

THE MOZAMBICAN LAND CAMPAIGN, 1997-99

by

Prof Dr José Negrão

Land Campaign National Coordinator

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1. BACKGROUND AND RESULTS

The Land Campaign was conceived during the debate preparing for the new Land Law. At that time in 1996 certain NGOs, churches and academics met on various occasions to discuss the drafts of the Law which were being prepared and to establish a common platform for Mozambican civil society. These organisations had certain common concerns, among them being:

- i. No rural dweller should be without land.
- ii. No rural dweller should have to pay for access to land.
- iii. Women must have their rights to access ensured.
- iv. The State must reverse the evident tendency to corner land for speculative purposes.

Once these concerns were identified, agreement was reached on the essential points to be contained in the new Land Law. The points chosen were five, as follows:

1. Recognition of rights to possession of land without need for title.
2. The State should be obliged to consult rural dwellers before assigning the rights of use and benefit to a piece of land to someone else.
3. More important than resolving conflicts is preventing their emergence.
4. The larger the area the higher the taxes that should be paid to the State.
5. Limited recognition of customary rights to constitutional principles as a means of defending women's rights to land.

Once the new Land Law was approved by the Government in 1997, it was time to publicise it throughout the whole country. The most sensitive point was the recognition of rights to land occupation on the basis of oral proof; it was necessary for all citizens to have knowledge of this legal measure so as to avoid conflicts and the violation of a fundamental right in Mozambique, namely the right to land.

Motivated by the proposal that no rural dweller should be without land, 200 NGOs, churches and academics got together and launched the Land Campaign – the campaign of Mozambican civil society.

The Land Campaign aims to proclaim in all villages in Mozambique that all male and female rural dwellers have rights to land through occupation. The Land Campaign maintains that in order to avoid conflicts over land, partnerships should be established between rural dwellers and businessmen.

At the end of two years of operations, 114 of the 128 districts and 280 of the 385 administrative posts existing in the country had already been covered. Around 15,000 volunteers had been trained as activists in the Land Campaign – these included young people, priests, pastors, evangelists, teachers, extensionists and NGO workers, in an authentic movement of national unity.

2. THE FIRST YEAR

The first year of activities centred on 3 objectives:

1. To advertise the Land Law through brochures, pamphlets, radio programmes and national and provincial seminars.
2. To promote justice through actions in defence of citizen rights.
3. To promote integration between the domestic and commercial sectors as a means to integrated development.

Six basic messages about land were selected for dissemination. Not all of these derived directly from the text of the new Land Law. From the beginning the Land Campaign proclaimed itself a movement for rural development with land as an indispensable, but not the only, condition. Thus it was felt that one could quite freely select the legal texts which would best serve the Campaign's objectives. The Land Campaign has always refused to play a role complementary to that of the State, but has operated as a partner in its own right in the name of civil society in Mozambique. The Land Campaign began by talking about land and ended by suggesting concrete methods for achieving development. Thus one can state that the Land Campaign was an exercise of participation in power.

The first 6 messages were as follows:

- 3 **RIGHT TO LAND** – Rights by occupation based on the word of a citizen or the community; with the recommendation however that in conflict zones titles to the use and benefit of land should be requested.
- 3 **DEMARICATION OF LAND** – Obligation on the State to consult communities on whether the land to be adjudicated is genuinely unoccupied.
- 3 **WOMEN AND LAND** – Publication of the demand that women and men have the same rights of occupation, and that women discriminated against by customary rights should unite themselves into associations.

- 3 LAND: TOGETHER IN PARTNERSHIP – Avoid conflicts and division of land, but set up partnerships of mutual advantage.
- 3 RIGHTS ON URBAN LAND – Inform people that there must be transparency in the allocation of sites by municipal councils, and that they can use their constitutional right to demonstrate in order to make themselves heard.
- 3 CONFLICT RESOLUTION – Judicial recourse is the last that should be resorted to. Prior to this one should seek further information, mediation, other alternatives, consensus, petition and use means of social communication to defend one's rights.

For this purpose the following materials were produced and distributed through the committees or provincial nuclei to the entire country:

- 120,000 copies of 6 comic strips on 8 A4-pages on 120 gram paper.
- 3,000 audio-cassettes with the dramatised texts of the comic scripts, with the text on Side A in Portuguese, and that on Side B in one of the 20 national languages in which the texts were recorded with the help of theatrical groups and professional speakers.
- 10,000 copies of a manual to accompany the text of the new Land Law.
- 15,000 copies of an aerogram style card on land conflicts to be sent to the Land Campaign's PO Box.
- 6 theatrical scripts in Portuguese and as many again in 20 national languages.
- 500 posters with the Land Campaign logo.
- 500 T-shirts also with the Land Campaign logo.
- Supporting text on customary rights and women's access to land.

All this material was used in seminars, meetings, encounters and theatrical displays which directly involved more than 50,000 people, and which was broadcast by Radio Mozambique's provincial stations as well as three regional stations of the Catholic Church. As a result of this inter-active process, the Land Campaign soon passed from being simply a promoter of information sessions about the new Land Law to being an interlocutor and spokesman for the interests of all. It is legitimate to say that the Land Campaign was an experience in democracy.

3. THE SECOND YEAR

The second year's activities had the following objectives:

1. To monitor and support activities in progress.
2. To gather and publicise information on questions related to land.
3. To promote partnerships leading to the transformation of the family/domestic sector.

4. To facilitate the exercise of equal gender rights in the access, control and possession of land.

Once again 6 messages were identified, this time incorporating the legislative material derived from the Regulations of the Land Law and the Project for Regulation of Urban Land; from the Technical Annex dealing with community land; from the Law on Forests and Wild Life and its Project for Regulation; from the Law on the Environment; the Water Law; the Law on Petitions, Grievances and Complaints; as well as from the Bill for the Law relating to the Principles and Norms for the Organisation and Operation of Local State Bodies. The inclusion of all this legislative material was due to the fact that the Land Campaign had been invited by the Legislative and Executive powers to represent Mozambican civil society in the process of elaboration of laws and regulations. The Land Campaign began by putting into the public domain what had already been produced, and finished by participating in the production of new legislative material. By starting from the Mozambican situation and operating in an area appropriate to it, the Land Campaign became a practical exercise in advocacy.

For the second year the following messages were chosen:

- 3 THE LAND ALSO BELONGS TO WOMEN – On this occasion the topic of women's rights to land was approached via discussion in the family about the need for a change in customs.
- 3 PATHS HAVE NO OWNERS – Rights of way are enshrined in the new Land Law. The message informs the citizen of this right of his, but reminds him that this right cannot call into question the right to property regarding everything on the land crossed by paths.
- 3 CONSULTATION IS OBLIGATORY – The citizen is informed about the ways in which consultations by the State should be carried out. This is the result of the fact that there have been a series of cases in which officials from the registration services have limited themselves to collecting 3 signatures without checking the legitimacy of the signatories.
- 3 THE COMMUNITY CAN SIGN CONTRACTS – The Land Law, its Regulations and Technical Annex, envisage the possibility of communities being able to delimit and demarcate their land with a view to obtaining a title. The Land Campaign, with its basis in the Civil Code and other legislation, thus concluded that the community's capacity to exercise rights and fulfil obligations is recognised. On the other hand, since a local community is capable of being entitled to rights and duties, it acquires juridical status through the combined entitlement of its members. Thus from the moment when a local community is registered – with a name, representatives and delimited territory – its juridical status can be fully exercised, and it is thus able to sign contracts.

- 3 REGISTER YOUR LAND – The growing number of cases of illegality found in urban and peri-urban areas in particular led the Land Campaign to advise urban citizens to register their land. The Land Campaign recognises that this capacity does not always exist, but it aims to advise the citizen to compel the services to work out a specific plan of systematic entitlement for those urban areas in which the poor are living.
- 3 HOW TO DEMAND ONE’S RIGHTS – This concerns the minute of a petition based on Law no.2 of 1996 for communities to make use of whenever they believe that their rights are being violated. The communities are not being told to contact the Land Campaign, but rather that they themselves should take the lead in any process for the resolution and prevention of land conflicts.

For the publicising of these messages the following material is being produced, and by the end of January 2000 will be distributed by the committees and the provincial nuclei:

- 180,000 A3 posters, on 120 gram paper, printed front and back, with on the front a drawing representing the Land Campaign, and on the back a simple text explaining the topic and the drawing, plus extracts from articles of various laws related to the topic.
- 60,000 A1 posters with the 6 messages, on 80 gram paper, printed in the Land Campaign’s colour, to be used by the organisations in their publicity work.
- 60,000 A3 posters, on 80 gram paper, printed on one side only with a representative drawing of the message to be distributed by the primary schools in coordination with the 'Zones of Pedagogic Influence'.
- 10,000 A3 posters, on 80 gram paper, with instructions for teachers and children on how to set up a painting competition with the Land Campaign designs.
- 1,000 small T-shirts printed with the logo and a montage of the posters to be awarded to the children winning the competitions.
- 1,000 medium and extra-large T-shirts, printed with the Land Campaign logo and a montage of the posters, to be sold by the committees or provincial nuclei as a means of raising funds. This is the only Land Campaign product which can be sold.
- 3,000 copies of an A5 brochure, entitled Guide to Gender Awareness in the Practice of Civic Education, with 8 pages on 80 gram paper.
- 6 pages in the newspaper Noticias, with the 6 messages for the second year, news about the Land Campaign and various information for the committees and provincial nuclei

Besides this material, directly related to the 6 messages for the second year of activities, the following material is still to be produced:

- 2,000 copies of a video cassette with the Land Campaign’s messages to be shown on the television stations INDER and the Institute of Social Communication, and to be distributed free by the video cinemas in the shanty town districts of urban areas.
- 2,000 copies of two other video cassettes on Women and Land, and Land Conflicts; the authors' rights for these were kindly waived by IUCN as part of its support for the Land Campaign.
- Another 5,000 copies of the Manual for Better Understanding of the new Land Law.
- Another 30,000 copies of the 6 comic strips with the first 6 messages.
- The Association for Progress, in collaboration with the Office for Coordination,

- produced 60,000 copies of the comic strips in Makua-Meto and 36,000 in Makonde.
- Course on partnerships, including the constitution and legalisation of associations, partnership contracts for economic activities, contracts for the buying and selling of crops, and principles of negotiation in partnership.

4. HOW IT WAS ORGANISED

The Land Campaign was organised on three levels – those of the National Committee, the Office for Coordination, and the Committees or Provincial Nuclei.

The National Committee is composed of 22 NGOs and international partners. The National Committee is the managing body of the Land Campaign basing its decisions on national seminars in which representatives of all the provinces participate. During the Land Campaign 3 national seminars were held.

MEMBERS OF THE NATIONAL COMMITTEE
Action Aid
AMRU – Association of Rural Women
Association for Progress
CAA – Oxfam Australia
CCM – Christian Council of Mozambique
CEA – Centre for African Studies
CEP – Centre for Population Studies
Diocesan Commission for Justice and Peace
Swiss Cooperation
DANIDA
Netherlands Embassy
FDC – Foundation for Community Development
Helvetas
KEPA – Centre for Services of Cooperation for Development
Kulima
MS – Danish Association for International Cooperation
NET – Land Studies Nucleus
ORAM – Rural Association for Mutual Help
Oxfam Belgium
Oxfams' Joint Advocacy Programme
SNV – Dutch Organisation for Development
Trocaire
UNAC – National Union of Peasants

The Office for Coordination, whose operations end on 31 January 2000, is composed of the National Coordinator, the Executive Secretary and the Land Campaign's Jurist. With the exception of the National Coordinator, the other two members of the Office for Coordination work part-time. The National Coordinator sets up contracts for services with third parties, establishes working groups by subject or topic, and is directly responsible for the implementation of the National Committee's decisions and for the proper functioning of the Committees or Provincial Nuclei and for the

general progress of the Land Campaign. Various working groups were established for gender; of specialists in development matters; of jurists; of artists; of experts in social communication; and for logistical support. In all 62 people worked with the Office for Coordination.

At provincial level committees or provincial nuclei were established based on the NGOs which happened to be working in each province and who were interested in supporting the Land Campaign. The committees or nuclei were responsible for the production of their own work programmes, for the procurement of finance and presentation of their accounts. It fell to the provincial committees to make contact with all the institutions, churches, entities and individuals with a view to wider territorial coverage for the Land Campaign. Initially they were simple nuclei for the dissemination of material, but ended up by being provincial institutions which signed agreements with full autonomy and sense of responsibility. Thus the Land Campaign was in effect a school for decentralisation at the provincial level.

5. THE FUTURE

The Land Campaign, by its nature, purpose, and the form in which it was organised, had eventually to come to an end, although its activities could continue if the NGOs which composed it so wished. At the National Seminar for the Closure of the Land Campaign, which took place in Maputo from 24 to 27 November 1999, the National Committee presented to the plenary meeting a proposal for the setting up of a forum of NGOs to deal with the problem of land and rural development in Mozambique. The proposal was approved unanimously by acclamation.

In view of the impossibility of immediate legal recognition for the Land Forum and so that operations in progress and the momentum of work might retain continuity, it was decided that for two years the Land Forum should be adopted by a host organisation. It was also decided that the management of the whole organisational and legal process, between 1 January 2000 and 31 December 2001, should fall to the National Committee and that its mandate should terminate with the summoning of the Constituent Assembly of the Land Forum.

Meanwhile the National Committee, in the follow up to the debates held during the Seminar on the Closure of the Land Campaign, identified some of the topics which should be the object of activities during the next two years. Among the topics selected were: community land, women's rights within the family, buying and selling of land in peri-urban areas, partnership contracts between the rural populace and commercial organisations, and the implications of regulations relating to the Law on Forests and Wildlife.