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Implications of the New Land Law in Mozambique on Collective and Individual Ownership and Natural Resource Management

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Abstract

The reform of the land law in Mozambique established new forms of land ownership, two are relevant to groups, associations or rural communities: (1) collective registration of land, i.e. a community/group registers former communal land and obtains a land title, (2) the continuation of traditional allocation of community land through the traditional leader. While the law considers both forms as equal in case of land disputes, practical implications for groups and communities vary significantly, especially from women. Though individual land titles have also been established under the new law, it is not practicable for rural households. Land ownership for smallholder farmers in Mozambique thus remains a complex issue of individual and collective entitlements.

The aim of this paper is within the context of poverty reduction and secure access to land as a basis of livelihoods of smallholder farmers in Mozambique. Two case studies of Búzi district position the new land law within the contented theoretical debate on collective land ownership and assess in how far new forms of collective ownership are a chance to engage in collective action, and provide new opportunities of income generation for local people. However, long-term impacts of collective ownership in respect to potential exploitation and consequent to deterioration of natural resources are often disregarded.

The first case presents farmers associations who registered their land. As a group, members access new technologies which modify traditional practices of natural resource management (NRM).

The second case presents a rural community that has registered their land. One implication of obtaining a land title is to be entitled to 20 % of the taxes that the government imposes on external actors that exploit natural resources, such as wood or forest products, from the region that is under the title of the community.

Legalizing land of groups and communities is often supported and financed through development projects. In areas of scattered settlement patterns social relations are based on kinship ties. Group and community development processes are important to consider to ensure equitable, sustainable and socially acceptable development outcomes.

Keywords: Communities, gender, groups, Mozambique, natural resource management