http://www.actionaid.gr/files/File/Downloads/Womens%20Land%20Rights%20Report%20Final.pdf>
- Knight, R., Adoko, J., Teresa Auma, Kaba, A., Salomao, A., Siakor, S., & Tankar, I. (2012). Protecting Community Land and Resources; An investigation into best practices for community land documentation. Namati and IDLO. Retrieved from <http://namati.org>
- Matavel, N., Dolores, S., & Cabanelas, V. (2011). Lords of the Land - Preliminary Analysis of the Phenomenon of Land Grabbing in Mozambique. Maputo: Justiça Ambiental & UNAC with support of Norwegian People's Aid.
- Norfolk, S., & De Wit, P. (2010). Challenges for Territorial Planning in Mozambique (Briefing Paper). DANIDA.
- Sweetman, C. (2008). How Title Deeds Make Sex Safer: Women's property rights in an era of HIV. Oxfam International. Retrieved from <http://policy-practice.oxfam.org.uk/publications/how-title-deeds-make-sex-safer-womens-property-rights-in-an-era-of-hiv-112407>
- Tanner, C., Baleira, S., Norfolk, S., Cau, B., & Assulai, J. (2006). Making rights a reality: Participation in practice and lessons learned in Mozambique. LSP Working Paper.
- Vermeulen, S., & Cotula, L. (2010). Over the heads of local people: consultation, consent, and recompense in large-scale land deals for biofuels projects in Africa. *The Journal of Peasant Studies*, 37(4), 899–916.
- Vijfhuizen, C. (2001). Gênero e Terra no Regadio de Massaca, Província de Maputo. In *Estratégias das Mulheres, Proveito dos Homens: Gênero, terra e recursos naturais em diferentes contextos rurais em Mocambique* (Waterhouse and Vijfhuizen) (pp. 89–122). Maputo: UEM/Action Aid Mozambique.
- Waterhouse, R., Lauriciano, G., & Norfolk, S. (2010). Social analysis of selected projects -Issues Note & Case Studies Large-Scale Land Acquisition for Agricultural Production Mozambique. World Bank. Retrieved from <http://www.open.ac.uk/technology/mozambique/pics/d128185.pdf>
- Waterhouse, R., & Vijfhuizen, C. (2001). Strategic women, gainful men: gender, land and natural resources in different rural contexts in Mozambique. Nucleo de Estudos de Terra, Faculty of Agronomy and Forestry Engineering, University of Eduardo Mondlane.
- Woodhouse, P. (2001). African Enclosures: a default mode of development? (Rural Resources, Rural Livelihoods Working Paper 13). University of Manchester. Retrieved

from
http://www.sed.manchester.ac.uk/idpm/research/publications/wp/rr/documents/rr_wp13.pdf

Endnotes

¹ Some investors (QUIFEL) have come into direct conflict with local land occupants who have been displaced from their farms (Norfolk & Hanlon 2012). SAAPI, the South African forestry company, withdrew a plantation proposal rather than competing for suitable land with smallholder producers in northern Zambézia.

² The legal basis for the mandatory consultations is provided by the Land Law and the Land Law Regulations. Further amendments were made to these processes by Decree 43/2010 and Ministerial Diploma 158/2011.

³ Law 23/2009, Bulletin of the Republic of Mozambique (Series I No. 38, Law 23/2009), September 28, 2009

⁴ A “division of labour” between associations and cooperatives would imply a clearer distinction between efforts to promote civil-society activities, and efforts to promote private-sector development in rural areas.

⁵ Contract for ceding of land use rights

⁶ The *planta* refers to the graphical design of the parcel of land, with coordinates indicated and the *memoria descritiva* is the accompanying text document that describes the parcel and the boundaries.

⁷ These Guidelines were adopted by the Committee on World Food Security at its Thirty-eighth (Special) Session on 11 May 2012

⁸ Acknowledgement is due to “From Under Their Feet: a think piece on the gender dimensions of land grabs in Africa”, ActionAid, April 2012 for a list of generic recommendations on which these are based.